

# Professionalità studi

*Trimestrale on-line di studi su  
formazione, lavoro, transizioni occupazionali*

## **In questo numero**

### **Lavoro e disuguaglianze nella transizione socio-ecologica**

- transizione ecologica, parità di genere, nuove chiavi di lettura per un diritto del lavoro sostenibile
- teorie per lo sviluppo sostenibile alla prova dell'uguaglianza sostanziale
- le politiche europee per la transizione ecologica e la sfida della intersezionalità
- il gender-environment nexus in alcune esperienze internazionali

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## *Editoriale*

### **Spunti per una agenda su transizione ecologica e parità di genere**

*Lilli Casano*\*

Il fascicolo raccoglie contributi di ricerca ed interventi sviluppati nell'ambito del progetto ENTRUST (*WomEN's work and sustainability: Towards gendeR jUSt Transitions*), finanziato dall'Università degli Studi dell'Insubria<sup>(1)</sup>, coordinato dalla curatrice del fascicolo<sup>(2)</sup> e che si è svolto tra gennaio 2023 e dicembre 2023.

Il progetto prende le mosse dall'analisi della letteratura internazionale giuridica ed economica che segnala l'assenza di una prospettiva di genere nelle politiche e nelle normative sviluppate a livello internazionale e nazionale per la gestione dei processi di transizione ecologica, che rischia di amplificare le disuguaglianze esistenti e di creare nuove disuguaglianze.

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\* *Ricercatrice in Diritto del lavoro, Università degli Studi dell'Insubria.*

<sup>(1)</sup> Fondi FAR RTDb – 2022, finalizzati a sostenere la progettualità, anche in ambito internazionale, dei ricercatori a tempo determinato dell'Ateneo.

<sup>(2)</sup> Il gruppo di ricerca del progetto è composto da Lilli Casano (Ricercatrice in Diritto del lavoro, Coordinatrice); Barbara Pozzo (Professoressa Ordinaria di Diritto Privato Comparato); Valentina Jacometti (Professoressa Associata di Diritto Privato Comparato); Federica Piras (Dottoranda in Diritto e Scienze Umane e assegnista di ricerca); Elena Nalato (Dottoranda programma di interesse nazionale in Sustainable Development and Climate Change (PhD SDC), IUSS Pavia e Università di studi dell'Insubria). Ai fini della valutazione scientifica dei prodotti della ricerca sono stati coinvolti esperti esterni che hanno offerto puntuali riscontri in diversi stadi dello sviluppo delle attività: Bernard Gazier (Professeur émérite, Université Paris 1 Panthéon-Sorbonne, IUF, France); Stefania Barca (Distinguished Researcher “Beatriz Galindo” senior, University of Santiago de Compostela, CISPAC - Interuniversity Research Centre for Atlantic Landscapes and Cultures, Spain); Valeria Pulignano (Professor in Sociology at the Centre for Sociological Research (CESO) - KU Leuven, Belgium).

Obiettivo generale era dunque indagare l'impatto della transizione ecologica sulla condizione delle donne nel mercato del lavoro, in una prospettiva comparativa, concentrandosi su casi selezionati, con il fine di raccogliere informazioni sugli interventi normativi rilevanti e sulle politiche adottate a livello nazionale, regionale e locale per promuovere la integrazione tra politiche ambientali, economiche, sociali e di genere. Ciò al fine di contribuire alla costruzione di un nuovo quadro concettuale e nuove coordinate teoriche per stimolare il dibattito scientifico sull'evoluzione della regolamentazione del lavoro alla luce delle trasformazioni determinate dai cambiamenti ambientali, con un focus specifico sulla condizione delle donne.

Nel corso del progetto è stata realizzata una rassegna della letteratura scientifica e grigia sul *gender-environment nexus*, che ha consentito di approfondire, in ottica interdisciplinare e internazionale, i molti nodi critici legati al tema oggetto dell'indagine.

I contributi di Lilli Casano, Barbara Pozzo ed Elena Nalato, e Federica Piras, rielaborano da diverse prospettive disciplinari i risultati di questo lavoro di ricerca, che si è arricchito grazie al confronto con esperti esterni, italiani e stranieri, durante tre momenti di incontro (due workshop internazionali e un convegno finale).

I contributi di Viviana Diaz, Antonio Fantini, Tanja Regina Zimmermann, presentano le considerazioni sviluppate dagli Autori nell'ambito del primo workshop internazionale del progetto ENTRUST intitolato "*Exploring the gender-environment nexus in selected countries*", organizzato da remoto il 7 novembre 2023.

Il contributo di S. Prosdocimi sviluppa le riflessioni presentate dall'Autrice durante il secondo workshop internazionale "*Towards a socio-ecological transformation? Looking for new perspectives on transition(s) to sustainability*", organizzato l'1 dicembre 2023 a Bergamo nell'ambito della Conferenza internazionale ADAPT "*Towards a workless society? An interdisciplinary reflection on the changing concept of work and its rules in contemporary economics*".

I contributi di Maria Paola Monaco e Concetta Parrinello rielaborano i contenuti degli interventi delle relazioni presentate nell'ambito del Convegno finale del progetto, che si è tenuto il 13 dicembre 2023 presso l'Università degli studi dell'Insubria a Como.

La *Sezione ricerche* offre innanzitutto una panoramica dello stato dell'arte sul piano della produzione normativa a livello internazionale ed europeo, con particolare attenzione alle più recenti politiche sviluppate

al livello eurounitario per accompagnare la transizione ecologica (F. Piras), evidenziando la debolezza della prospettiva di genere e l'assenza di un'ottica intersezionale.

Come emerge da tutti i contributi della sezione, questa difficoltà registrata sul piano normativo riflette la mancanza di quadri interpretativi e cornici teoriche in grado di offrire chiavi di lettura utili a comprendere i complessi meccanismi di interazione tra i processi di transizione ecologica e le disuguaglianze di genere.

All'analisi dei principali framework teorici sviluppati a livello internazionale è dedicato in particolare il contributo di Barbara Pozzo e Elena Nalato, che si occupa di verificare se e come alcuni dei più rilevanti modelli economici per la transizione verso la sostenibilità – economia verde, economia circolare e decrescita – considerino il nesso tra genere e ambiente anche con riferimento al tema del possibile amplificarsi delle disuguaglianze nel mercato del lavoro.

Il contributo di Lilli Casano esplora nello specifico le ricadute sul piano della regolazione del lavoro, e segnala l'importanza di adottare diversi strumenti interpretativi dei processi in atto, spostando l'attenzione dal concetto di transizione ecologica (o anche di *just* o *fair* transition) al concetto di transizione *socio-ecologica*, e di adottare un approccio multidimensionale all'uguaglianza sostanziale, che implica anche il superamento della tradizionale contrapposizione tra lavoro produttivo e riproduttivo ed il riconoscimento e la valorizzazione del lavoro di cura (delle persone e dell'ambiente).

Il contributo di Sara Prosdocimi affronta il tema cruciale del contributo che i sistemi di relazioni industriali e la contrattazione collettiva possono dare alla messa a punto di strategie e strumenti coerenti con l'orizzonte della transizione *socio-ecologica*, superando i limiti di approcci settoriali non idonei a fare emergere le profonde interrelazioni tra diverse aree della regolazione (lavoro e ambiente; riduzione delle disuguaglianze e parità di genere).

I contributi raccolti nella sezione *Osservatorio Internazionale* offrono un interessante spaccato su come la tematica sia affrontata in contesti ed ordinamenti molto distanti da quello europeo, facendo emergere spunti utili in considerazione del fatto che è proprio nei Paesi del cosiddetto *Global South* che l'impatto più grave che il cambiamento climatico ha sulle donne è stato da tempo dimostrato, e la riflessione sul nesso tra genere e ambiente ha raggiunto un certo livello di maturità (Zimmermann), e segnalando alcune buone pratiche con specifico



riferimento all'Argentina (Diaz, Fantini), Paese che, come molti altri Paesi dell'America Latina, ha da tempo avvertito l'urgenza di affrontare questo problema con politiche mirate.

I contributi di Maria Paola Monaco e Concetta Parrinello nella sezione *Interventi* muovono dal quadro di contesto internazionale per sviluppare riflessioni sui possibili strumenti da adottare, a livello nazionale e locale, e in vari ambiti, per superare le criticità esistenti, ribadendo l'importanza di una prospettiva di genere che superi l'approccio *mainstreaming* per affrontare i fattori strutturali di disuguaglianza (in ambito lavorativo, familiare, sanitario, ecc...), attraverso la raccolta ed il monitoraggio di dati e informazioni, scelte legislative mirate, investimenti a lungo termine.

# Ricerche

## *Lavoro e disuguaglianze nella transizione socio-ecologica (Work and inequalities in the socio-ecological transition)*

### **Why gender equality matters in the ongoing ecological transition \***

Lilli Casano\*\*

*Summary:* **1.** The *gender-environment nexus* and its inadequate consideration in the normative production around the ecological transition. – **2.** *Green transition, Just Transition?* Reviewing the terms of debate: the concept of socio-ecological transition. – **3.** The gender-environment nexus as a confirmation of the need to deconstruct the opposition between productive and reproductive work. – **4.** Some insights from the Italian context. – **5.** Conclusive remarks.

#### **1. The *gender-environment nexus* and its inadequate consideration in the normative production around the ecological transition**

Environmental sustainability and gender equality represent essential objectives to achieve the enormous task of shifting the global economy to more sustainable models. Nonetheless, the processes related to these two objectives are rarely considered in terms of their connections and mutual interferences <sup>(1)</sup>. With the ecological transition ongoing, pushed

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\* *The article has been developed in the frame of the ENTRUST project (WomEN's work and sustainability: Towards gender jUST Transitions), financed by the University of Insubria.*

\*\* *Ricercatrice in Diritto del lavoro all'Università degli studi dell'Insubria.*

<sup>(1)</sup> On the employment implications of the transition towards a green economy on women see L. RUSTICO, M. TIRABOSCHI, *Employment prospects in the green economy: myth and reality*, in *International Journal of Comparative Labour Law and Industrial Relations*, 26, 4, 2010, 369-387. A valuable interpretative framework is offered by A.

by strong efforts by governments and international institutions worldwide, a claim arose for a transition that could be “just” <sup>(2)</sup>, by preventing possible negative effects of this great transformation from impacting on vulnerable groups of society, including women. COVID-19 pandemic has compounded the intensifying impacts of the climate and environmental crises, pushing people, and particularly women and girls, further behind <sup>(3)</sup>.

Although a common thought is that there can never be climate justice as long as there is no equality between men and women (anyone can see how this statement fits in with the entire 2030 Agenda for sustainable development), a need for researches exploring the interconnection between these different dimensions is arising <sup>(4)</sup>, especially in a comparative perspective: indeed, when we look at the so called *gender-environment nexus*, we deal with an issue with a global dimension, but with very variable implications in different parts of the world.

More specifically, it has been long overlooked <sup>(5)</sup> how the ecological transition, having a strong impact on the organizational models of economies and societies as a whole, risks exacerbating, rather than reducing, gender differences, worsening the disadvantaged conditions of women in the labour market.

Only in recent times (and in a very limited perspective, as we will try to demonstrate) the possible impact of the ecological transition on the condition of women (as well as other vulnerable social groups) has begun to be considered in the scientific and institutional debate. The issue has progressively gained growing attention from international organisations

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ZBYSZEWSKA, *Regulating Work with People and “Nature” in Mind: Feminist Reflections*, in *Comparative Labor Law and Policy Journal*, 40 (1), 2018, 9-28.

<sup>(2)</sup> D. J. DOOREY, *A Law of Just Transitions? Putting Labor Law to Work on Climate Change*, Osgoode Legal Studies Research Paper Series, 2016.

<sup>(3)</sup> UN ECONOMIC AND SOCIAL COUNCIL, Commission on the Status of Women, Sixty-Sixth session, “Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes”, Agreed Conclusions, E/CN.6/2022/L.7.

<sup>(4)</sup> S. FREDMAN, *Greening the Workforce: A Feminist Perspective*, in *International Journal of Comparative Labour Law and Industrial Relations*, 39 (3) 2023, 337-358.

<sup>(5)</sup> There are few exceptions in the international debate of the first decade of the 2000s, with specific reference to need to consider the role of women and of social and environmental reproductive work in shifting the “green economy” (see A. NIGHTINGALE, *The nature of gender: work, gender, and environment*, in *Environment and planning D: Society and space*, 2006, 24(2), 165-185.).

and institutions (United Nations, Organisation for Economic Cooperation and Development, International Labour Organisation, European Commission), including global and European financial institutions (World Bank, European Investment Bank).

In May 2023, strongly supported evidences have been produced in a report <sup>(6)</sup> from the Intergovernmental Panel on Climate Change (IPCC) <sup>(7)</sup> confirming the weakness of strategies and politics dealing with the ecological transition worldwide, when it comes to the gender dimension and vulnerabilities, more in general.

As the report clearly states, fundamental questions about equity and justice in the ecological transition include gender and intersectionality and broader critiques of who participates in the planning and implementation of the adaptation process, who receives investments, who and what benefit from them <sup>(8)</sup>.

All spheres of the ecological transition process seem to be interested: if climate change, natural resources and atmosphere degradation, loss of biodiversity, have more severe impacts on women worldwide, the adaptation strategies (the fight against climate change, the elimination of climate-altering gas emissions, the promotion of the use of energy from renewable sources) also may result in residual impact for vulnerable groups (including women) or even be detrimental to them. This is also a result of customary roles in societies, such as triple workloads for women (i.e. economic/market labour, households and family care work, duties of community participation) and gender segregation.

Hence, a lack of gender-sensitive analysis before implementing measures in each specific sector can lead to increase gender vulnerability. Very limited resources and structures exist to support women and other vulnerable groups and the gender-environment nexus is still ignored in the great part of normative production addressing the ecological transition worldwide, with very few examples of successful integration of gender and other social inequalities in climate/environmental policies <sup>(9)</sup>. Following the results of the OECD

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<sup>(6)</sup> L. AGUILAR REVELO, C. TAN, J. OCAMPO, *Gender considerations in the IPCC Sixth assessment report (AR6)*, IPCC, May 2023.

<sup>(7)</sup> The Intergovernmental Panel on Climate Change (IPCC) is the United Nations body for assessing the science related to climate change.

<sup>(8)</sup> L. AGUILAR REVELO, C. TAN, J. OCAMPO, *cit.*, 168.

<sup>(9)</sup> According to the IPCC report, regionally, Central and South American countries have a range of gender-sensitive or gender-specific policies that have a focus on climate

*Survey on integrating gender in environmental policies* <sup>(10)</sup>, among those countries which adopt a gender mainstream in environmental related policies we can include: Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, Denmark, Finland, Iceland, Ireland, Japan, Lithuania, Luxembourg, Mexico, Spain and Sweden <sup>(11)</sup>. But even when gender is considered or mainstreamed, at the present, policies have failed to break unequal power structures, to have a structural impact, or to close gender gaps and promote the enjoyment of women's rights <sup>(12)</sup>.

Based on the responses received from the same survey, the great part of the European countries applies gender mainstreaming approaches or tools related to environmental policies only in selected areas, or are not able to provide evidences on the gender-environmental sustainability nexus (among these, Italy). This is also the results of the politics developed by the European Union. If we look at the *EU Green Deal* <sup>(13)</sup> and at the biggest strategy adopted by EU to support recovery after Covid-19 pandemic (the *Recovery and Resilience Facility* (RRF)

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change, but often with limited commitment from governments and limited capacity to evaluate the impact of such policies. More in general, in North and South America, policies have failed to address how the ecological transition is compounded by intersection of race, ethnicity and gender. Gender is rarely discussed in African national policies dealing with the ecological transition, although there are international policies and programmes in some countries, while in Australasia and in Asia a lack of gender-responsive climate change strategies is also recorded.

<sup>(10)</sup> OECD, *EPOC Survey on integrating gender in environmental policies. Reporting on key findings*, 10 December 2020.

<sup>(11)</sup> Examples range from Iceland's Deployment Plan on Gender Responsive Budgeting; to data evaluation practices such as Sweden's gender statistics on the environmental goods and services sector and on bio-economy; and to environment-related education as in the case of Chile.

<sup>(12)</sup> IPCC Report, 24.

<sup>(13)</sup> The European Green Deal is a plan aiming at transforming the EU into a modern, resource-efficient and competitive economy, ensuring: no net emissions of greenhouse gases by 2050 economic growth decoupled from resource use no person and no place left behind. The European Green Deal is also a lifeline out of the COVID-19 pandemic. One third of the €1.8 trillion investments from the NextGenerationEU Recovery Plan, and the EU's seven-year budget will finance the European Green Deal. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee, and the Committee of the Regions, *The European Green Deal*, COM/2019/640 final.

*regulation*)<sup>(14)</sup>, a real gender perspective is missed (see F. Piras in this issue). Priority areas for green investments do not include policy areas critical to gender equality, such as the reduction of gendered labour market segregation. The same holds true for those policies that adopt the so-called *Just Transition* paradigm (see the *Just Transition Mechanism* and the *Just Transition Fund* regulations)<sup>(15)</sup>. If the *Just transition* paradigm highlights the consequences of the ecological transition process on society and labour markets, embracing the “Leave no one behind” principle<sup>(16)</sup>, in these initiatives the focus is on the protection of industrial work in highly impacted sectors, while issues related to the specific situation of vulnerable social groups (women included) remain neglected<sup>(17)</sup>.

Organizations such the European Institute for Gender Equality (EIGE) – claiming for a revision of the EU policies towards a just, fair and gender-equal Europe – have now begun to pay attention to the gender-environment nexus. In 2023 the EIGE included indicators related to this issue in the elaboration of the well-known *Gender Equality Index*. The perspective remains very strict, if we consider that this effort resulted in monitoring women’s conditions in just two sectors (the energy and transport sector), and in providing updates related to the gender balance in climate change and environment decision making.

At the present, the most common areas where a gender aspect is integrated in environmental policy-making worldwide are the following: protecting women from adverse conditions due to climate change; promoting their empowerment in agriculture and forestry; increasing their participation in decision-making in environment-related sectors; and, promoting their access to *green entrepreneurship* and *green jobs*.

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<sup>(14)</sup> Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17) (ELI: <http://data.europa.eu/eli/reg/2021/241/oj>).

<sup>(15)</sup> European Commission, *The Just Transition Mechanism: making sure no one is left behind*, [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/finance-and-green-deal/just-transition-mechanism\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/finance-and-green-deal/just-transition-mechanism_en)

<sup>(16)</sup> D. J. DOOREY, *cit.*; P. TOMASSETTI, *Diritto del lavoro e ambiente*, AUP, 2018; P. TOMASSETTI, *Dal carbone al sole: diritto del lavoro e identità sindacale nella transizione energetica (1800-2050)*, in *DLM*, n.1/2021, 77-100.

<sup>(17)</sup> M. AKGÜÇ, K. ARABADJIEVA, B. GALGÓCZI, *Why the EU’s patchy ‘just transition’ framework is not up to meeting its climate ambitions*, ETUI, 16 May 2022.

As for the latter, several countries integrate gender considerations in various ways, with developing green job growth incentives and policies, education and the promotion of women in male-dominated industries being the ones most frequently used; in many cases, countries follow tailored programming in enhancing women's empowerment and labour access to environment-related sectors. But a very few countries collect gender-disaggregated environmental data, consider the gender impacts of environmental subsidies awarded to sectors such as energy, transport, mining, agriculture, fisheries, etc..., or consider women's and men's different needs and user patterns of infrastructure<sup>(18)</sup>.

This inattention at a normative level reflects the absence of a clear framing of the problem in the scientific and grey literature.

A significant body of research and data has been consolidated over time in developing countries and in the so-called Global South. Here, the more severe impact that climate change has on women - despite the essential role that women play in the management of natural resources and in the sectors most impacted by climate change - has been clearly demonstrated<sup>(19)</sup>. This resulted in important initiatives aimed at promoting targeted intervention strategies: among these, just to mention one, the *Climate Change Gender Action Plans* promoted by the Global Gender and Climate Alliance (GGCA)<sup>(20)</sup> with the International Union for Conservation of Nature (IUCN)<sup>(21)</sup>, which have led to the identification of specific challenges regarding the gender-environment nexus in many developing countries since 2010.

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<sup>(18)</sup> OECD, 2020, *cit.*

<sup>(19)</sup> See F. DENTON, *Climate change vulnerability, impacts and adaptation: why does gender matter?*, in *Gender and Development*, 10 (2) 2022, 10 – 20. A great amount of gender-sensitive work that exists has been carried out by gender, environment and development (GED) researchers working for the UN and non-governmental organisations who focus almost exclusively on the material impacts of climate change on vulnerable women in the Global South.

<sup>(20)</sup> The Global Gender and Climate Alliance (GGCA) was launched at the UN Climate Change Conference in Bali in December 2007 and convenes over 60 UN agencies and civil society organizations.

<sup>(21)</sup> Established in 1948, IUCN is the global authority on the status of the natural world and the measures needed to safeguard it, made up of more than 1,000 member organizations including more than 80 states, more than 110 government agencies, and more than 800 non-governmental organizations (NGOs).

From this body of knowledge, it is possible to draw valid lessons also for developed countries and for the so-called Global North <sup>(22)</sup>. Here different challenges emerge concerning gender inequalities in the ecological transition, more related to: sustainable consumption and production; time poverty (time spent in different productive and reproductive activities and distribution of household/market work); health and wellbeing; participation in policy making and governance of the ecological transition; occupational risks and employment opportunities' distribution.

The absence of theoretical and interpretative models of the ongoing transformations that are capable of giving adequate answers to these specific issues seems to be a part of the problem (see E. Nalato and B. Pozzo in this issue): because ecological transition processes' interpretations, in most cases, maintain traditional notions of progress, growth, development, work, they are less vehicles for a social transformation.

It should be noted that the relationship between women, the environment and development (and sustainable development) is a topic that has already been addressed in economic reflection since the second half of the last century <sup>(23)</sup>. It is not possible here to recall the theoretical developments of this pivotal discourse. We would just mention that, for a long time, the reflections coming from feminist political economy (which underlined the connection between production, reproduction and gender) and those coming from ecological economics, did not find channels of communication. Only recently, the feminist ecological economics (FEE) has begun to merge the two perspectives, by focusing on the theoretical and material links between environmental and social reproduction, and the centrality of both these processes to the economy <sup>(24)</sup>.

It is exactly this assumption that seems to offer a promising perspective for analysing the gender environment nexus with specific reference to women's condition in the labour market.

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<sup>(22)</sup> See M. GRIFFIN COHEN (ed), *Climate Change and Gender in Rich Countries. Work, public policy and action*, Routledge, 2017.

<sup>(23)</sup> E. ZEIN-ELABDIN, *Development, Gender, and the Environment: Theoretical or Contextual Link? Toward an Institutional Analysis of Gender*, in *Journal of Economic Issues*, 30 (4), 1996, 929-947.

<sup>(24)</sup> B. MARTÍNEZ ALVAREZ, S. BARCA, *Gender Justice and Circular Economy*, JUST2CE, 2023, 1-24.



By postulating radical changes in the world economic order, the contributions of the international economic literature that are dealing with this perspective are struggling to outline concrete solutions. Confined into the reflection on the necessary overcoming of the neoliberal framework of sustainability for the promotion of *socially* sustainable models, and the redemption of the female condition, the problem of the interdependence between ecological transition processes and gender inequalities cannot currently count on a solid and operational interpretative framework.

The investigation presented in this contribution aimed precisely to start setting new theoretical and conceptual tools as a basis for developing a systematic investigation on the gender dimension of the ecological transition, with specific reference to work regulation.

## 2. *Green* transition, *Just* Transition? Reviewing the terms of debate: the concept of socio-ecological transition

Great part of the scientific and normative discourse around the ecological transition and its social dimension, in recent times, finds its roots in the paradigm of the *Just Transition* <sup>(25)</sup>. We find example of the significance of this paradigm in the great part of the normative production at a European Union level <sup>(26)</sup> – and, by reflex, in domestic legislation in several EU countries, Italy included <sup>(27)</sup> – while recently a shift can be registered towards an approach that seems to pay more attention to the issues of structural inequalities and how to deal with the (differentiated) social consequences of the ecological transition (see the Council

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<sup>(25)</sup> According to the International Labour Organization (ILO), a ‘just transition’ means: greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind. A Just Transition involves maximizing the social and economic opportunities of climate action, while minimizing and carefully managing any challenges – including through effective social dialogue among all groups impacted, and respect for fundamental labour principles and rights (ILO, *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, 2015). See D. J. DOOREY, *cit.*; P. TOMASSETTI, 2018, *cit.*; G. CENTAMORE, *Una just transition per il diritto del lavoro*, in *LD*, 1, 2022, 129 – 145.

<sup>(26)</sup> See S. FREDMAN, *cit.* In this vol.: E. NALATO, B. POZZO; F. PIRAS.

<sup>(27)</sup> See S. PROSDOCIMI, P. MANZELLA, *Le parole della sostenibilità. La transizione giusta*, in *Bollettino ADAPT 2 ottobre 2023*, n. 33. In this vol. M. P. MONACO.

Recommendation of 16 June 2022 on *Ensuring a fair transition towards climate neutrality (2022/C 243/04)*, as reported by F. Piras in this vol.)<sup>(28)</sup>. This renewed approach probably goes hand in hand with an evolution of the EU normative production in the area of sustainability in terms of a more holistic approach <sup>(29)</sup>.

However, all prominent Just Transition frameworks have been modelled on the paradigm of a male worker employed in full-time, secure, unionized work, with very little attention paid to the *other* workers affected by the changes ongoing in the same communities <sup>(30)</sup>.

Only recently the idea of a *Gender responsive Just Transition* has been supported by United Nations and the International Labour Organisation <sup>(31)</sup> but this does not seem to go beyond the gender mainstreaming approach, which remains on the surface, as the most recent European policies clearly demonstrate.

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<sup>(28)</sup> See also P. TOMASSETTI, *From Justice to Fairness?* in ETUI news, 22 February 2022, <https://www.etui.org/news/justice-fairness>.

<sup>(29)</sup> P. TOMASSETTI, A. BUGADA, *From siloed regulation to holistic approach? Labour and environmental sustainability under the EU law*, in *Italian Law Journal*, 8(2), 2022, 683-714.

<sup>(30)</sup> I. VELICU, S. BARCA, *The Just Transition and its work of inequality*, in *Sustainability: Science, Practice and Policy*, 2020, 16(1), 263-273.

<sup>(31)</sup> “The development of green sectors while ensuring a just transition of the workforce and enterprises, be it in the energy sector or those related to the manufacturing of green products, has a significant potential for addressing gender inequalities if equality of opportunity and treatment of women and men is established as a specific focus and goal from the outset. Such an approach presents an opportunity to ensure that sectoral and occupational segregation is not perpetuated, wage and skills gaps are eradicated, inclusive social dialogue is established, working conditions are improved, and social protection enhanced. At the same time, transformations and redefinition of jobs and workplaces can further improve skills, and reduce health and safety risks, which are often worse for women. Moreover, the creation of new labour market opportunities can facilitate the formalization of the informal economy jobs held by women. While building a low-carbon and sustainable economy, a just transition can ensure that women are not left behind, and their existing and potential contributions essential for stimulating green growth and achieving sustainable development for all, are not undermined” (UN Women/UNIDO, *Gender Equality in the sustainable energy transition*, May 2019).

Our research has found out that a much promising conceptual tool to overcome the limits of the Just Transition frameworks is that of socio-ecological transition <sup>(32)</sup> (see E. Nalato, B. Pozzo in this vol.).

The idea of a socio-ecological transition stresses the idea of achieving wealth, as a value in which material and immaterial resources are combined with the goal to enrich people's lives and to preserve natural resources and bio-diversity. *Wealth* cannot be achieved without *work*, that is why the idea of socio-ecological transition overcome the opposition between work and the environment: the aim is to enable people to achieve their life satisfaction at the highest level possible and work is one of the most – if not, the most – fundamental precondition for this. But a different conceptualization of *development*, *wealth*, and *work* is needed to embrace this perspective <sup>(33)</sup>.

As a theoretical tool, the concept of socio-ecological transition derives from the simple assumption that societies are complex system structure, where many subsystems (in particular the economic system, the energy system, the technological system, and the political system) are interlinked with each other and influence each other. It becomes obvious that a change in the system structure towards a more economically, socially and ecologically sustainable system cannot be achieved by isolated and non-systemic policy measures.

For the purpose of this study, we will only focus on the specific light the framework of the socio-ecological transition shed on the relationship between work and the environment, based on the assumption that, in the search of a new sustainable growth path, different dimension of work need to be considered. More precisely, it still needs to be explored how the different forms of work (market/private sector, household sector/care sector, third sector, state/public sector, even illegal sector) may contribute to the socio-ecological transition.

In this perspective, the gendered implications of the ecological transition are completely overturned: it is no more (or not only) the matter of how to protect *women* from specific risks, push *women* into a consolidated growth model (the green economy) where they are undervalued and

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<sup>(32)</sup> M. FISHER-KOWALSKI ET AL., *Socio-ecological transitions: definition, dynamics and related global scenarios*. Institute for Social Ecology-AAU, Centre for European Policy Studies, Vienna, Brussels, 2012.

<sup>(33)</sup> A. DIMITROVA ET AL., *Literature review on fundamental concepts and definitions, objectives and policy goals as well as instruments relevant for socio-ecological transition*, WP n. 40, WWFOREUROPE Project, [www.foreurope.eu](http://www.foreurope.eu)

underrepresented <sup>(34)</sup>, or to increase *women* participation in decision making. It is the matter of how to give value to all forms of work that can directly or indirectly contribute to a sustainable development, with different gendered implications.

### **3. The gender-environment nexus as a confirmation of the need to deconstruct the opposition between productive and reproductive work**

By shifting the focus from the concept of *ecological transition* to that of *socio-ecological transition*, the close connection between environmental and social reproduction emerges <sup>(35)</sup>, and also the importance to reconsider the balance between productive and care/reproductive work <sup>(36)</sup>. A work that today, in the world, is mainly carried out by women. In order to integrate a gender perspective in a real transformative socio-ecological transition pattern, processes and relationships of power determining structural inequalities must be identified and addressed, and a systemic approach must be adopted.

In this perspective, advanced reflections are proposed by non-governmental organisations, networks, associations, who, in Europe and worldwide, are investigating the relation between environmental protection, gender equality, and work. In some cases, these efforts have contributed to putting forward a more holistic vision of the *just transition* <sup>(37)</sup>, by suggesting specific strategies and measures (working time

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<sup>(34)</sup> This is a strategy that has already been looked at with great perplexity in pioneering studies on the topic, see L. RUSTICO, M. TIRABOSCHI, *cit.*

<sup>(35)</sup> B. MARTÍNEZ ÁLVAREZ, S. BARCA, *Gender justice and circular economy*, Report of the Project Just transition to a circular economy, Ref. Ares (2021)101003491-15/09/2021.

<sup>(36)</sup> M. GRIFFIN COHEN, *Introduction. Why gender matters when dealing with climate change; Using information about gender and climate change to inform green economic policies*, in M. GRIFFIN COHEN (ed) *Climate Change and Gender in Rich Countries. Work, public policy and action*, Routledge, 2017.

<sup>(37)</sup> I. VELICU, S. BARCA, *The Just Transition and its work of inequality*, in *Sustainability: Science, Practice and Policy*, 16:1, 2020, 263-273.

reduction; job guarantee schemes) in order to reconcile environmental and social justice with a specific attention to gender inequalities<sup>(38)</sup>. More radical perspectives, influenced by ecofeminist theory<sup>(39)</sup>, are suggesting the need to overcome the actual conception of *green economy*, to embrace an *economy of care*, that means an economy that links environmentalism and sustainability to social justice, by emphasizing how the environment intersects with other social issues such as inequality, sexism and racism<sup>(40)</sup>.

In that direction goes the *Care economy initiative* in Canada, bringing multiple voices together to propose to Canadian governments an integrated approach that places the care economy at the core of policy and budgets, in ways that promote equity<sup>(41)</sup>. Another inspiring contribution comes from the call to action on creating a *care economy*<sup>(42)</sup> promoted by the Women's Budget Group in UK. According to their elaboration, investing in the physical infrastructure needed for a low-carbon economy (such as renewable energy networks and public transport) is crucial, but more urgent is to rebalance economic activity away from energy-intensive and wasteful production and towards labour intensive work that cares for people and planet, in order to build social infrastructures, we all need to live<sup>(43)</sup>.

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<sup>(38)</sup> See M. CULOT, K. WIESE, *Reimagining work for a just transition*, Brussels, November 2022, from the European Environmental Bureau (EEB), the largest network of environmental citizens' organisations in Europe.

<sup>(39)</sup> S. BARCA ET AL., *Caring Communities for Radical Change: What Can Feminist Political Ecology Bring to Degrowth?*, in W. HARCOURT ET AL. (eds.), *Contours of Feminist Political Ecology, Gender, Development and Social Change*, Springer, 2023, 177-201; S. BARCA, "An alternative worth fighting for". *Degrowth and the liberation of work*, in E. CHERTKOVSKAYA, A. PAULSON, S. BARCA (eds), *Towards a political economy of degrowth*, Rowman & Littlefield Intl, 175-92.

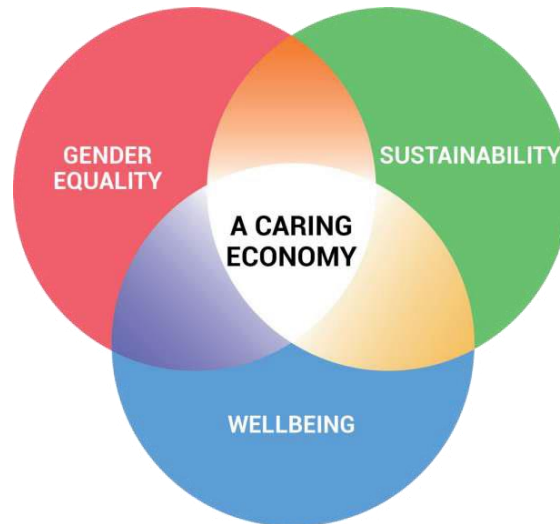
<sup>(40)</sup> See D. HOLEMANS, M.M. FRANSSSEN, P. Osman, *Dare to Care. Ecofeminism as a source of inspiration*, Skribis, Gent, 2022, based on a research promoted by OIKOS and the Green European Foundation (GEF), a European-level political foundation whose mission is to contribute to a lively European sphere of debate and to foster greater involvement by citizens in European politics.

<sup>(41)</sup> See the Care Economy Statement at <https://thecareeconomy.ca/>

<sup>(42)</sup> THE WOMEN'S BUDGET GROUP, *Creating a care economy. A call to action*, October 2020.

<sup>(43)</sup> R. DISKI, *A green and caring economy*, Final Report, UK Feminist Green New Deal Report, The Women's Budget Group, November 2022.

**Figure 1:** A caring economy encompasses gender equality, wellbeing and sustainability.



Source: Women’s Budget Group, UK, 2020.

A vision that has significantly been embraced also by the Economic Commission for Latin America and the Caribbean (ECLAC) of the United Nations, who is leading in these regions an important movement towards a *care society*, putting care at the heart of sustainable development with gender equality<sup>(44)</sup>: in the ECLAC view, caring for the planet is part of a new social model valuing reproductive time as more as productive time.

In a recent report<sup>(45)</sup> UN Women has given significant impetus to this perspective, recognizing that, on the one side, linked climate change, biodiversity loss and environmental degradation increase women’s and girls’ unpaid care, domestic and communal work<sup>(46)</sup>; on the other, care

<sup>(44)</sup> ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN (ECLAC), *The care society: a horizon for sustainable recovery with gender equality* (LC/CRM.15/3), Santiago, 2022.

<sup>(45)</sup> UN WOMEN, *The climate-care nexus: addressing the linkages between climate change and women’s and girls’ care, domestic and communal work*, Economic Empowerment Section, November 2023.

<sup>(46)</sup> Care work is here defined as “any labour that involves caring for others, caring for the planet and caring for oneself, all of which are premised on the existence of basic conditions and the availability of time as well as goods, resources and services” (4).

work ensures the complex and life-sustaining web on which our very existence depends and represents a public good which is fundamental for well-being and essential for a sustainable economy with a productive labour force. In that view, recognizing and valuing unpaid and paid care work through the provision of public services, social protection, and the promotion of shared responsibility within the household and the family, is crucial to support the ecological transition by promoting at the same time gender equality.

We can find it surprising that so few of this important reflection is absorbed by the core institutional discourse on the ecological transition and its consequences on society and labour markets.

It is true that labour law reflection is not deaf to these calls, at least at an international level. In a recent contribution, Fredman highlights that two major inter-related blind spots may be detected if one adopts a substantive equality perspective: climate change heightens the role of unpaid work in shaping women opportunities; there are specifically gendered risks in the ecological transition ongoing<sup>(47)</sup>. The A. suggests that gender equality requires a definitive move away from labour law's narrow definition of work, excluding all different forms of unpaid care work. At the same time, substantive gender equality requires Just Transition policies to afford proper value to paid care work, for its fundamental contribution to social fabric and for it is much greener than other sectors. All measures trying to address the problem of gender inequalities in the ecological transition risk to fail, if this "transformative" dimension is neglected. The measures usually implemented to protect workers from the negative impact of the ecological transition, in fact, are not able to impact women and men in the same way, or may neglect specific gender risks. For this reason, in defining balanced strategies to accompany these processes, the Author suggests adopting a four dimensional conception of the right to substantial equality: redressing gendered disadvantage (the redistributive dimension); addressing stigma, stereotyping, prejudice and violence (the recognition dimension); facilitating women's voice and participation (the participative dimension); accommodating difference and achieving structural change (the transformative dimension)<sup>(48)</sup>.

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<sup>(47)</sup> S. FREDMAN, *cit.*, 341.

<sup>(48)</sup> Ivi, 345.

Italian labour law doctrine still seems far from this perspective. This is true both with reference the contributions that have recently dealt with the specific issue of the ecological transition and its impact on labour regulation <sup>(49)</sup>, but also with reference to wide-ranging frame analysis focusing on sustainability and labour law <sup>(50)</sup>, while research dealing

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<sup>(49)</sup> Starting from some pioneering studies on the relationship between work and the environment (P. TOMASSETTI, *Lavoro e ambiente*, cit.) these topics have seen a flourishing development in labour law domestic scientific debate, addressing issues related to work organisation (see P. TULLINI, *La responsabilità dell'impresa*, in *LD*, 2, 2022, 357-373; P. PASCUCCHI, *Modelli organizzativi e tutela dell'ambiente interno ed esterno all'impresa*, in *LD*, 2, 2022, 335-355), labour markets regulation, active labour market policies and continuing vocational training (L. CASANO, *Ripensare il "sistema" delle politiche attive: l'opportunità (e i rischi) della transizione ecologica*, in *DRI*, 4, 2021, 997-1026; R. SALOMONE, *Transizione ecologica e politiche del mercato del lavoro*, in *GDLRI*, 177/178, 1/2, 2023, 29-54; F. NARDELLI, *La via tortuosa verso la valorizzazione delle competenze green*, in *DRI*, 4, 2022, 990-1004), the impact of the ecological transition on unions' strategies and the role of collective bargaining (P. TOMASSETTI, *Dal carbone al sole. Diritto del lavoro e identità sindacale nella transizione energetica (1800-2050)*, in *DLM*, 1, 2021, 77-100; *Just Transition and Industrial Relations: the Italian Patterns*, in *EJICLS*, 2021, 1, 52-66), the just transition frame and inequalities in the labour market (M. BARBERA, *Giusta transizione ecologica e diseguaglianze, il ruolo del diritto*, *GDLRI*, 1175, 3, 2022, 339-357).

<sup>(50)</sup> It is worth mentioning the pivotal work of B. CARUSO, R. DEL PUNTA, T. TREU, *Manifesto per un diritto del lavoro sostenibile*, Centre for the Study of European Labour Law, "MASSIMO D'ANTONA", 2020 (revised in 2023 and republished with the title *Il diritto del lavoro nella giusta transizione. Un contributo "oltre" in Manifesto*). Here a global conception of the functions of labour law faced with the challenge of work-environment integration is suggested. The need to rethink central institutions of labour law such as training and active policies, rules on work organization, rules on health and safety and the prevention of new workplace risks linked to environmental conditions, is firmly underlined. At the same time, gender issues seem to stay at the surface, at most considered from an additive or mainstreaming perspective, while the focus remains on the hard to abate sectors and on the "necessary" expansion of the green economy, which, as will be argued, represent only one side of the ongoing transformation. The same holds true if we consider the important debate that followed this publication (see the *Manifesto for a sustainable labour law – with comments of labour law scholars*, Centre for the Study of European Labour Law, "Massimo D'Antona", March 2020, including comments from M. WEISS, M. RODRÍGUEZ-PIÑERO Y BRAVO-FERRER, S. DEAKIN, J. LÓPEZ LÓPEZ; the contributions by A. BOSCATI, M. MAGNANI, R. ROMEI, M. TIRABOSCHI, P. TOSI, A VALLEBONA, L. ZOPPOLI, presented in *LDE* n.3/2020; F. CARINCI, *Un invito alla discussione: il manifesto per un diritto del lavoro sostenibile*, in *ADL* n. 5/2020, 1039-1055). In no case, however, in the evolution of this important doctrinal debate on sustainability, the gender-environment nexus has been explored, nor the crucial role of care, domestic and



with the issue of reproductive work and its contribution to a new ontology of work is rare <sup>(51)</sup>.

However, it must also be admitted that the implications of the interesting research paths opened at an international level are not yet clear, because at the moment they do not offer many operational ideas for applied research in the context of developed countries, focusing above all on questions concerning the relationship between women, work and nature in the countries of the Global South.

It is not surprising that, where the situation of developed countries is considered – and this mostly occurs in grey literature and institutional reports from international institutions, with a few exceptions in scientific literature <sup>(52)</sup> – a great emphasis is put on active labour market policies and continuing vocational training and requalification <sup>(53)</sup>. Here the idea is to equip women (and other vulnerable groups) with the green skills needed to take a place in the development of new sectors and professions pushed by the ecological transition. There's no doubt that it is a strategic dimension, that however still suffers from a strong indeterminacy <sup>(54)</sup>, and above all suffers from the lack of clarity in the definition of *green skills* and *green jobs* <sup>(55)</sup>, as well as *green economy* <sup>(56)</sup>. The perimeter

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communal work (for a critical comment on this specific point see M. TIRABOSCHI, *Per un rinnovamento della cultura giuridica del lavoro in Italia*, in *LDE*, n.3/2020, and part. 8,9).

<sup>(51)</sup> M. TIRABOSCHI, *Persona e lavoro tra tutele e mercato. Per una nuova ontologia del lavoro nel discorso giuslavoristico*, AUP, 2019.

<sup>(52)</sup> M. GRIFFIN COHEN, *cit.*

<sup>(53)</sup> An idea that was also supported by the Author of this contribution in previous works, see L. CASANO, *Skills and Professions for a "Just Transition". Some Reflections for Legal Research*, in *IJICLS*, 8, 3 September-October 2019, 31-46.

<sup>(54)</sup> A. LASSANDARI, *Il lavoro nella crisi ambientale*, in *LD*, 1, 2022, 7-27, 23.

<sup>(55)</sup> According to the most popular definition of green jobs, they represent "work in agricultural, manufacturing, research and development, administrative, and service activities that contribute substantially to preserving or restoring environmental quality" (A. BOWEN, K. KURALBAYEVA, *Looking for Green Jobs: the impact of green growth on employment*, Grantham Research Institute on Climate Change and the Environment and Global Green Growth Institute Working Papers, 2015). However, there is an ongoing scientific discussion on the question of defining what green jobs are, triggered by diverse scientific and research approaches (see Ł.J KOZAR, A. SULICH, *Green Jobs: Bibliometric Review*, in *Int. J. Environ. Res. Public Health*, 20, 2023, 2886).

<sup>(56)</sup> Following M. GRIFFIN COHEN, *cit.*, the most prominent ideas about green jobs and a green economy take the social organization as given, including the gendered division

of the economic sectors towards which to promote sustainable employment transitions remains too narrow, cutting off the most vulnerable workers from possible and guaranteed transitions. At the same time, no adequate reflection has been developed on the tools that could bring out and recognize the value of work of preserving and caring for environment and community<sup>(57)</sup>, or promoting its recognition for the transition from informal work to the formal sector.

A second area of regulation that has been considered strategic in literature, in order to promote a *gender sensitive* just transition, is that of sustainable work organisation, i.e. all those measures promoted by the law, collective bargaining, or also unilaterally implemented by private organisations, which are considered potentially fit for pursuing both the objective of addressing environmental goals and reducing gender inequalities. Smart-working/agile working certainly falls into this category. More precisely, working from home in flexible arrangements would reduce the carbon dioxide emissions caused by means of transport (and cause a decrease in the consumption of takeaway food that would, in turn, cut down on food waste and allow for more sustainable food choices) and at the same time would promote gender equality by facilitating work-life balance. But the issue is not so straightforward for what concerns the supposed positive impact on environment, and, more important, it is not clear if this tool in its current configuration can promote sustainability with equality (e particularly gender equality). For long time under scrutiny for lack of regulation on health and safety issues

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of labour, while the significance of social reproduction, and the gender implications of its role in creating a green economy, is not considered a crucial part of change.

<sup>(57)</sup> An example can be found in the Brazilian “Bolsa Verde”. The programme was instituted by Law No. 12.512 on 14 October 2011 and regulated by Decree No. 7.572 of 28 September 2011 (Decreto que regulamenta o Programa de Apoio à Conservação Ambiental). Bolsa Verde addressed families living in extreme poverty in certain priority rural areas, engaged in developing sustainable activities to maintain the vegetation and conserve natural resources. Families received an economic subsidy, training and guidance in order to encourage learning that generates productive inclusion of the participating families, while at the same time providing technical assistance (H. Schwarzer, C. Panhuys, K. Diekmann, Protecting people and the environment lessons learnt from Brazil’s Bolsa Verde, China, Costa Rica, Ecuador, Mexico, South Africa and 56 other experiences, ILO Working Papers 995164592002676, 2016). If this programme surely deserves to be attentioned for its capacity to address economic inequalities while preserving environment, it should be investigated if it also contributed to empower women in all dimensions.

and precisely for producing inverse effect on gender equality (especially during the pandemic), smart working/agile working regulation has recently evolved in most countries, Italy included, in terms of equal opportunities for both parents, consideration of fragile and vulnerable workers (priority rules), right to disconnection.

Working time reduction schemes are also to be mentioned. Reducing working hours and/or the articulation of the working week over a small number of days, are often indicated as strategies that can contribute both to gender equality (by supporting work-life balance) and to environmental sustainability objectives (by reducing consumption, travels, or by freeing up time for activities that could positively impact on environment)<sup>(58)</sup>. As recent studies suggest <sup>(59)</sup>, however, these measures risk not having any positive effects on environment and equality if they are not entwined with other tools capable of influencing a fair and sustainable use of freed time. On the one side, the freed time can be used for activities that will have a negative environmental impact; on the other, and for what specifically concerns gender inequalities, it is important to consider whether freed time results in a rebalance of time devoted to social and environmental care work among women and men <sup>(60)</sup>.

More in general, all those measures that pursue a sustainable work organization risk perpetuating gender inequalities if they are disproportionately used by women and/or are not associated with measures that can offset any negative impact on women. But, most important, any substantial change will take place if we do not pursue, at the same time, the social and economic valorisation of formal and informal care work.

The impression is that, when we move from the level of theoretical elaboration to the analysis of the different regulatory instruments as they

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<sup>(58)</sup> J.B. FITZGERALD, *Working time, inequality and carbon emissions in the United States: A multi-dividend approach to climate change mitigation*, in *Energy Research & Social Science*, 84, 2022, Article 102385.

<sup>(59)</sup> S. NEUBERT, C. BADER, H. HANBURY, S. MOSER, *Free days for future? Longitudinal effects of working time reductions on individual well-being and environmental behaviour*, in *Journal of Environmental Psychology*, 82, 2022, Article 101849.

<sup>(60)</sup> C. DENGLER, B. STRUNK, *The Monetized Economy Versus Care and the Environment: Degrowth Perspectives On Reconciling an Antagonism*, *Feminist Economics*, in *Feminist Economics*, October 2017.

have been concretely arranged/or could be arranged in specific legal-institutional context, we are far from that systemic perspective that is implicit in the concept of socio-ecological transition, and from a multidimensional approach to substantial equality.

#### 4. Some insights from the Italian context

As the gender-specific implications and outcomes of environmental policies are still rarely considered, little gender-specific environmental data is collected by national statistical systems and environment agencies in OECD countries<sup>(61)</sup>. As previously mentioned, some evidence can be now drawn from the *EIGE 2023 Report*, due to the inclusion of indicators related to the gender-environment nexus in the elaboration of the *Gender Equality Index*, focusing on the socially fair transition of the European Green Deal and addressing the following areas: public attitudes and behaviours on climate change and mitigation, energy, transport, decision-making.

As for Italy, data show that there is no significant difference based on gender in the public attitudes and behaviours on climate change and mitigation and in the access to energy resources. There is no significant difference based on gender in the use of transports (private/public transportation and opting for low carbon-emission modes of transport). Women are not adequately represented in decision making about environment, but their participation is increasing<sup>(62)</sup>. From these general and preliminary data, we could argue that based on the main indicators actually used by EU institutions in order to understand and monitor the gender environment nexus, the Italian situation is not particularly critic. But if we look at other specific indicators in the EIGE data set, we see that in Italy full-time equivalent employment rate is 31% for women, 51% for men. Women are underrepresented among employed in the energy sector (26%) and in the transport sector (20%), so we can expect that all measures aimed at promoting the development of *green* o

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<sup>(61)</sup> UN Environment, Gender and environment statistics: Unlocking information for action and measuring the SDGs, March 2019; OECD, Gender and environmental statistics. Exploring available data and developing new evidence, March 2020.

<sup>(62)</sup> Senior administrators in national ministries dealing with environment and climate change; members of parliamentary committees dealing with environment and climate change, etc...

*greening* jobs in these sectors are not going to benefit them. Women are underrepresented among tertiary graduates in natural sciences and technologies (40%), so they are not going to benefit of “qualified” green jobs also in the next future. Women care for children or grandchildren, elderly or people with disabilities, every day, more than men (34% vs 24%) and do housework everyday much more than men (72% vs 34%). Sustainable practices in everyday life have then a much strong effect on women time availability, with an impact on the so called “time poverty”, influencing the amount of time devoted to market work. On the other side, women are employed in formal care work (education, human health and social work activities) much more than men (27% vs 7%), which means that investing in formal and informal care work would contribute to reduce employment gender inequalities much more than investing in the green economy as it is actually conceived.

Despite a developed legislative framework against gender discriminations, violence, inequalities, Italy is now in 14th place in Europe for gender equality, with a Gender Equality score Index lower than the European average and far from the first three countries in the ranking (Sweden, Denmark and France). One cannot ignore that this is strongly linked to the fact that in Italy the burden of domestic and care activities continues to fall essentially on women, and no policy capable of rebalancing the burden of informal care work between men and women has been adopted. Public services are still severely undersized in most regions, the legislation to support parental and care responsibilities (permits, leaves, financial support) is insufficient<sup>(63)</sup>, with a strong impact on consolidated *gender gaps*<sup>(64)</sup>.

The possibility of outsourcing care work by turning to the market has been indicated as a potentially suitable factor for reducing gender inequalities. However, in Italy the care economy is developing in a disorganized way, and this impacts the availability and quality of services. Care work is often carried out irregularly, strong inequalities are observed with reference to the economic and normative treatments of workers, poor working conditions, little attention to qualification. If

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<sup>(63)</sup> See the contributions collected in L. CALAFÀ, M. MILITELLO, M. L. VALLAURI, C. ALESSI, O. BONARDI, M. D'ONGHIA, P. SARACINI, *Prospettive e limiti della trasposizione della direttiva 2019/1158/UE*, Quaderno della Rivista Diritti Lavori Mercati n. 14, 2023.

<sup>(64)</sup> V. Fili, *Le difficili libertà delle donne tra gender wage gap, soffitti di cristallo e bassa fecondità*, in *LDE*, n. 1/2021, 1- 18.

the State does not seem to consider care work a priority, collective bargaining in the sector does not deal with it either <sup>(65)</sup>. If we consider that this is also an important employment area for women, the absence of effective policies is even more serious.

On the other side, with the ecological transition ongoing, environmental legislation has undergone an acceleration and the question of the social repercussions of this process is starting to arise in Italy too. The lack of communication between environmental law and labour law has long been highlighted from scholars <sup>(66)</sup>. If environmental legislation seems to continue to be indifferent to the social dimension of the transformation ongoing, labour law, in particular, has started to integrate an environmental perspective especially on the side of impact of work organization on environmental issues, the impact of the ecological transition on occupational levels, health and safety, workers' participation, continuing vocational training regulations: in all these fields we can now find good practices of regulation in Italy, especially when the contribution of collective bargaining is also considered (both at a national and at a firm level) (see S. Prosdocimi in this vol.), but the gender perspective is not consistently addressed.

This is not surprising if we consider that even the Italian National Recovery and Resilience Plan, which combines the three strategic axes (digitalization and innovation, ecological transition and social inclusion) with three transversal priorities, including that of promoting gender equality, fails in considering the gender-environment nexus. Even if investments are foreseen in measures that indirectly aim to improve the condition of women in a medium-long term perspective (education, new and strengthened services in the care economy), the Plan especially provides a strong boost to investments in sectors such as energy,

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<sup>(65)</sup> The different profiles connected to the regulation of formal and informal care work (recognition and redistribution of informal care work, conditions of care work provided under different contractual regimes, evolution of professional profiles and skill recognition, role of representation and collective bargaining) are investigated from an interdisciplinary and international perspective in the volume, L. CASANO (ed), *Verso un mercato del lavoro di cura: questioni giuridiche e nodi istituzionali*, ADAPT University Press, 2022, which include also extensive bibliographical references.

<sup>(66)</sup> P. TOMASSETTI, 2018, *cit.*

transport and information technology, with immediate positive effects on a predominantly male population <sup>(67)</sup>.

If the national framework does not seem to offer fertile ground for the development of good practices in facing the risks of gender inequality in the ecological transition, it may be interesting to look at measures and devices, actually not introduced and regulated with these specific objectives, which seem to have at least the potential to serve the purpose. In our conclusive remarks we will suggest several subjects which could be analysed in that light, using the frame of the socio-ecological transition as an interpretative key <sup>(68)</sup> and adopting the multidimensional analytical approach to substantial equality, as suggested above (§3).

## 5. Conclusive remarks

At the present, the main concern when it comes to the social dimension of the ecological transition seems to be the protection of workers involved in the restructuring processes of hard-to-abate sectors, and the preservation of employment levels, through the promotion of “*green jobs*”. But, unfortunately, in the current configuration of the so called “*green economy*”, social and gender inequalities are reproduced both in the access to the expanding sectors and in working conditions.

For labour regulation, focusing on the concept of socio-ecological transition - in opposition to *ecological* transition, *energy* transition, and event *just* or *fair* transitions – means adopting radical changes in the way we conceive workers’ protection.

On the one side, it means taking into account, in a systemic view, the possible impact of the measures on different social groups, adopting an intersectional approach to vulnerabilities, and taking seriously the risks of inequalities and discrimination. The same measures adopted to mitigate social consequences of the ecological transition risk to exacerbate gender discriminations and inequalities among workers, if they are not linked to comprehensive strategies aimed at reducing structural inequalities, addressing the problem of unequal distribution of

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<sup>(67)</sup> MEF, *Le diseguaglianze di genere in Italia e il potenziale contributo del Piano Nazionale di Ripresa e Resilienza per ridurle*, 2021.

<sup>(68)</sup> A very interesting example is offered by the contribution from S. PROSDOCIMI in this *vol.*

informal care work, reducing segregation and pushing employment in women dominated sectors.

If these priorities are not assumed at the same time, and in a synergic way with the policies currently aimed at driving the ecological transition, the risk is to increase the gap in gender inequalities.

According to Fredman, a very effective framework to deal with this issue is that of utilizing a four dimensional conception of the right to substantial equality: redressing gendered disadvantage; addressing stigma, stereotyping, prejudice and violence; facilitating women's voice and participation; accommodating difference and achieving structural change <sup>(69)</sup>.

On the other side, the concept of socio-ecological transition helps us to focus on regulatory issues that are currently paid little attention, or are not addressed by taking into account the contribution they can make to the objectives of environmental *and* social sustainability:

- supporting employment in essential sectors of the economy ("beyond" the rhetoric of *green jobs*), including environmental and social care work;
- rebalancing of working time and time devoted to activities with positive environmental and social impacts, encouraging a sustainable social redistribution of both (short-time compensation benefits, working time reduction schemes, associated with the recognition and valorisation of *informal* environmental and social care work);
- work organization and regulation schemes that increase workers' participation, and allow the expression of collective *and* general interests embracing the demands of justice and equity that must accompany the ecological transition (workers' participation; workers' cooperatives).

More in general, the importance of broadening our view when it comes to the ecological transition and its impacts on labour regulation emerges, in order to bringing out a new perspective from which to select (and then critically analyse) specific regulatory objectives and specific regulatory solutions.

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<sup>(69)</sup>S. FREDMAN, *cit.*, 345.



## Abstract

### Perchè l'uguaglianza di genere è importante nella transizione ecologica in corso

**Obiettivi:** L'articolo ha l'obiettivo di dare un primo inquadramento al tema delle disuguaglianze di genere nella transizione ecologica, suggerendo nuove chiavi di lettura per la ricerca giuslavoristica. **Metodologia:** Analisi della letteratura e della repostistica internazionale sul gender-environment nexus e della letteratura nazionale su sostenibilità e transizione ecologica. **Risultati:** Il nesso genere ambiente è ancora ignorato nella maggior parte della produzione normativa che sta accompagnando la transizione ecologica nel mondo. Al fine di fare emergere specifici rischi e disuguaglianze, è necessario adottare diversi strumenti interpretativi dei processi in atto, spostando l'attenzione sul concetto di transizione socio-ecologica e adottando un approccio multidimensionale all'uguaglianza sostanziale. **Limiti e implicazioni:** Il contributo documenta gli esiti di un Progetto di ricerca interdisciplinare condotto tra gennaio 2023 e dicembre 2023, e si limita a portare a sistema i risultati della rassegna della letteratura condotta, insieme a raccogliere gli spunti derivanti dai diversi momenti di confronto con esperti internazionali, per delineare una pista per future ricerche. **Originalità:** Il contributo introduce per la prima volta nel dibattito giuslavoristico la questione della dimensione di genere della transizione ecologica, superando il dibattito da tempo avviato esclusivamente incentrato sulle disuguaglianze di genere nell'accesso ai green jobs, per investigare più a fondo le molteplici dimensioni delle disuguaglianze di genere in una prospettiva di uguaglianza sostanziale.

**Parole chiave:** transizione ecologica, just transition, genere, disuguaglianze

### Why gender equality matters in the ongoing ecological transition

**Purpose:** The article aims to give a first overview of the issue of gender inequalities in the ecological transition, suggesting new perspectives for labour law research. **Methodology:** Analysis of international scientific and grey literature on the gender-environment nexus; analysis of scientific national literature on sustainability and ecological transition. **Results:** The gender-environment nexus is still ignored in most of the normative production that is accompanying the ecological transition in the world. In order to bring out specific risks and inequalities, it is necessary to adopt different interpretative tools of the ongoing processes, shifting attention to the concept of socio-ecological transition and adopting a multidimensional approach to substantial equality. **Limits and implications:** The contribution documents the outcomes of an interdisciplinary research project conducted between January 2023 and December 2023, and has the limited purpose of bringing the results of the literature review conducted into a system, together with the ideas deriving from the different moments of comparison with international experts, to outline a path for future research. **Originality:** The contribution introduces the issue of the gender dimension of the ecological transition into the labour law debate for the first time, going beyond the long-standing debate exclusively focused on gender inequalities in access to green jobs,

*to investigate more thoroughly the multiple dimensions of gender inequalities from a perspective of substantial equality.*

**Keywords:** *ecological transition, just transition, gender, inequalities*

# Considerations around the theoretical discourse on gender and the environment in the ongoing socio-ecological transition\*

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*Summary:* 1. Introduction. – 2. Theoretical framework and Terminological Clarification. – 3. Methods. – 4. Results and Discussion. – 4.1. The Green Economy model. – 4.2. The Degrowth model. – 4.3. The Circular Economy model. – 5. Conclusion.

## 1. Introduction

Gender and environment, and, in particular, gender and climate change scholarships have been flourishing recent years, inspired by rediscovered and reimagined ecofeminist theories and practices<sup>(1)</sup>. Looking at relevant international institutions, gender equality considerations entered environmental and climate agendas (e.g., the achievements of the Women and Gender Constituency in the UNFCCC ecosystem)<sup>(2)</sup>. On the other hand, environmental and climate concerns entered the debate

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<sup>(1)</sup> G. DI CHIRO, *Making Ecofeminism(s) Matter...Again*, in *Women's Studies*, 2021, 50:8, 820-828.

<sup>(2)</sup> B. BURNS, T. DANIEL, *Pocket guide to gender equality under the UNFCCC*, European Capacity Building Initiative, 2017.

in forum for gender equality (e.g., the Sixty-sixth Session of the UN Commission on the Status of Women) <sup>(3)</sup>. The interconnections between gender inequality, environmental degradation and the climate crisis are numerous <sup>(4)</sup>. This article, as part of the research project ENTRUST (*womEN's work and sustainability: Towards gendeR jUSt Transitions*, University of Insubria, Italy), addresses the much-needed socio-ecological transition away from high-emitting productive and economic systems towards sustainable ones, focusing on shortcomings in terms of new or exacerbated social inequalities, as, not least, gender inequality in the world of work <sup>(5)</sup>.

While the window for climate change mitigation is closing <sup>(6)</sup>, the scientific and institutional debate around possible pathways for a zero-carbon future is lively and strongly influenced by precise economic models that orient a large part of the scientific production on these topics and, to varying degrees, also the institutional debate. This article synthesizes the process and outcomes of a literature review, aimed at finding out whether and how the implementation of some of the most prominent economic models for the sustainability transition – namely, the Green Economy, the Circular Economy, and Degrowth – may have backlashes in terms of gender inequality in the world of work. Outcomes will, hopefully, spur further scientific production and timely inform policymaking and lawmaking.

After a brief illustration of the theoretical framework – including terminological clarification – in the second section, methodological clarification is given in the third section, while the results of the literature review are summarized and discussed in the fourth one.

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<sup>(3)</sup> Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes, 14-25 marzo 2022, New York, USA.

<sup>(4)</sup> Ex multis: R. PEARSE, *Gender and climate change*, in Wiley Interdisciplinary Reviews: Climate Change, 2017, 8(2), 1-16.

<sup>(5)</sup> ILO, *Gender, labour and a just transition towards environmentally sustainable economies and societies for all*, 2017.

<sup>(6)</sup> UNEP, *Emissions Gap Report 2022: The Closing Window – Climate crisis calls for rapid transformation of societies*, 2022.

## 2. Theoretical Framework and Terminological Clarification

The most recent Synthesis Report (SYR) of the IPCC, the Intergovernmental Panel on Climate Change, carved into stone that «human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with the global surface temperature reaching 1.1°C above 1850–1900 in 2011–2020», and that human-caused climate change has impacts in the present times, with losses and damages to nature and people. While «every increment of global warming will intensify multiple and concurrent hazards», there is high confidence that «global greenhouse gas emissions have continued to increase, with unequal historical and ongoing contributions». The message of urgency and hope in the SYR is that there is high confidence that «deep, rapid, and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades»<sup>(7)</sup>.

The concept of the Anthropocene, originated in geology, is often chosen by scholars to outline how great the impact of human activities was on the Earth, especially in terms of climate change. However, responsibilities, as the resources to cope with change, are not equally distributed globally: the least responsible are the most vulnerable<sup>(8)</sup>. Some authors proposed similar concepts to highlight more specific responsibilities<sup>(9)</sup>. Morrow argues that «we find ourselves not so much in the Anthropocene as the *Andropocene*» as governance at any level, legal systems, economies, and education are predominantly led and driven by men. Climate change would be the «hallmark of the *Andropocene*», exhibiting and augmenting «the continued toxicities of a way of being that profoundly affects interhuman relationships, as well as characterizing a fatally flawed incarnation of the humanity-nature interface». Therefore, Morrow considers tackling gender equality «integral and not optional» to climate action, to shift the current

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<sup>(7)</sup> IPCC, *Summary for Policymakers*, in *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, 2023, 1-34.

<sup>(8)</sup> M. MEIKLE, J. WILSON, T. JAFRY, *Climate justice: Between mammon and mother earth*, in *International Journal of Climate Change Strategies and Management*, 2016, 8(4), 488-504.

<sup>(9)</sup> Ex multis: D. J. HARAWAY, *Staying with the trouble: Making kin in the Chthulucene*, Duke University Press, 2016.

strategies from the overreliance on technology to a «mixed approach that also looks to harnessing lived experience and reproduction, in the broadest sense (relating to those activities that perpetuate and support life) »<sup>(10)</sup>.

The nexus between gender and environment has been the object of scholarship since the Seventies, with the analysis of the dualistic structures opposing men and culture to women and nature. The first ecofeminist thinking, then criticized for its essentialism, and ecological feminisms were the basis for the elaboration of Feminist Political Ecology in the Nineties, initially focusing on gendered scientific and ecological knowledge, gendered rights, and responsibilities with respect to the environment, and gendered politics as well as grassroots activism. As synthesized by Nightingale, «most of the work done within feminist political ecology demonstrates how gender, understood as culturally defined male/female sex roles, structures access to particular types of knowledge, space, resources, and social-political processes», and therefore «men and women have differential opportunities and challenges in relation to environmental change and development»<sup>(11)</sup>.

Today, despite a clear lack of data on the relationship between gender and the environment, much evidence has been produced in the reporting activities carried out by important institutional subjects at an international level, which highlight the connection between climate change and gender, in particular. In the 2023, the Working Group II of the IPCC, which is dedicated to the investigation of impacts, adaptation, and vulnerability, carried out an analysis of how gender considerations are addressed in the Sixth Assessment Report. The main outcomes are: structural inequality is one of the causes of the damages related to climate change and that those who are structurally disadvantaged are disproportionately vulnerable to these negative impacts; women - the heterogeneity of this group being considered - are among the most vulnerable due to gender inequality but also are «change agents with valuable knowledge and skills»; prioritizing equity and justice in climate action leads to more effective and sustainable outcomes; efforts to

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<sup>(10)</sup> K. L. MORROW, *Tackling climate change and gender justice—integral; not optional*, in *Oñati Socio-Legal Series*, 11(1), 2021, 207-230.

<sup>(11)</sup> A. NIGHTINGALE, *The nature of gender: work, gender, and environment*, in *Environment and planning D: Society and space*, 2006, 24(2), 165-185.

mainstream gender equality in climate action did not have a structural impact so far <sup>(12)</sup>.

In more recent times it has become clear that gendered consequences of climate change are also produced at the interconnection between the climate crisis and the so-called *care crisis*. According to the scholars who elaborated the report recently issued by Oxfam, *Caring in a changing climate. Centering care work in climate action*, focusing on care work in the climate agenda is fundamental to prevent climate action from exacerbating gender inequality <sup>(13)</sup>. Indeed, care work is most often carried out by women and girls around the world, and the care crisis is the result of the sacrifices related to it.

With respect to the fifth Sustainable Development Goal (SDG), dedicated to gender equality, the 2023 *UN Gender Snapshot* registers that unpaid care work is still not equally distributed: «globally women spend 2.8 more hours than men on unpaid care and domestic work» and «investments in care policies, services, jobs, and infrastructure are required to recognize, reduce and redistribute unpaid care and domestic work» <sup>(14)</sup>. As far as the eighth SDG on decent work is concerned, women earn a third of global labor income, due to care charges, discontinuous careers, and the gender pay gap. While this is average data, the participation of women in productive work in some areas, mainly in the Global North, without a proper sharing of care work, produced the so-called *global care chains*, defined by Hochschild as «series of personal links between people across the globe based on the paid or unpaid work of caring» <sup>(15)</sup>.

Climate change will increase the frequency and intensity of extreme weather events, and therefore more care work will be needed to face the impacts (injuries, diseases, distress, etc.). At the same time, providing care work will be more difficult, either due to the involvement of caregivers in the abovementioned impacts or to the damages to infrastructures. All of this will hit harder on low-income Countries where

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<sup>(12)</sup> L. AGUILAR REVELO, C. TAN, J. OCAMPO, *Gender Considerations in the IPCC Sixth Assessment Report (AR6)*, Kaschak Institute, Binghamton University, 2023.

<sup>(13)</sup> S. MACGREGOR, S. ARORA-JONSSON, M. COHEN, *Caring in a changing climate: Centering care work in climate action*, Oxfam, 2022.

<sup>(14)</sup> UN WOMEN, *Progress on the Sustainable Development Goals: The gender snapshot 2023*, 2023.

<sup>(15)</sup> A. R. HOCHSCHILD, (2015). *Global care chains and emotional surplus value* in D. ENGSTER, T. METZ (eds.), *Justice, politics, and the family*, Routledge, 2015, 249-261.

a great number of people are living, also depending on subsistence agriculture. Mitigation and adaptation measures and efforts could place an additional burden on caregivers if the unequal dynamics of care work are not taken into consideration <sup>(16)</sup>.

In order to understand the complex phenomena that can arise from the intersection of these different processes, and how to address them, the concept of *socio-ecological transition* can prove to be particularly helpful. The «deep, rapid, and sustained reductions in greenhouse gas emissions» <sup>(17)</sup> needed to avert a climate catastrophe would imply a transition away from high-emitting productive and economic systems towards low and then zero-carbon ones. The transition is a long-term process of profound change made of many interconnected changes reinforcing one another, and societies go through transitions to face great challenges. The *sustainability transition* towards a socially, environmentally, and economically sustainable society, is composed of a socio-technological transition and a socio-ecological transition <sup>(18)</sup>. The *socio-ecological transition* is defined by Fisher-Kowalski et. al. «a transition between two different societal energy regimes (sources and dominant conversion technologies of energy) » and «what is changing is not just the source of energy and technologies, but many other features of society change as well: the economy, the demography, the settlement patterns, the social relations, and the very make-up of human personalities. In co-dependence, the natural environment changes» <sup>(19)</sup>. Human societies already witnessed and were engaged to different extents and not simultaneously in the world, in the socio-ecological transition from the agricultural energy regime, based on sun power and land use, to the industrial regime, based on fossil fuels, first on coal and then also on oil and gas. This transition brought a tenfold increase in the use of

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<sup>(16)</sup> J. MORRISSEY, S. MACGREGOR, S. ARORA-JONSSON, *Addressing the Climate and Care Crises* in *Stanford Social Innovation Review*, 2022, Fall, pp 59-60.

<sup>(17)</sup> IPCC, *op. cit.*

<sup>(18)</sup> A. DIMITROVA, K. HOLLAN, D. LASTER, A. REINSTALLER, M. SCHRATZENSTALLER, E. WALTERSKIRCHEN, T. WEISS, Literature review on fundamental concepts and definitions, objectives and policy goals as well as instruments relevant for socio-ecological transition, WWWforEurope Working Paper, 2013.

<sup>(19)</sup> M. FISCHER-KOWALSKI, W. HAAS, D. WIEDENHOFER, U. WEISZ, I. PALLUA, N. POSSANNER, E. WEIS, *Socio-ecological transitions: definition, dynamics and related global scenarios*, Institute for Social Ecology-AAU, Centre for European Policy Studies, 2012.



materials and a fourfold increase in the global population, deeply changing the relationship between human societies and the ecosystems they live in <sup>(20)</sup>.

The present sustainability transition towards renewable energies is expected to occur, in Europe, as a decrease in energy and raw materials consumption, a shift from the production and consumption of products to the provision of services, a decrease in the consumption of animal-based products, and the development of more resilient infrastructures. Manifestly, this will have consequences on the quality and quantity of work, in all its forms, regarding agriculture and forestry, the construction industry, waste management, trade, and transport. Physical labor may increase, while intellectual labor could be, at least partially, substituted using AI or delocalized. Interestingly, according to the expectations of the authors, care jobs, either paid or unpaid, will increase, as technology can hardly substitute the required empathy <sup>(21)</sup>.

The concept of socio-ecological transition is placed on a different level than the expression *Just Transition*, much more used in political and institutional discourse, which identifies a multifaceted reform agenda rather than a conceptual category with some heuristic scope. The approach of the *just transition* (JT) affirmed itself in the debate around climate change mitigation efforts to name the idea that the consequences of the ecological transition away from fossil fuels ought not to be charged to workers and societies. However, several conceptualizations of just transition can be found in scientific and grey literature. The original concept emerged in the Seventies from the Oil, Chemical, and Atomic Workers Union in North America, then spread to other trade unions, institutions, NGOs, and grassroots movements around the world, which evolved its interpretations <sup>(22)</sup>. Krawchenko and Gordon distinguish among interpretations that are either jobs-focused, environment-focused, or society-focused <sup>(23)</sup>. For instance, the JT as elaborated by the International Trade Unions Confederation and the International Labor

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<sup>(20)</sup> M. FISCHER-KOWALSKI, W. HAAS, D. WIEDENHOFER, U. WEISZ, I. PALLUA, N. POSSANNER, E. WEIS, *op. cit.*

<sup>(21)</sup> *Ibidem.*

<sup>(22)</sup> H. KREININ, *Typologies of “Just Transitions”: Towards Social-Ecological Transformation*, WU Vienna University of Economics and Business, 2020, 1-12.

<sup>(23)</sup> T. A. KRAWCHENKO, M. GORDON, *How do we manage a just transition? A comparative review of national and regional just transition initiatives*, in *Sustainability*, 2021, 13(11), 6070 ss.

Organization is criticized as the focus is the creation of decent and *green* jobs, but social inequalities produced by the current capitalist economic system are not addressed and those who are not workers in the strict sense but perform fundamental reproduction activities are excluded<sup>(24)</sup>. Fredman highlights how «some of the most prominent Just Transition frameworks are dominated by a male norm» and suggest a scrutiny in terms of substantive gender equality»<sup>(25)</sup>.

Like all transition theories, the concept of socio-ecological transition focuses on social transformations and their governance, as the societal challenges assumed to be necessary for reaching the climate objectives set by governments, both in the Global South and in the Global North, imply unprecedented challenges to society as a whole. And gender relations are a relevant aspect to discuss when it comes to understand how to re-organizing the society toward climate objectives.

Attempts have been made to combine transition and gender theories as a heuristic device to illustrate how gender relations are relevant for climate governance. Kronsell presented a constructive argument about the relevance and manifestations of gender at diverse levels of action contributing to climate policies and approaches, by addressing specific concerns that combine elements and insights from transition and gender theories. She came to argue that the two fields of theory (transition theories and gender studies) can be linked via three arguments on what is necessary to make a transition: the need to challenge institutionalized norms, to deal with oppressive power relationships, and to increase participation<sup>(26)</sup>. As her original case study of climate governance in Sweden demonstrate, surprisingly, gender equality/parity does not imply that gender aspects are taken into account in climate policies.

Results like these, together with the alerts raised by international institutions on the difficulty of adequately grasping and addressing the gender/environment nexus, lead us to reflect on the limits of the theoretical approaches used so far to understand it. As academic and non-academic institutions call for a new approach in economics able to reshape features of modern economies coherently with the idea of

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<sup>(24)</sup> I. VELICU, S. BARCA, *The Just Transition and its work of inequality*, in *Sustainability: Science, Practice and Policy*, 2020, 16(1), 263-273.

<sup>(25)</sup> S. FREDMAN, *Greening the workforce: a feminist perspective*, in *International Journal of Comparative Labour Law and Industrial Relations*, 2023, 39, 337-358.

<sup>(26)</sup> A. KRONSELL, *Gender and transition in climate governance*, in *Environmental Innovation and Societal Transitions*, 2013, 7, 1-15.

sustainable development – and also due to the research project focus – our analysis started from the knowledge base and the implications of those existing ecological macroeconomic models that have been considered relevant for the creation of a new sustainable approach in economics, in order to assess if and how they deal with the gender-environment nexus.

### 3. Methods

A narrative and general literature review<sup>(27)</sup> was conducted on the topic of the gender dimension of the socio-ecological transition towards sustainable productive and economic systems, with a specific focus on womens' condition in the labour market.

The sources included: electronic databases, academic libraries, archives of relevant organizations and institutions, conference proceedings, existing networks and the network created for the purposes of the ENTRUST research project. The search terms used, in several different combinations, were: ecological transition, work, gender equality, care work, green economy, degrowth, circular economy. The search returned an extremely heterogeneous body of scientific literature, with pieces from different disciplines and scholarships – Climate Science, Transition Theories, Political Economy, Political Ecology, Feminist Political Ecology, Feminist Ecological Economy, International Law and Policies, EU Law and Policies. Grey literature constituted a relevant amount of the analyzed items, mainly including documents and reports of relevant international institutions such as the International Labour Organization, the International Renewable Energies Agency, the United Nations Industrial Development Organization, the Organization for Economic Cooperation and Development.

Concerning the limitations of the research, the evaluation of the accuracy of the items found for the literature review was challenging, given the great disciplinary heterogeneity. Moreover, the vast amount of existing literature on the analyzed models, that are still debated and constantly evolving, brought to the choice for a basic description of each of them.

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(27) A. J. ONWUEGBUZIE, R. FRELS, *Seven steps to a comprehensive literature review: A multimodal and cultural approach*, Sage Publications, 2016, 24-25.

Finally, repeating the search with a more precise spatial dimension (e.g., choosing a specific region of the world to filter the search) would likely give more accurate and concrete insights.

## 4. Results and Discussion

The results of the literature review are considerable, as critical perspectives emerged with regards to all the investigated economic models for the socio-ecological transition. It appears that, to a different extent, the implementation of all the three considered models, respectively, would have backlashes in terms of new or exacerbated gender inequality in the world of work. The results are discussed in the following subsections, divided by the analyzed model.

### 4.1. The Green Economy model

The idea of a Green Economy first appeared at the end of the Eighties<sup>(28)</sup> and was then conceptualized in 1991<sup>(29)</sup>.

When we refer to Green Economy, we start from the premise that the economy developed according to the parameters of neo-classical theories did not take due account of the value of the environment, which was used within production processes, or was even destroyed and pillaged by these<sup>30</sup>. By failing to take account of the value of these environmental resources within the calculation of business costs, economic development had occurred at a cost that was not sustainable in environmental terms.

It should be stressed that natural resources are largely presented as non-appropriable objects, such as public goods, for which the market is

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<sup>(28)</sup> D. PEARCE, A. MARKANDYA, E. BARBIER, *Blueprint for a Green Economy*, Earthscan, 1989.

<sup>(29)</sup> M. JACOBS, *The Green Economy: Environment, Sustainable Development, and the Politics of the Future*, Pluto Press, 1991.

<sup>(30)</sup> M. ALTMAN, "When green isn't mean: economic theory and the heuristics of the impact of environmental regulations on competitiveness and opportunity cost", *Ecological Economics*, (2001), 36, 31 ff.

unable to express an exchange value and will be unable to operate correctly as a mechanism for the optimal allocation of those resources. Reference is made in these cases to the concept of *market failure*<sup>31</sup>, construed as a situation in which either the market is entirely non-existent (given that environmental resources have the economic status of public goods) or does not adequately reflect the “true” cost or the social cost of economic activity.

Absent any specific allocation of property rights over natural resources, the price system has generally not been able to send the correct signals to the productive system to act as a guide for it in achieving an efficient consumption of such resources.

A green economy on the other hand is one in which – by definition – the costs resulting from the degradation of ecosystems are internalised within productive processes<sup>32</sup>. The model endorsed by the green economy thus analyses not only the economic benefits of a given production regime, consisting in an increase in gross domestic product, but also the impact and damage that such a regime will have on environmental resources.

This assessment of environmental impacts can be extended to the various states of the raw materials transformation cycle starting from their extraction, through transportation and transformation into energy and finished products to the possible environmental damage caused by their definitive elimination of disposal<sup>33</sup>.

It is only in the 2000s that the Green Economy was first integrated by international organizations in their policies to face both the financial

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(<sup>31</sup>) F.M. BATOR, *The anatomy of market failure*, in *The quarterly journal of economics*, 72.3, 351 ff., reprinted in *Readings in Microeconomics*, edited by Breit and Hochman, New York, 1968.

(<sup>32</sup>) A. STEINER, *Focusing on the good or the bad: what can international environmental law do to accelerate the transition towards a green economy*, in *Am. U. Int'l L. Rev.*, 25, 2010, 843 ff., at 845.

(<sup>33</sup>) The conceptual framework adopted by the green economy stresses that such damage often has a negative effect also on gross domestic product: GDP will in fact tend to fall as a result of the reduction in output by economic activities that benefit directly from a good quality environment, such as agriculture, fishing, tourism and public health. Other negative effects on GDP may also result indirectly due to the fact that a lower quality environment could lead to situations of environmental degradation or – in the most serious cases – environmental disaster requiring a strong financial intervention by the state in order to promote clean-up operations.

crisis and environmental degradation<sup>(34)</sup>. The United Nations Environment Program (UNEP) launched the *Green Economy Initiative* in 2008, and the Green Economy was at the core of the debate in the Rio+20 Conference in 2012. The theory of the Green Economy, close to that of Green Growth, relies on the asserted congruity between economic growth and the protection of the environment<sup>(35)</sup> and on the possibility to decouple economic growth from environmental pressures. However, a univocal conceptualization of the Green Economy appears not possible, as the context is relevant<sup>(36)</sup>.

In the EU, the foundations of the green economy can be found with different levels of focus and explicit commitment across a mix of high-level strategic documents and sectoral policies.

In particular, in the Communication: ***“EUROPE 2020 - A strategy for smart, sustainable and inclusive growth Europe”***<sup>(37)</sup> the Commission was describing the EU’s growth strategy for the decade. It was pursuing the objective of turning the European economy into one that is smart, sustainable and inclusive by 2020, to deliver high levels of employment, productivity and social cohesion. In this document, the Commission recognised as an important goal *“to promote new forms of work-life balance and active ageing policies and to increase gender equality”*<sup>38</sup>. The implementation of the Green Economy agenda is often illustrated in terms of job creation, destruction, and substitution. In high-emitting sectors as that of energy, agriculture, and waste management the methods of production must change, with a reallocation of employment. According to the International Labour Organization (Ilo), 18 million *green* jobs in the world could be created to remain within the Paris Agreement limit for global warming thanks to renewable energies, energy efficiency in buildings, and the electrification of transport<sup>(39)</sup>. Fredman criticizes the abovementioned Ilo report as the root causes of occupational segregation in the labor market are not addressed, as the

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<sup>(34)</sup> A. MERINO-SAUM, J. CLEMENT, R. WYSS, M. G. BALDI, *Unpacking the Green Economy concept: A quantitative analysis of 140 definitions*, in *Journal of cleaner production*, 2020, 242, 1-18.

<sup>(35)</sup> M. JACOBS, *Green growth*, in R. Falkner (ed.), *The handbook of global climate and environment policy*, Wiley-Blackwell, 2013, 197-214.

<sup>(36)</sup> M. JACOBS, *op. cit.*

<sup>(37)</sup> COM(2010) 2020, Brussels, 3.3.2010.

<sup>(38)</sup> Ivi, p. 17.

<sup>(39)</sup> ILO, *World Employment and Social Outlook 2018: Greening with jobs*, 2018.

education, gender stereotypes, the responsibility for care work, the lack of representation in decision making <sup>(40)</sup>. In the European Union, most job growth within the green transition is expected in sectors that are dominated by men. Moreover, the job opportunities created by the green transition demand skills and education in sectors where gender inequality is already significant <sup>(41)</sup>. Littig also highlights that the quality of the green jobs also varies: women are mainly employed in trade, tourism, and agriculture, with poorer working conditions and income <sup>(42)</sup>. The issue of gender equality in the energy sector in particular appears to be the object of several studies and reports <sup>(43)</sup>.

## 4.2. The Degrowth model

The idea of degrowth emerged from the elaborations of different movements and disciplines from the late Sixties onward and found in Serge Latouche one of its most convinced and heard advocates <sup>44</sup>. According to its defender, the idea of Degrowth does not correspond to a concrete project but to a keyword. Society has been locked into thought dominated by progressivist growth economics; the tyranny of these has made imaginative thinking outside the box impossible. The idea of a contraction-based society is just a way to provoke thought about alternatives. Proponents of contraction want to create integrated, selfsufficient and materially responsible societies in both the North and South, recognizing that growth as we have known it is both unsustainable and harmful, socially as well as ecologically.

Finally, the idea of degrowth found a definition in the conclusive declaration of the 2008 Paris Conference as «a voluntary transition

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<sup>(40)</sup> S. FREDMAN, *The world of work: A green and feminist future?*, in C. ALBERTYN et al., *Feminist Frontiers in Climate Justice. Gender Equality, Climate Change and Rights*, Edward Elgar Publishing, 2023, 116-137.

<sup>(41)</sup> EIGE, *Gender Equality Index 2023. Towards a green transition in transport and energy*, Publications Office of the European Union, 2023.

<sup>(42)</sup> B. LITTIG, *Good Green Jobs for Whom?: A feminist critique of the green economy*, in S. MACGREGOR (ed.), *Routledge handbook of gender and environment*, Routledge, 2017, 318-330.

<sup>(43)</sup> Ex multis: I. GINER-REICHL, M. VAN VELDHUIZEN, *Europe's Energy Transition: Women's Power in Solving the Labour Bottleneck. Employment Opportunities and Requirements for Low-carbon Job Markets*, Friedrich-Ebert-Stiftung, 2023.

<sup>(44)</sup> S. LATOUCHE, *Le Pari de la décroissance*, Fayard, 2006.

towards a just, participatory, and ecologically sustainable society»<sup>(45)</sup>. The objectives of degrowth, according to the Paris Degrowth Declaration are: «to meet basic human needs and ensure a high quality of life, while reducing the ecological impact of the global economy to a sustainable level, equitably distributed between nations». As stated by Schneider et. al., «the paradigmatic proposition of degrowth is therefore that human progress without economic growth is possible»<sup>(46)</sup>.

In the transformation of the economic system, the world of work would go through profound change too. According to Parrique, the reduction of work time is the most common proposal for degrowth, simultaneously addressing inequalities, environmental pressure, and lack of free time for wellbeing and participation<sup>(47)</sup>. If the quantity of work should decrease, its quality should increase. In the perspective of degrowth, work is decent if both socially useful and environmentally sustainable, and undesirable jobs should be equally distributed<sup>(48)</sup>.

Although the idea of social reproduction being pivotal, the gendered distribution of reproductive work and the gendered character of time are often not taken into consideration in degrowth literature<sup>(49)</sup>. Barca et. al. highlight how theories of degrowth did not enter in a dialogue with feminist ecological economy and feminist political economy. In this sense, aiming for a liberation *of* work instead of a liberation *from* work, the authors suggest the recognition of the sexual division of work as a mechanism of the socio-ecological crisis and the valorization of subsistence work that is fundamental for industry<sup>(50)</sup>. With regards to care work, Dengler and Lang propose to organize it in degrowth societies

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<sup>(45)</sup> Degrowth Declaration of the Paris 2008 conference, in *Journal of Cleaner Production*, 2010, 18(6), 523-524.

<sup>(46)</sup> F. SCHNEIDER, G. KALLIS, J. MARTINEZ-ALIER, *Crisis or opportunity? Economic degrowth for social equity and ecological sustainability*, in *Journal of cleaner production*, 2010, 18(6), 511-518.

<sup>(47)</sup> T. PARRIQUE, *The political economy of degrowth*, Doctoral dissertation, Université Clermont Auvergne, 2019, 566-630.

<sup>(48)</sup> T. PARRIQUE, *op. cit.*

<sup>(49)</sup> C. BAUHARDT, *Solutions to the crisis? The Green New Deal, Degrowth, and the Solidarity Economy: Alternatives to the capitalist growth economy from an ecofeminist economics perspective*, in *Ecological economics*, 2014, 102, 60-68.

<sup>(50)</sup> S. BARCA, *An alternative worth fighting for: Degrowth and the liberation of work*, in E. CHERTKOVSKAYA, A. PAULSSON, S. BARCA (eds.), *Towards a political economy of degrowth*, Rowman&Littlefield, 2019, 175-192.



by decommodification and the creation of communitarian caring commons <sup>(51)</sup>.

### 4.3. The Circular Economy model

The idea of the Circular Economy relies on the fact that the traditional linear flow of energy and materials (extraction – production – use – dump) is not sustainable <sup>(52)</sup> as it causes environmental harm, and therefore an alternative cyclical model is needed. Recycling is not sufficient: the products, their components and materials ought to be reused, remanufactured, refurbished, repaired, or upgraded; energy can be derived from biomass and waste <sup>(53)</sup>. Circular Economy would be more accurately defined as a *sub-model* that could be part of different solutions for a low to zero-carbon future of production.

In order to develop a sustainable, low carbon, resource efficient and competitive economy, the EU has supported the transition to a more circular economy, where the value of products, materials and resources is maintained in the economy for as long as possible, and the generation of waste minimised.

According to the EU Commission's approach, the transition to a circular economy will encourage sustainability and competitiveness in the long term. It will also help in particular to:

- preserve resources – including some which are increasingly scarce, or subject to price fluctuation
- save costs for European industries
- unlock new business opportunities
- build a new generation of innovative, resource-efficient European businesses – making and exporting clean products and services around the globe
- create local low and high-skilled jobs
- create opportunities for social integration and cohesion.

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<sup>(51)</sup> C. DENGLER, M. LANG, *Commoning care: feminist degrowth visions for a socio-ecological transformation*, in *Feminist Economics*, 2022, 28(1), 1-28.

<sup>(52)</sup> R.A. FROSC, N. E. GALLOPOULOS, *Strategies for manufacturing*, in *Scientific American*, 1989, 261(3), 144-153.

<sup>(53)</sup> J. KORHONEN, A. HONKASALO, J. SEPPÄLÄ, *Circular economy: the concept and its limitations*, in *Ecological economics*, 2018, 143, 37-46.

If action is taken at EU level, it will drive investment, create a level playing field, and remove obstacles stemming from European legislation or its inadequate enforcement.

That is why on 2 December 2015, the European Commission put forward a package to support the EU's transition to a circular economy with a *First action plan* (<sup>54</sup>).

In 2020, the European Commission adopted a *New circular economy action plan* (<sup>55</sup>), which constitutes one of the main building blocks of the [European Green Deal](#) (<sup>56</sup>). The main goals of the transition to a circular economy are to reduce pressure on natural resources and create sustainable growth and jobs, while helping to achieve the EU's 2050 climate neutrality target and to halt biodiversity loss.

The new action plan announces initiatives along the entire life cycle of products. It targets how products are designed, promotes circular economy processes, encourages sustainable consumption, and aims to ensure that waste is prevented and the resources used are kept in the EU economy for as long as possible. According to a study by the OECD, a transition towards a more resource-efficient and circular economy during the period 2018-2040 would result in an overall reallocation of jobs limited to 18 million jobs in 2040, and marginal net job creation with 1.8 million jobs. Countries with large extraction sectors would face slightly more job destructions than job creations. Secondary metals and recyclable sectors would benefit from large increases in employment while job losses would be experienced in sectors heavily dependent on primary materials, such as construction and certain manufacturing

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<sup>54</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Closing the loop - An EU action plan for the Circular Economy*, Brussels, 2.12.2015 COM (2015) 614 final.

<sup>55</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: *A new Circular Economy Action Plan For a cleaner and more competitive Europe*, COM (2020) 98 final.

<sup>56</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: *The European Green Deal*, COM (2019) 640 final.

sectors, including production of machinery and electronic equipment<sup>(57)</sup>.

As the Circular Economy is relatively unexplored in terms of scientific research content<sup>(58)</sup>, critical perspectives are new in literature too. The EU-funded research project *JUST2CE – A Just Transition to Circular Economy* was recently launched. One of the first document delivered by the authors explores the issue of gender justice with respect to the Circular Economy. Among the key findings is that «the systematic ways of approaching production processes from a life cycle perspective, do not contemplate gender differences in the organization or at the consumer end, and much less a value transformation based in gender justice principles». According to the document, the promotion of gender justice was not taken into consideration as a goal for the Circular Economy, and the authors suggest a transformation of valuation mechanisms so that value is produced by both paid and unpaid work, with an orientation towards care work<sup>(59)</sup>.

## 5. Conclusion

The results of the literature stimulate interesting considerations both for further scientific research and for law and policy making.

On the one hand, crossing disciplinary boundaries and fostering interdisciplinary debate and exchange may bring to reconsider the abovementioned models to avoid the outlined backlashes of the socio-ecological transition with respect to gender inequality in the world of work. The emerging theories and practices for a *care economy* are remarkable in this sense.

On the other hand, law and policy making, informed by the scientific debate, could take a step further than the, though fundamental, *gender mainstreaming* and tackle the root causes of social inequalities, and their intersections.

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<sup>(57)</sup> J. CHATEAU, E. MAVROEIDI, *The jobs potential of a transition towards a resource efficient and circular economy*, OECD Environment Working Papers, 2020.

<sup>(58)</sup> J. KORHONEN, A. HONKASALO, J. SEPPÄLÄ, *op. cit.*

<sup>(59)</sup> B. MARTÍNEZ ÁLVAREZ, S. BARCA, *Gender Justice and Circular Economy*, JUST2CE, 2023, 1-24.

We should always recall that Gender equality is a core value of the EU, proclaimed in art. 23 of the Charter of fundamental rights of the European Union<sup>60</sup>: “*Equality between men and women must be ensured in all areas, including employment, work and pay*”.

The promotion of equality between women and men is a task for the Union, in all its activities, required by the Treaties. As stated in Article 8 of the Treaty on the Functioning of the European Union: “*In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women.*”

In the European Pillar of Social Rights, proclaimed in 2017<sup>61</sup>, equality between men and women is a fundamental principle stated in the Preamble, as well as a premise as far as concerns the access to the labor market: “*Equality of treatment and opportunities between women and men must be ensured and fostered in all areas, including regarding participation in the labour market, terms and conditions of employment and career progression*”.

The *Gender Equality Strategy 2020-2025*<sup>62</sup> states that gender equality should be considered an essential condition for an innovative, competitive and thriving European economy.

The Strategy underlines that the core challenges affecting the EU today – including the green and digital transitions and demographic change – all have a gender dimension. The inclusion of a gender perspective in all EU policies and processes is essential to reach the goal of gender equality.

Otherwise, the post-carbon future risks looking «a lot like the past, when livelihoods were secured, and environments were mediated through rigid divisions of labour along gender lines» (<sup>63</sup>).

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<sup>60</sup> *Charter of Fundamental Rights of the European Union*, OJ C 326, 26.10.2012, p. 391–407.

<sup>61</sup> *Interinstitutional Proclamation on the European Pillar of Social Rights*, OJ C 428, 13.12.2017, p. 10–15.

<sup>62</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions *A Union of Equality: Gender Equality Strategy 2020-2025*, COM (2020) 152 final.

(<sup>63</sup>) S. MACGREGOR, *Moving beyond impacts: More answers to the ‘gender and climate change’ question*, in S. BUCKINGHAM, V. LE MASSON (eds.), *Understanding climate change through gender relations*, Routledge, 2017, 15-30.

## Abstract

### Considerations around the theoretical discourse on gender and the environment in the ongoing socio-ecological transition

**Obiettivi:** Questo articolo sintetizza il processo e i risultati di una revisione della letteratura, volta a scoprire se e come l'attuazione di alcuni dei più rilevanti modelli economici per la transizione verso la sostenibilità – vale a dire, economia verde, economia circolare e decrescita – possa avere conseguenze negative in termini di disuguaglianza di genere nel mondo del lavoro. Si auspica che i risultati siano d'impulso a ulteriori riflessioni scientifiche e possano informare i processi decisionali ed il legislatore. **Metodologia:** È stata condotta una revisione della letteratura di tipo narrativo e generale sul tema della disuguaglianza di genere nel mondo del lavoro nella transizione socio-ecologica verso sistemi produttivi ed economici sostenibili. Le fonti hanno incluso: database elettronici, biblioteche accademiche, archivi di organizzazioni e istituzioni, atti di conferenze, network accademici esistenti e quello creato ai fini del progetto di ricerca ENTRUST. La ricerca ha restituito un corpus di letteratura scientifica estremamente eterogeneo. Una parte importante degli articoli analizzati rientra nel novero della letteratura grigia, come documenti e rapporti delle istituzioni internazionali che si dedicano alla materia trattata. **Risultati:** I risultati della revisione della letteratura sono considerevoli, poiché sono emerse prospettive critiche rispetto a tutti i modelli economici per la transizione socio-ecologica indagati. Sembra che, in misura diversa, l'implementazione di tutti e tre i modelli considerati, rispettivamente, avrebbe ripercussioni in termini di nuove o inasprite disuguaglianze di genere nel mondo del lavoro. **Limiti/implicazioni della ricerca:** La valutazione dell'accuratezza degli item individuati nella revisione della letteratura è stata impegnativa, data la grande eterogeneità disciplinare. Ripetere la ricerca con una più precisa dimensione spaziale fornirebbe probabilmente spunti più accurati e concreti. Ad ogni modo, i risultati della letteratura stimolano interessanti considerazioni sia per l'ulteriore approfondimento scientifico sia per l'elaborazione legislativa e politica. Da un lato, attraversare i confini disciplinari e promuovere il dibattito e lo scambio interdisciplinare possono portare a riconsiderare i modelli sopra menzionati per evitare le conseguenze negative in termini di disuguaglianza di genere nel mondo del lavoro della transizione socio-ecologica. D'altro canto, il processo legislativo e politico, informato dal dibattito scientifico, potrebbe fare un passo oltre al mainstreaming di genere, pur fondamentale, e affrontare le radici delle disuguaglianze sociali e loro intersezioni. **Originalità:** La ricerca ha messo a sistema in un unico ragionamento considerazioni appartenenti a diverse discipline, illustrando lo stato dell'arte e promuovendolo ulteriori riflessioni scientifiche sull'argomento.

**Parole chiave:** transizione socio-ecologica, giusta transizione, uguaglianza di genere, lavoro, lavoro di cura.

### **Considerations around the theoretical discourse on gender and the environment in the ongoing socio-ecological transition**

**Purpose:** This article synthesizes the process and outcomes of a literature review, aimed at finding out whether and how the implementation of some of the most prominent economic models for the sustainability transition – namely, the Green Economy, the Circular Economy, and Degrowth – may have backlashes in terms of gender inequality in the world of work. Outcomes will, hopefully, spur further scientific production and timely inform policymaking and lawmaking. **Methodology:** A narrative and general literature review was conducted on the topic of gender inequality in the world of work in the socio-ecological transition towards sustainable productive and economic systems. The sources included: electronic databases, academic libraries, archives of relevant organizations and institutions, conference proceedings, existing networks and the network created for the purposes of the ENTRUST research project. The search returned an extremely heterogeneous body of scientific literature. Grey literature constituted a relevant amount of the analyzed items, mainly including documents and reports of relevant international institutions. **Findings:** The results of the literature review are considerable, as critical perspectives emerged with regards to all the investigated economic models for the socio-ecological transition. It appears that, to a different extent, the implementation of all the three considered models, respectively, would have backlashes in terms of new or exacerbated gender inequality in the world of work. **Research limitations/implications:** The evaluation of the accuracy of the items found for the literature review was challenging, given the great disciplinary heterogeneity. Repeating the search with a more precise spatial dimension would likely give more accurate and concrete insights. However, the results of the literature stimulate interesting considerations both for further scientific research and for law and policy making. On the one hand, crossing disciplinary boundaries and fostering interdisciplinary debate and exchange may bring to reconsider the abovementioned models to avoid the outlined backlashes of the socio-ecological transition with respect to gender inequality in the world of work. On the other hand, law and policy making, informed by the scientific debate, could take a step further than the, though fundamental, gender mainstreaming and tackle the root causes of social inequalities, and their intersections. **Originality:** The research conducted bridges considerations from several different disciplines in a comprehensive reasoning, both illustrating the state of the art and promoting further scientific research on the topic.

**Keywords:** socio-ecological transition, just transition, gender equality, work, care work.

# Ecological transition through the lens of intersectionality: a critical review of European policies\*

Federica Piras\*\*

*Summary:* **1.** Introduction. – **2.** Intersectionality as an analytical tool in climate issues: theory, methodology and research questions. – **3.** The Communication on the European Green Deal: Who is the Just Transition for? – **4.** The Recommendation for a Fair Transition: Who is the Fair Transition for? – **5.** A brief analysis of Climate and Transport policies. – **6.** An insight into the Textile policies. – **7.** Conclusions.

## 1. Introduction

According to various scholars and international organisations, in Europe and globally, the impacts of climate change affect individuals and groups differently according to the interaction of social categories (such as gender, “race”, socio-economic status, nationality, sexual orientation, etc.) and as they are differently placed within the hierarchical system of power. In this regard, various studies and international organisations state that gender and intersectional environmental policy-making is the fundamental prerequisite for the development of socially transformative responses that can ensure climate justice through social justice. Therefore, European institutions should adopt gender and intersectional approach in their policy regarding ecological transition. Especially since gender equality and non-discrimination are fundamental values and rights of the European Union. Indeed, the Lisbon Treaty has declared it mandatory to integrate gender mainstreaming into European policy-

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making and the Gender Equality Strategy 2020-2025 suggests the adoption of the gender dimension and the intersectional approach in policy areas, including the environment. In the light of these premises, the purpose of this paper is to conduct a critical discursive analysis of European policies on ecological transition through the lens of intersectionality. Specifically, it consists in using intersectionality as a theoretical and methodological tool to investigate whether and how European policies on ecological transition consider the gender dimension and the interaction between multiple social categories. In particular, after giving a definition of intersectionality and highlighting the nexus between gender, intersectionality and environmental/climate issues, the European legal frameworks on gender mainstreaming and intersectionality will be briefly reviewed. Then, after clarifying the terms of the analysis, selected EU normative texts in the field of the ecological transition will be analysed, starting with the Communication on the European Green Deal and the Recommendation for a Fair Transition. Finally, a focus will be developed on policies introduced in specific areas, among which Climate and Transport and (more in details) the Textile sector.

## **2. Intersectionality as an analytical tool in climate issues: theory, methodology and research questions.**

As is well known, intersectionality <sup>(1)</sup> is a term first introduced by Kimberlé W. Crenshaw <sup>(2)</sup> in the legal academic field to describe the discrimination experienced by black women. Crenshaw explains that this discrimination has its own specificities due to the simultaneous interaction of several identity categories, namely gender and race. Moreover, the scholar used intersectionality to investigate the reasoning

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<sup>(1)</sup> It is necessary to point out that the concept behind the term intersectionality was originally conceived from below by black feminist women, therefore before Crenshaw and outside the academy (Cfr. B.G. BELLO, *Intersezionalità. Teorie e pratiche tra diritto e società*, FrancoAngeli, Milano, 2020).

<sup>(2)</sup> K.W. CRENSHAW, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, The University of Chicago Legal Forum, 1989, 140: 139-167.



and the «ideological process»<sup>(3)</sup> of the judges that led to the exclusion of black women from legal protection in many instances<sup>(4)</sup>. Her analysis was fundamental to understanding that the law failed to capture the «qualitatively different»<sup>(5)</sup> situation of discrimination experienced by black women because of the adoption of the mono-categorical approach and the logic of similarity/difference<sup>(6)</sup>. Therefore, Crenshaw has the merit of elaborating intersectionality as a heuristic and analytical device<sup>(7)</sup> through which to carry out critical analyses of social phenomena in academic research, especially the legal one<sup>(8)</sup>, and understand social inequality based on the interaction between various categories<sup>(9)</sup>. More specifically, Barbara Bello states that «intersectionality critically examines the particular, qualitatively different situation experienced by a person due to the simultaneous interaction between several identity categories (no longer separable), as compared to individuals who self-define or are marginalised with regard to only one of these categories. At the structural level, it examines how the interaction between structures reproduces this condition» (*personal translation*)<sup>(10)</sup>. Furthermore, there is no single intersectional methodology, but various scholars have developed empirical applications of intersectionality<sup>(11)</sup>. Moreover, the

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<sup>(3)</sup> K.W. CRENSHAW, *Post Scriptum* in H. LUTZ, M.T. HERRERA VIVAR, L. SUPIK (eds.), *Framing Intersectionality. Debate on a Multi-Faceted Concept in Gender Studies*, Farnham, Surrey: Ashgate, 2011, p. 228.

<sup>(4)</sup> In this regard, Crenshaw analyzes three law cases based on violations of Title VII of the Civil Rights Act of 1964 (cfr. K.W. CRENSHAW, *Demarginalizing the Intersection of Race and Sex*, cit.).

<sup>(5)</sup> K.W. CRENSHAW, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, *Stanford Law Review*, 1991, 43: 1241-1299, p. 1245.

<sup>(6)</sup> K.W. CRENSHAW, *Post Scriptum*, cit.

<sup>(7)</sup> P.H. COLLINS, S. BILGE, *Intersectionality*, Cambridge: Polity Press, 2016; S. CHO, K.W. CRENSHAW, L. MCCALL, *Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis*, *Signs. Journal of Women in Culture and Society*, 2013, 38, 4: 785-809.

<sup>(8)</sup> B.G. BELLO, *op. cit.*, p. 50.

<sup>(9)</sup> P.H. COLLINS, S. BILGE, *op. cit.*

<sup>(10)</sup> B.G. BELLO, *op. cit.*, p. 29.

<sup>(11)</sup> M.J. MATSUDA, *Beside my sister, facing the enemy: legal theory out of coalition*, *Stanford Law Review*, 1991, 43 (6), 1183-1192; L. MCCALL, *Complex inequality: gender, class, and race in the new economy*, New York: Routledge, 2001; G. WINKERAND, N. DEGELE, *Intersectionality as multi-level analysis: dealing with social inequality*, *European Journal of Women's Studies*, 2011, 18 (1), 51-66.

use of intersectionality has spread globally and the social categories and topics to be investigated have expanded <sup>(12)</sup>, including climate and environmental issues.

In this regard, various studies have applied the intersectional approach to gender to climate issues. According to various scholars, climate change, its environmental, social and economic consequences and the response to tackle them concerns everyone, but not everyone is impacted in the same way. In particular, as already stated, literature <sup>(13)</sup> affirms that climate change involves and affects individuals and groups differently according to the interaction of social categories (such as gender, “race”, socio-economic status, nationality, sexual orientation, etc.), the effects of the climate crises are gendered and exacerbate gender and intersectional inequalities. Therefore, facing climate challenges and providing a response to tackle them not only concern the reduction of climate and environmental impacts, but also the elimination of social inequalities produced by patriarchal and discriminatory structures. In this regard, literature affirms the need to base environmental/climate policy, including policies on ecological transition, on a robust gender and intersectional analysis in order to devise socially transformative responses that can ensure climate justice through social justice. This was also recently confirmed by the Gender Equality Index 2023: Towards a green transition in transport and energy <sup>(14)</sup> that shows the nexus between gender and intersectional inequalities and the green transition. In particular, these policies should challenge discriminatory structures not only to counter pre-existing social inequalities, but also to avoid creating

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<sup>(12)</sup> Leading scholars of intersectionality refer to “plural intersectionality” and to the possibility of the development of a “field of intersectionality studies” (Cfr. S. CHO, K.W. CRENSHAW & L. MCCALL, *op. cit.*).

<sup>(13)</sup> P. GODFREY, D. TORRES (eds), *Systemic crises of global climate change: Intersections of race, class and gender*, NY/UK: Routledge, 2016; A. KAIJSER, A. KRONSELL, *Climate Change through the Lens of Intersectionality*, *Environmental Politics*, 2014, 23(3), 417-433; C.S. MOOSA, N. TUANA, *Mapping a research agenda concerning gender and climate change: a review of the literature*, *Hypatia* 2014, 29(3), 677-694; N. OSBORNE, *Intersectionality and kyriarchy: A framework for approaching power and social justice in planning and climate change adaptation*, 2015, 14(2), 130-151; P.E. PERKINS, *Climate justice, gender, and intersectionality*, in T. JAFRY (ed.), *Routledge Handbook of Climate Justice*, London/New York: Routledge/Earthscan, 2018, 349-358.

<sup>(14)</sup> [Gender Equality Index 2023: Towards a green transition in transport and energy | European Institute for Gender Equality \(europa.eu\)](#)

new ones. Otherwise, literature warns that policies on ecological transition risk perpetuating and even exacerbating the already deeply rooted gender and intersectional inequities.

Consequently, European institutions should make gender and intersectional dimension a key item on their political agenda regarding the ecological transition, especially since gender equality and non-discrimination are fundamental values and rights of the European Union. However, in general the literature shows that the attempts to integrate gender and intersectionality into European policies are insufficient<sup>(15)</sup>. The Lisbon Treaty has declared mandatory to integrate gender mainstreaming<sup>(16)</sup> into European policy-making to promote gender equality, but since it was constructed in a binary manner, it does not take into account other gender dimensions. The Gender Equality Strategy 2020-2025<sup>(17)</sup> underlines the need to integrate the gender dimension and to use an intersectional approach in policy areas where it has so far been lacking, among which it mentions the environment, but, in reality, it adopts an additive approach and suggests vague and abstract actions. The LGBTIQ Equality Strategy 2020-2025<sup>(18)</sup> emphasizes the need to integrate an LGBTIQ equality perspective into all EU policies, but does not mention environmental policies and does not recommend an intersectional approach. Moreover, we know from literature<sup>(19)</sup> and institutional reports<sup>(20)</sup> that gender mainstreaming has been poorly adopted in environmental policy and in any case not uniformly.

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<sup>(15)</sup> A. STOCK, R. HEFFERNAN, *The theory behind the analysis: an explanation of our understanding of non-binary intersectional ecofeminism*, in P. HEIDEGGER ET AL. (eds.), *Why the European Green Deal needs ecofeminism. Moving from gender-blind to gender-transformative environmental policies*, EEB and WECF, 2021, 16-22.

<sup>(16)</sup> According to the European Commission, mainstreaming involves “mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situations of men and women (the gender perspective)” (CEC 1996).

<sup>(17)</sup> <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A52020DC0152>

<sup>(18)</sup> <https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:52020IR5861&from=EN>

<sup>(19)</sup> L. AGUILAR REVELO, C. TAN, J. OCAMPO, *Gender considerations in the IPCC Sixth assessment report (AR6)*, IPCC, May 2023; S. ARORA-JONSSON, *Gender and Environmental Policy*, in S. MACGREGOR (ed.), *Routledge Handbook of Gender and Environment*, Oxon: Routledge, 2017, 292 ss..

<sup>(20)</sup> EIGE, *Gender Equality Index 2023. Towards a green transition in transport and energy*, Publications Office of the European Union, 2023; R. HEFFERNAN ET AL. (eds.),

In the light of these considerations, the aim of this contribution is to conduct a critical analysis of European policies on ecological transition through the lens of intersectionality. In particular, intersectionality will be used as a theoretical and methodological tool to analyse the political discourse/reasoning behind European policies on ecological transition with the aim to investigate whether and how they consider the gender dimension and the interaction between multiple social categories. The textual analysis of the discourse/reasoning behind the policies is crucial to an in-depth understanding of whether an intersectional approach is actually adopted. According to Bello, «it is necessary, from case to case, to go beyond the literal datum and investigate *the underlying concepts*» (*personal translation*)<sup>(21)</sup> in order to understand whether, for example, the term “intersectionality”/ “intersectional” is not used because there is no will to adopt it, or whether this term is used in a different meaning than the one intended in the literature or whether different expressions are used to express the concept of intersectionality<sup>(22)</sup>.

With regard to the research question, the research took inspiration from the methodological questions developed by Mari Matsuda, specifically, the suggestion to ask “Who is not in this room and why are they not here?”<sup>(23)</sup>. Therefore, Matsuda’s question can be reformulated in order to conduct the analysis of European policies on ecological transition by asking the question: “Who is (and is not) the ecological transition for?”, that implies also asking “Who benefits (or does not benefit) from these policies?”. Obviously, it must be pointed out that the research questions will be adapted according to the object of the analysis. Therefore, for example, in the analysis of the Communication on the European Green Deal the research questions will be “Who is (and is not) the just transition for?” and “Who benefits (or does not benefit) from it?”; in the analysis of the Recommendation for a Fair Transition the research questions will be “Who is (and is not) the fair transition for?” and “Who benefits (or does not benefit) from it?” and so on. As previously stated, the analysis

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*A Feminist European Green Deal Towards an Ecological and Gender Just Transition*, EEB and WECF, 2021; P. HEIDEGGER ET AL. (eds.), *op. cit.*

<sup>(21)</sup> B.G. BELLO, *op. cit.*, p. 84.

<sup>(22)</sup> T. MAKKONEN, *Multiple, Compound and Intersectional Discrimination: Bringing the Experiences of the Most Marginalized to the Fore*, Turku, Finland: Abo Akademi University, 2002.

<sup>(23)</sup> M.J. MATSUDA, *Pragmatism Modified and the False Consciousness Problem*, Southern California Law Review, 1990, 63: 1763-1782, p. 1765.

will only concern a small part of the European policies/normative production on the topic and will focus on policies on specific topics chosen as they concern areas particularly crucial for the green transition.

### 3. The Communication on the European Green Deal: Who is the Just Transition for?

The Communication from the Commission to the European Parliament, The European Council, the Council, The European Economic and Social Committee and the Committee of the Regions *The European Green Deal COM(2019) 640 final* <sup>(24)</sup> is a strategy presented as a response to climate and environmental-related challenges that aims to transition to a sustainable Europe's economy and society where there are no net emissions of greenhouse gases in 2050 in order to implement the Sustainable Development Goals and fulfil the commitments of the Paris Agreement. In § 2.2. of the document entitled «Mainstreaming sustainability in all EU policies» the first point developed by the European Green Deal (beside «pursuing green finance and investment») is «ensuring degradation a just transition». In this regard, the communication states that «the transition can only succeed if it is conducted in a *fair and inclusive way*» and state that «*the most vulnerable are the most exposed* to the harmful effects of climate change and environmental. At the same time, managing the transition will lead to significant structural changes in business models, skill requirements and relative prices. *Citizens, depending on their social and geographic circumstances, will be affected in different ways. Not all Member States, regions and cities start the transition from the same point or have the same capacity to respond*» (p. 16). To achieve a “just transition”, the Commission propose a specific policy: «a *Just Transition Mechanism*, including a *Just Transition Fund*, to leave no one behind [...] (it) will focus on the regions and sectors that are most affected by the transition because they depend on fossil fuels or carbon-intensive processes» (p. 16).

From reading the text, it is easy to answer the research questions “Who is (and is not) the just transition for?” and “Who benefits (or does not

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<sup>(24)</sup> <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=COM%3A2019%3A640%3AFIN>

benefit) from it?”. In fact, it is evident that the communication does not mention the intersectional nor gender the dimensions. Indeed, the Just Transition Mechanism and the Just Transition Fund economically support only those economic sectors that are dependent on fossil fuels or carbon-intensive processes. In this way, the focus is exclusively on a male-dominated economic sector, which is likely to exclude women from the new job opportunities created by the transition, reinforcing gender segregation in the renewable energy sectors.

Therefore, the use of neutral terms such as “the most vulnerable”, “citizens”, “no one”, which seem to assume a character of universality, are actually blind to gender and other social categories and then the text explicitly reveals that they refer only to a few specifically connoted subjects (male ones). Moreover, the concept of “just transition”, which was declaimed as inclusive, protective of those who are most vulnerable in the ecological transition, even had to leave no one behind, is in reality very narrow and includes only certain subjectivities (male ones) and completely ignores individuals whose experiences are gendered and intersectional. In conclusion, it is possible to confirm the criticism highlighted by several scholars who have describe the EGD as gender-blind and based on an androcentric perspective <sup>(25)</sup>. However, it must be underlined that, after the adoption of the Gender Equality Strategy, the European Commission instituted the Equality Task Force within the Secretariat General to mainstream equality issues into all policy areas. This has to be taken into account later when analysing climate and transport policies.

#### **4. The Recommendation for a Fair Transition: Who is the Fair Transition for?**

Subsequently, the European Commission adopts the Council Recommendation of 16 June 2022 on *Ensuring a fair transition towards climate neutrality (2022/C 243/04)* <sup>(26)</sup> which, in line with the principles and objectives of the European Green Deal, provides a series of policy packages addressing the employment and social aspects to promote a fair

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<sup>(25)</sup> Cfr. R. HEFFERNAN ET AL., *op. cit.*; P. HEIDEGGER ET AL. (eds.), *op. cit.*

<sup>(26)</sup> [https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX:32022H0627\(04\)](https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX:32022H0627(04))

transition across all policies and invites Member States to adopt and implement these measures.

First of all, in the preliminary considerations, the Recommendation refers to the concepts of “just transition” and “green transition” and highlights the social and gender dimension of these concepts. In particular, in point 6, it mentions the United Nation’s Sustainable Development Goals and the Paris Agreement «which refer to the imperatives of a *just transition* of the workforce and the creation of decent work and quality jobs, as well as the need for adaptation and *capacity-building to be gender responsive*». This point is further developed in point 11, which states that «the green transition can contribute to raising incomes and *reducing inequalities and poverty overall*. It can thus *help tackle pre-existing socio-economic inequalities and social exclusion*, improving health and well-being, and *promoting equality, including gender equality*». The recommendation not only deepens the gender dimension of the green transition, but extends its social dimension to other social groups. In fact, the point 12 affirms that the circular value retention activities «also generate jobs and opportunities at various skill levels, *including for women, persons with disabilities and groups in vulnerable situations, through social economy entities active in those areas*». Moreover, the point 13, referring to energy poverty and transport poverty, states that «households with above-average energy needs, which include families with children, including *those headed by single parents, persons with disabilities, and older persons*, are also more susceptible to energy poverty and to its effects. *Women, and in particular those who are single parents and older women, are also particularly affected by energy poverty*. In addition to energy poverty, the concept of *transport poverty* is increasingly recognised where *certain categories of population are unable to attain a socially and materially necessitated level of transport services*».

Then, the Recommendation introduces the key concept of fair transition, stating in point 3 that «*the need for a fair transition* is an integral part of the European Green Deal, which underlined that *no person and no place should be left behind*». In point 17, the recommendation explains what it intends by “fair transition” and identifies its main target groups: «*a fair transition towards climate neutrality in the Union by 2050 will ensure that no one is left behind, in particular workers and households most affected by the green transition, and notably those already in vulnerable situations*». In this regard, it is appropriate to anticipate the definitions

of these two groups of subjects offered in the section of the recommendation following the preliminary considerations as frequent reference is made to these. In point 3(c) we read that *«people and households most affected by the green transition means those whose effective access to quality employment, including self-employment, and/or to education and training and/or to a decent standard of living and essential services is significantly limited or at risk of being significantly limited as a direct or indirect consequence of the green transition»*. Moreover, the point 3(d) states that *«people and households in vulnerable situations means those who, independently of the green transition, face or are at risk of facing a situation of limited access to quality employment, including self-employment, and/or to education and training and/or to a decent standard of living and essential services, implying low capacities to adapt to the consequences of the green transition»*. Returning to point 17, the latter continues by describing how policy packages, which Member States are invited to adopt, should relate to social inequalities: *«the policy packages should consider the people and households that are most affected by the green transition, notably by job losses but also by changing working conditions and/or new task requirements on the job, as well as those subject to adverse impacts on disposable incomes, expenditure, and access to essential services. As part of the most affected groups, policy packages should, in particular, but not only, consider people and households in vulnerable situations, notably people furthest away from the labour market, for instance due to their skills, territorial labour market conditions, or other characteristics, such as sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Moreover, people and households in vulnerable situations may include those living in or at risk of poverty and/or energy poverty, facing barriers to mobility, or an overburden of housing costs, including households headed by single parents, which are more often women than men. Policy packages should be adapted to local circumstances, taking into account the needs of the most vulnerable and remote parts of the Union, including the outermost regions and islands»*. The Recommendation then identifies specific policy areas in which gender and other social dimensions are relevant and indicates the goals that policy packages should focus on. With regard only to gender, the point 19 of the recommendation concerns the access to quality and inclusive education and sets out that *«vocational education and training should equip young people and adults, with a particular focus on women*



*and low-skilled workers, with the skills needed to master the green transition»* Moreover, the point 25 affirms that *«appropriate granular and high quality, sex-disaggregated data and indicators are needed in particular to assess the employment, social and distributional impacts of climate change policies»* and the point 29 states that *«the Commission is working to enhance data availability, disaggregated by sex»* to monitor the implementation of this Recommendation. With regard only to the most vulnerable to the green transition and the minor age, the point 20 concerns the tax-benefit systems and the social protection systems and affirms that *«a combination of various policies can support the most vulnerable households and workers most affected by the green transition [...] to prevent and combat social exclusion of children, investments in social infrastructure for children aim to ensure access to key services for children in need»*. With regard to several social dimensions, the point 18 concerns the support to quality employment and affirms that *«under-represented people such as women, low-skilled workers, persons with disabilities, older people or people with comparatively low capacities to adapt to changes in the labour market require support to improve their employability and for finding employment [...] policy packages should thus include tailored measures to support hiring and transition incentives, support for entrepreneurship, in particular for women or persons with disabilities»*; the point 22 of the recommendation states that *«everyone has the right to access essential services of good quality, including energy, transport, water, sanitation, financial services and digital communications, and support for equal access to such services should be made available to those in need. Furthermore, access to social housing or housing assistance of good quality should be provided for those in need. In addition, low and medium income households, vulnerable customers, including final users, people facing or risking energy poverty and people living in social housing, can benefit from the application of the ‘energy efficiency first principle’ [...] specific attention should be paid to women and particular groups which are more at risk of being affected by energy poverty, such as persons with disabilities, single parents, elderly people, children, and persons with a minority racial or ethnic background. Pre-existing and emerging mobility challenges can be tackled through support measures and the development of the necessary infrastructure, such as public transport. The affordability, accessibility and safety of sustainable mobility and different modes of transport, including private and public transport, are*

*key to ensuring everyone benefits from and is part of the green transition».*

After the preliminary considerations and the definitions, the recommendation sets out the «Policy Packages For A Fair Green Transition» that the Member States are encouraged to adopt in support of people most affected by the green transition, notably those in vulnerable situations. On the one hand, for some policy packages there is a generic reference to persons from the under-represented and disadvantaged groups or, indeed, most affected by the green transition or people in vulnerable situations. This is the case with point 6 about ensuring the continued fairness of tax and benefit systems, including social inclusion policies, and point 7 about ensuring access to essential services and affordable housing. On the other hand, in other policy packages the gender and disability dimensions are also explicitly mentioned in addition to generic references. In particular, the point 4(a) provides measures to support access to and preservation of quality employment towards *«in particular persons from the under-represented groups and people in vulnerable situations, for continued participation in the labour market»* and the point 4(b) suggests *«paying special attention to women’s entrepreneurship»* and that *«support should be inclusive and accessible to under-represented and disadvantaged groups»*. Moreover, the recommendation, at point 5, sets out measures *«to ensure equal access to quality, affordable and inclusive education, training and life-long learning as well as equal opportunities, also with a view to strengthening gender equality [...] in particular in support of people and households most affected by the green transition, notably those in vulnerable situations»*. In particular, the point 5(c) provides *«specific actions to attract persons with disabilities, women, low-skilled people and other groups currently under-represented in the occupational areas concerned and to promote their careers»*.

Furthermore, the recommendation describes «Cross-Cutting Elements For Policy Actions Supporting A Fair Green Transition». The point 8(d) invited member states to *«empower and enable people, especially women, as well as civil society and stakeholders, including organisations representing people in vulnerable situations, including persons with disabilities, youth and children calling for urgent climate action, and social economy actors including through the ‘European Climate Pact’, with a view to their participation in decision-making, policy design and implementation, also by making use of new participatory models*

*involving people in vulnerable situations*». In addition, the point 9 invites the member states to «include also evaluation and data collection strategies, notably as concerns skills, tasks and jobs contributing to the green transition, *using sex-disaggregated data* in the preparation and design of relevant policy measures and legislative initiatives».

Finally, in the last section of the recommendation entitled «Future Actions For A Fair Green Transition», the point 11(d) states that the Council welcomes the Commission's intention to «update methodological guidance for assessing employment, social and distributional impacts of fair transition and climate and energy policies, *including with a gender perspective* and in the context of the European Semester, as appropriate».

In the light of the textual analysis, it emerges that the Recommendation for a Fair Transition attaches importance to the social dimension and, in particular, to the gender dimension and other identity factors. The first impression is that the European Commission wants to fill the gaps left by the European Green Deal in terms of gender dimension, expanding its original beneficiaries. In the preliminary considerations, the Recommendation considers the European Green Deal's concept of just/green transition and introduces the nexus with the social and gender dimension, emphasizing its possible contribution to reducing pre-existing socio-economic inequalities and social exclusion in general and gender exclusion specifically (points 6 and 11 of the preliminary considerations). Secondly, the recommendation introduces the nexus between green transition and other social categories beside gender, such as disability, age, minority racial or ethnic background and so on.

Then the Recommendation deepens the key concept of “fair transition”, which it declares to be an integral part of the European Green Deal and functional in leaving no person and no place behind (point 3 of the preliminary considerations). At this point, it is appropriate to ask “Who is (and is not) the fair transition for?” and “Who benefits (or does not benefit) from it?”. The Recommendation specifies that the fair transition refers mainly to two groups of workers/people and households targeted by the policy packages: “those most affected by the green transition” and “those already in vulnerable situations” (point 17 of the preliminary considerations). Moreover, in some cases, the Recommendation make a generic reference to “persons from the under-represented and disadvantaged groups or most affected by the green transition or people in vulnerable situations”, thus neutral expressions without specifying

gender or other dimensions. This is the case, for example, of tax and benefit systems, including social inclusion policies (point 6 of the policy packages) and access to essential services and affordable housing (point 7 of the policy packages). All these expressions, and also the definitions of the groups of subjects (“those most affected by the green transition” and “those already in vulnerable situations”), are neutral, generic and do not mention the specific characteristics of these subjects, thus there is no reference to gender and other social dimensions (point 3(c) e 3(d) of the definitions). However, these aspects are made explicit in several parts of the recommendation.

In fact, the Recommendation states that in general, among persons and households in a vulnerable situation, policy packages should give specific attention to: persons furthest removed from the labour market due to characteristics such as gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation and persons/households living in poverty and/or energy poverty or at risk of poverty, facing obstacles to mobility or an overburdening of housing costs, including households headed by single parents, who are more often women than men. Furthermore, the Recommendation states that policy packages should consider the needs of the most vulnerable and remote parts of the Union, including the outermost regions and islands (point 17 of the preliminary considerations). Therefore, although the neutral expressions used, it is possible to say that the Recommendation indicates the people it considers vulnerable, what it means by vulnerable situations and that the concept of vulnerability adopted includes gender/sex, racial or ethnic origin, disability, age (minor and elderly), sexual orientation, religion or belief and social status. This is a good step forward from the mono-categorical approach since there is a list of different social categories and it is recognised that the presence of these categories can lead to situations of vulnerability. The way the list is developed suggests that a person could be vulnerabilised on the basis of separate factors in different situations and this is also evident from the use of the conjunction ‘or’ between one category and another. Therefore, there is no evidence at this point to suggest that the choice was to adopt an intersectional approach, rather it seems that the choice was to adopt an additive or multiple approach to vulnerabilisation according to social categories.

Moreover, in some parts of the Recommendation, the choice to make these categories or social groups explicit concerns specific contexts. With regard to gender, the preliminary choice to state the nexus between

green transition and gender in general is often accompanied by the choice to make this nexus explicit in specific contexts. Specifically, there are explicit references *only* to gender regarding access to quality and inclusive education (point 19 of the preliminary considerations), the need to have sex-disaggregated data and indicators (points 25 and 29 of the preliminary considerations), entrepreneurship (point 4(b) of the policy packages), affordable and inclusive education, training and life-long learning and equal opportunities (point 5 of the policy packages), the use of sex-disaggregated data (point 9 of the policy packages) and methodological guidance for assessing employment, social and distributional impacts of fair transition and climate and energy policies (point 11(d) of the future actions). Therefore, the analysis shows that in some areas the recommendation adopts a monocategorical approach limited only to gender.

With regard to other categories, there are explicit references to other social groups (beside women) in these specific areas: circular value retention activities (point 12 of the preliminary considerations), energy poverty (points 13 and 22 of the preliminary considerations), support for quality employment (point 18 of the preliminary considerations) and occupations and careers (point 5(c) of the policy packages). However, the impression is that the recommendation considers these as distinctly separate groups and therefore does not contemplate a possible intersection of social categories.

Moreover, critical points emerge from the choice of mentioning only some categories and not others in some areas or not mentioning them at all in other areas. For example, it is very singular that in the description of access to transport no reference is made to gender or other social categories (point 22 of the preliminary considerations). It is also peculiar that the only reference to minority racial or ethnic background is made in the area of energy poverty (point 22 of the preliminary considerations), but in no other areas (with the exception of point 17, which is generic). Furthermore, it is very peculiar that the topic of empowerment when it refers to social groups only explicitly mentions women, while when it refers to civil society and stakeholders it includes organisations that also represent persons with disabilities, youth and children calling for urgent climate action (point 8(d) of the cross-cutting elements for policy actions).

In addition, it is important to point out that in some cases, the recommendation refers to specific categories of women. First of all, with

regard to energy poverty, the recommendation mentions groups of women made more vulnerable by a greater complexity compared to those experiencing mono-categorical experiences. In this regard, the Recommendation, besides referring to women, also specifies a possible diversity within this macro-category: women who are single parents and older women, with the aim of highlighting their greater exposure to energy poverty (point 13 of the preliminary considerations). Moreover, the reference to “women who are single parents” is also made when the recommendation explains who are “people and households in vulnerable situations” specifying that this category also includes households headed by single parents, which are more often women than men (point 17 of the preliminary considerations). Therefore, even though there is no explicit use of the term intersectionality, in these cases it is possible to find clear references to specific categories of women, and thus some timid attempt to intersectional situations.

In conclusion, the Recommendation for a Fair Transition, moving from the just transition paradigm to the fair transition paradigm, makes an important shift that involves a greater focus on equity and social inequalities. For this reason it is possible to answer to the question “who is the just transition for?” that there is a broadening of the beneficiaries of the transition. In fact, compared to the European Green Deal, there are many references to both gender and other social categories such as race, disability, age (minor and elderly), sexual orientation, religion or belief and social status. Moreover, in general, the Recommendation often uses non-neutral terms, which shows a concern for the diversity of situations in terms of gender, age, ability, “race”. These are certainly appreciable operations that denote a greater awareness of social inequalities and a qualitative leap in the treatment of the topic. The latter is also due to the regulatory developments that have taken place in the meantime, which show a greater attention to this issue (which the recommendation recalls in the preliminary considerations). However, although the gender dimension has been integrated together with other social dimensions, an analysis of the text reveals a rather superficial and fragmentary treatment of these issues and that there are critical points that denote an incomplete awareness of the gender and intersectional dimensions. In fact, these latter are generally mentioned and not explored in depth, thus we are still far from the robust analyses that many reports consider necessary. Moreover, sometimes a mono-categorical approach is adopted and at other times only certain categories are mentioned (in addition to gender)

and others are excluded. Still other times there is an appreciable specific focus on individuals whose experience of social injustice is characterized by the presence of several categories, which we might qualify as references to “intersectional situations”, but this is still not enough to qualify as a conscious and mature intersectional approach.

## 5. A brief analysis of Climate and Transport policies

As already stated, the European Commission also adopted specific policies and set up the Equality Task Force with the aim of mainstreaming the gender and intersectional dimension in all policy areas. In this regard, I will focus two examples on the crucial areas of Climate and Transport before concentrating on the Textile area.

In the area of Climate <sup>(27)</sup>, the main actions taken by Europe are the European Climate Law, the EU Climate Adaptation Strategy and the Climate Social Fund. The Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’) <sup>(28)</sup> writes into law the Europe’s goal of becoming climate neutral by 2050, sets the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030 and aims to ensure that all EU policies and all sectors of the economy and society contribute to this goal. However, the European Climate Law mentions gender only in the context of public participation <sup>(29)</sup> and the composition of the European Scientific Advisory Committee on Climate Change <sup>(30)</sup> and does not name any other social categories/groups (besides gender/women). The

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<sup>(27)</sup> [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/climate-action-and-green-deal\\_it](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/climate-action-and-green-deal_it)

<sup>(28)</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R1119>

<sup>(29)</sup> Art. 9, co. 2: «the Commission shall use all appropriate instruments, including the European Climate Pact, to engage citizens, social partners and stakeholders, and foster dialogue and the diffusion of science-based information about climate change and *its social and gender equality aspects*».

<sup>(30)</sup> Art. 12 contains Amendments to Regulation (EC) No 401/2009, specifically to the art. 10a, co. 3: «in its selection of the members of the Advisory Board, the Management Board shall seek to ensure a varied disciplinary and sectoral expertise, as well as *gender and geographical balance*».

Communication from the Commission to the European Parliament, The European Council, the Council, The European Economic and Social Committee and the Committee of the Regions *Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021) 82 final* <sup>(31)</sup> aims to make Europe's adaptation to the impacts of climate change smarter, swifter and more systemic and to increase international action on this topic. This Strategy, in § 2.2.2. entitled «Fostering local, individual, and just resilience» recognizes that «*the impacts of climate change are not neutral. Men and women, older people, persons with disabilities, displaced persons, or socially marginalized have different adaptive capabilities. Adaptation measures need to consider their situation*» (p. 9) and in § 3. entitled «Stepping Up International Action For Climate Resilience» refers to the EU Gender Equality Strategy and Disability Rights Strategy (footnote 71, p. 18). The REGULATION (EU) 2023/955 of the European parliament and of the Council of 10 May 2023 establishing a Climate Social Fund and amending Regulation (EU) 2021/1060 <sup>(32)</sup> dedicate over 86 billion euros to support the most vulnerable citizens and small businesses with the green transition. In the point (24) we read that «*women are disproportionately affected by energy poverty and transportation poverty, particularly single mothers, who account for 85% of single-parent families, as well as single women, women with disabilities, and older women living alone. In addition, women exhibit different and more complex mobility patterns. Single-parent families with dependent children have a particularly high risk of child poverty. The goals of gender equality and equal opportunities for all-and their integration-as well as the accessibility rights of people with disabilities should be supported and promoted throughout the preparation and implementation of plans to ensure that no one is left behind*».

In the context of this section, it is necessary to adapt the research questions to the areas of analysis, and thus obviously the questions to be answered are: “Who are (and are not) climate policies for?” and “Who benefits (or does not benefit) from them?”. The discourse analysis shows that, within climate policies, the gender and other social dimension are practically inexistent and the few references about them are superficial and inefficient, with the exception of the Climate Social Fund. Moreover,

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<sup>(31)</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:82:FIN>

<sup>(32)</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R0955>



in no case the root causes of social and gender inequalities are addressed. An appreciable point is that the new EU Strategy on Adaptation to Climate Change states that the adaptation measures need to consider that the impacts of climate change are different for men, women, older people, persons with disabilities, but it is an incomplete list of social groups (e.g. racialised people are missing), which reveals an additive approach, that is not followed by any specific analysis or actions. Instead, the Climate Social Fund takes a step towards a less essentialist conception of women as a social group and mention “intersectional situations” because it affirms that single mothers, single women, women with disabilities and older women living alone are particularly disproportionately affected by energy/transportation poverty. However, this effort is still too limited and insufficient to claim that an intersectional approach has been adopted in climate policy.

In the area of Transport <sup>(33)</sup>, the main actions taken by Europe are the Sustainable and Smart Mobility Strategy and the Commission Staff Working Document Accompanying the Strategy. The Communication from the Commission to the European Parliament, The European Council, the Council, The European Economic and Social Committee and the Committee of the Regions *Sustainable and Smart Mobility Strategy – putting European transport on track for the future COM(2020) 789 final* <sup>(34)</sup> provides the general direction for future EU transport policies through an action plan of 82 initiatives in 10 key areas (the so-called “flagships”) and aims to make Europe’s transport system sustainable, intelligent and resilient to contribute to the goal of reducing emissions by 2050. The Sustainable and Smart Mobility Strategy deals with the issue of gender and disability. With regard to gender, in the Flagship 9 – Making mobility Fair and Just for all, at point 97, the Strategy states that «the Commission will duly *apply equality mainstreaming to its transport related policy initiatives* and continue to support stakeholder cooperation and exchange of good practices on the “*More Women in Transport – Platform for Change*”, to increase the number of women in transport professions. It will also raise awareness on equality issues by setting up and supporting a *network of Diversity Ambassadors*. Any future proposal for transport will be compliant with

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<sup>(33)</sup> [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/transport-and-green-deal\\_it](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/transport-and-green-deal_it)

<sup>(34)</sup> <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A52020DC0789>

*the Commission's Gender Equality Strategy and Disability Strategy»* (p. 21). Indeed, the Strategy includes the Declaration on Equal Opportunities for Women and Men <sup>(35)</sup> to push companies to improve gender balance and the Sustainable Urban Mobility Plan (SUMP) 2020 topic guide – «Addressing gender equity and vulnerable groups in SUMP» <sup>(36)</sup> to integrate gender issues into policy initiatives. With regard to disability, the Strategy in § 1, entitled «Our vision», at point 8 states that: *«this evolution should leave nobody behind: it is crucial that mobility is available and affordable for all, that rural and remote regions are better connected, accessible for persons with reduced mobility and persons with disabilities»* (p. 2). Moreover, in Flagship 9 – Making mobility Fair and Just for all, at point 88, the Strategy states that *«whereas the single market in transport has increased connectivity, mobility remains expensive for people with low disposable income, and not sufficiently accessible for people with disabilities or reduced mobility, and those with low IT-literacy»* and at point 89 that: *«the Commission will therefore ensure that possibilities under the just transition mechanism are fully explored to make this new mobility affordable and accessible in all regions and for all passengers including those with disabilities and reduced mobility»* (p. 20).

Finally, the Commission Staff Working Document Accompanying the document Communication from the Commission to the European Parliament, The European Council, the Council, The European Economic and Social Committee and the Committee of the Regions *Sustainable and Smart Mobility Strategy – putting European transport on track for the future SWD(2020) 331 final* <sup>(37)</sup>, in § 4.3.4 entitled «Social aspects», at point 853, states that *«yet, important barriers that can make it difficult for people to access these services include income, age, gender, disability or reduced mobility and territorial inequalities/spatial segregation»*. In fact, also this document deals with the issue of gender and disability. With regard to gender, it describes the Women in Transport – EU Platform for change <sup>(38)</sup>, the Declaration on

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<sup>(35)</sup> [https://transport.ec.europa.eu/system/files/2018-08/2017-declaration-equal\\_opportunities\\_en.pdf](https://transport.ec.europa.eu/system/files/2018-08/2017-declaration-equal_opportunities_en.pdf)

<sup>(36)</sup> [https://www.eltis.org/sites/default/files/sump\\_topic-guide\\_gender-equity\\_vulnerable-groups\\_final.pdf](https://www.eltis.org/sites/default/files/sump_topic-guide_gender-equity_vulnerable-groups_final.pdf)

<sup>(37)</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52020SC0331>

<sup>(38)</sup> In § 3.5, entitled «Social issues», at point 247, entitled «Women in transport»: «with the setting-up of the 'Women in Transport – EU Platform for change' in 2017, first

equal opportunities for women and men in the transport sector <sup>(39)</sup> and mentions gender in the context of the telework <sup>(40)</sup> and the automated driving technologies <sup>(41)</sup>. With regard to disability, the Staff Working Document dedicates in § 3.5 entitled «Social issues», two points to «Persons with disabilities and reduced mobility». At point 248, it states that «The EU and all Member States are parties to the *UN Convention on the Rights of Persons with Disabilities*. According to the Convention, States parties shall take *appropriate measures to ensure access to persons with disabilities, on an equal basis with others to transportation*. These measures include *the identification and elimination of obstacles and barriers to accessibility inter alia in buildings, road and transportation*. Appropriate measures to be adopted also concern *services open or provided to the public*. Moreover States parties are to take appropriate measures inter alia to *develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility* [...] State Parties shall take effective measures to *ensure personal mobility with the greatest possible independence for persons with disabilities*, including by facilitating the personal mobility of

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steps were taken to *address the sector's gender gap and lack of attractiveness*. Meanwhile, all important EU associations covering all transport modes, including social partners, have joined this action-oriented platform that aims *at increasing the number of women employed in the sector by putting forward and exchanging good practices*» (p. 62).

<sup>(39)</sup> In the same point: «another tool is the *Declaration on equal opportunities for women and men in the transport sector*. In 2019 the Commission published a list of measures that companies can take to improve their gender balance (based on real case studies) and powerful messages on *what a gender policy can bring about for companies*. In rail for example, social partners are negotiating an agreement to *promote the employment of women in the railway sector*» (p. 62).

<sup>(40)</sup> In § 2.3.3, entitled «New technologies, changing consumer behaviour and working conditions», point 81: «if past trends are a guide, the uneven ability to scale up telework could result in *widening inequalities across countries, firms, genders and workers*, e.g. if there is uneven access to broadband, barriers for *persons with disabilities* or IT illiteracy to telework or use other ICT based applications» (p. 27).

<sup>(41)</sup> In § 4.3.4.2, entitled «Skills and attractiveness of transport jobs», at point 889: «for long distance road transport, the establishment of a comprehensive network of safe and secure parking will contribute to *better working conditions and allow easier access to the profession for female drivers*. The emerging highly automated driving technologies may help to address the issue of *shortage and gender imbalance of drivers in the road sector*. Driverless lorries in long-distance operations and remotely controlled vehicles may attract newcomers, including women, with the right skillsets required to operate or monitor such highly automated vehicles» (p. 204).

persons with disabilities in the manner and at the time of their choice, and at affordable cost» (p. 62). Moreover, at point 249 the document states that «attention is being paid to *accessibility of transport for persons with disabilities in the European Accessibility Act*, complementing existing passenger rights legislation. *Accessibility is a key component of social sustainability contributing to usability and durability*» (pp. 62-63).

Also in this section, it is necessary to adapt the research questions to the areas of analysis, thus the questions to be answered are: “Who are (and are not) transport policies for?” and “Who benefits (or does not benefit) from them?”. In conclusion, in the area of Transport, textual analysis shows that, both in the Sustainable and Smart Mobility Strategy and the Commission Staff Working Document accompanying the Strategy, the gender dimension has been developed more, although is still too limited to have a transformative social efficacy. In fact, although the Strategy states that equality mainstreaming needs to be applied to transport policy initiatives, the gender measures only concern women as workers and not as users of the transport service. It is certainly crucial to promote women’s employment since it is still a predominantly male-dominated sector, but also the aspect of women’s safety at work must be addressed and in any case this cannot be the only focus of policies. The decision to ignore the situation of women as users of public transport leads to a perpetuation of the existing inequalities inherent to women’s accessibility of these services, limited by the provision of timetables that are not tailored to their needs and the risk of harassment and sexual violence. Moreover, it is appreciable that, both in the Sustainable and Smart Mobility Strategy and the Commission Staff Working Document accompanying the Strategy, the attention goes beyond gender dimension to integrate the needs of people vulnerable due to other social categories, especially persons with disabilities, but it still uses an incomplete additive approach. Furthermore, the Commission Staff Working Document accompanying the Sustainable and Smart Mobility Strategy recognises that people’s access to transport services could be made difficult due to barriers such as income, age, gender, disability or reduced mobility and territorial inequalities/spatial segregation. Therefore, this document offers a list of social categories that can complicate access to the transport service from a perspective that is neither explicitly intersectional. In the absence of further indications on the point, it is more coherent with the rest of the document to state that the approach

adopted is not intersectional, but at most additive or multiple. Finally, it is necessary to point out that the most important EU legislative initiatives in the area of transport and sustainable mobility (the CO2 Standards for Cars Regulation, Fuel Quality Directive, Eurovignette Directive and the Trans-European Transport Network) do not consider the gender dimension or the intersectional ones. In conclusion, in the light of this analysis, it is possible to confirm the critical issues about both climate and transport policies already highlighted by many scholars regarding climate and transport policies <sup>(42)</sup>.

## 6. An insight into the Textile policies

Dealing with the Textile industry is crucial because globally it is one of the most polluting sectors and the labour force is predominantly female and located outside Europe. For this reason, it is important that actions to achieve a sustainable textile sector take due account of the gender and intersectional dimension of the phenomenon. In this area, the main action taken by Europe is the Communication from the Commission to the European Parliament, The European Council, the Council, The European Economic and Social Committee and the Committee of the Regions *Strategy for Sustainable and Circular Textiles COM(2022) 141 final* <sup>(43)</sup>. This Strategy aims to help the EU move towards a circular and climate-neutral economy in which products are designed to be more durable, reusable, repairable, recyclable and energy efficient. In the § 1 Introduction, it affirms that «the complex and diverse global textile value chain is also faced with *social challenges, in part driven by pressures to minimize production costs to meet consumer demand for affordable products*» (p. 1). Moreover, the Strategy, in § 4 «Tying together a sustainable textiles value chains globally», at § 4.1. «Due diligence for environmental and social fairness», sets out that «*most of the final clothing and household textiles consumed in Europe are imported from third countries. In 2019, the EU was one of the largest global importers of clothing with a combined value of EUR 80 billion. Promoting greener and fairer value chains across borders and continents will ensure that*

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<sup>(42)</sup> Cfr. R. HEFFERNAN ET AL., *op. cit.*; P. HEIDEGGER ET AL. (eds.), *op. cit.*

<sup>(43)</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12822-Strategia-dellUE-in-materia-di-prodotti-tessili-sostenibili\\_it](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12822-Strategia-dellUE-in-materia-di-prodotti-tessili-sostenibili_it)

*textile products consumed in the EU and beyond are manufactured taking into consideration both social and environmental aspects across the globe»* (p. 12).

The Strategy for Sustainable and Circular Textiles deals with the issue of gender and child labour. Regarding the gender dimension, in the § 1 Introduction, the Strategy states that «*as women make up the majority of the low-wage and unskilled textile workforce, improving the sustainability of the supply chain has also an important gender equality dimension»* (p. 1) and at § 4.1. that «*the textile industry has the potential to advance gender equality as it is estimated that 75% of global garment workers are women»* (p. 12). Indeed, the Strategy at § 3.5. entitled «*Developing the skills needed for the green and digital transitions»* affirms that «*under the EU Pact for skills the Commission supported the establishment of a large-scale skills partnership for the textiles ecosystem to promote upskilling, reskilling and the acquisition and transfer of green and digital skills, including knowledge on life cycle assessment and value chain assessment [...] Agreed actions include increasing diversification in company management by up to 5% each year, in particular access for women to higher positions»* (p. 11).

With regard to child labour, in the § 1 Introduction, the Strategy affirms that «*child labour in the apparel industry is a grave source of concern»*. In the § 4.1 it also states that «*in the context of textile value chains, the OECD due diligence guidance for the garment and footwear sector has identified a number of common risks of serious human and labour rights violations, including child labour»*, that «*the EU Strategy on the Rights of the Child underlines the “zero tolerance towards child labour” and calls on EU Member States to free their supply chains of child labour*. The Commission is also preparing a new legislative initiative to effectively prohibit the placing on the EU market of products made by forced labour, including forced child labour» (p. 12).

First of all, it is necessary to adapt the research questions to the areas of analysis, thus the questions to be answered are: “Who are (and are not) textile policies for?” and “Who benefits (or does not benefit) from them?”. In order to conduct an efficient analysis, it is important to assume that before the approval of the EU Textile and Circular Products Strategy, several reports <sup>(44)</sup> provided recommendations to ensure

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<sup>(44)</sup> P. HEIDEGGER ET AL. (eds.), *op cit.*; *WARDROBE CHANGE, Recommendations for the EU Strategy for Sustainable Textiles from Environmental Civil Society*

environmental and gender justice in the textile industry through the adoption of a gender and intersectional approach. These reports specifically recommended to: conduct a robust gender analysis of environmental and social crises in global textile supply chains, consider how racial capitalism<sup>(45)</sup> underlies the exploitation of natural resources and cheap labour in the global South by multinational corporations and consumers, ensure the full enjoyment of all human rights and a decent standard of living for all workers in the supply chain (particularly women), ensure that the EU textile industry can be held accountable for its role in the world through a trade reset and strong due diligence rules on human rights and the environment. In the light of textual analysis, it is evident that these recommendations have mostly been disregarded by the European Commission. Obviously, the Strategy has these merits: it recognizes the global dimension of the social challenges related to textiles and it pays attention to the issue of the global value chain and the import of garments from third countries. However, by choosing to mention only consumer demand for affordable products as a cause of social challenges, it starts from a fallacious assumption that obscures the fact that «*the history of the textile industry is inextricably linked to colonialism, slavery and racial capitalism*»<sup>(46)</sup>. In this way, European Union implements its own denial of responsibility in this regard and fail to adopt an intersectional approach.

Regarding the gender dimension, the Strategy identifies women's work as a social challenge to be addressed, but makes very general allusions. In fact, it notes the prevalence of female workers in the textile sector, but does not provide a robust gender analysis. Moreover, it states the importance of gender equality, but does not provide concrete interventions through which to achieve it, deferring them to other EU actions or in which the EU participates<sup>(47)</sup>. Even with regard to child

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*Organisations*, EEB, 2021; EUROPEAN CIVIL SOCIETY STRATEGY, *European Strategy for Sustainable Textile, Garments, Leather and Footwear*, EEB, 2020.

<sup>(45)</sup> C. ROBINSON, *Black Marxism. The Making of Black Radical Thought*, Zed Press, London, 1983.

<sup>(46)</sup> P. HEIDEGGER, *The clothes we wear: From the long shadow of colonialism to gender and environmental justice*, in P. HEIDEGGER ET AL. (eds.), *op. cit.*, p. 77 ss.

<sup>(47)</sup> The Communication on decent work worldwide for a global just transition and a sustainable recovery, the Better Work Programme (ILO), the proposal for a Corporate Sustainability Due Diligence Directive, the EU Strategy on the Rights of the Child and two ongoing initiatives: a new legislative initiative to effectively prohibit the placing

labour, there is no solid analysis of the phenomenon, the solution is deferred to interventions outside the Strategy and there is also no reference to gender and intersectional dimensions. It is evident that the Strategy does not take an intersectional approach, but only an additive approach that is incomplete because it refers only to the age factor (besides gender).

## 7. Conclusions

In conclusion, it is possible to affirm that the research questions “Who is (and is not) the ecological transition for?” and “Who benefits (or does not benefit) from these policies?” do not have a single answer, that there are many similarities between the various European policies that nevertheless maintain their own specificities. In general, it is possible to state that in European policies about ecological transition, the gender dimension has been integrated in a fragmented manner and superficially and that the intersectional approach is lacking.

With regard to gender dimension, except for the Communication on the European Green Deal that does not deal with gender at all, the policies often simply refer to laws dealing with the topic of gender (such as the EU Gender Equality Strategy) or mention the gender issue most of the time in general and a few times in specific contexts. However, they do not provide robust gender analyses and do not propose sufficient solutions that could have a socially transformative effect. Furthermore, gender is always intended in a binary sense and only in one case (the Recommendation for a Fair Transition) this concept is broadened to mention sexual orientation as a social category, but there is no reference to “other” identities such as non-binary persons.

Moreover, with regard to intersectional approach, the policies most often adopt a mono-categorical approach referring only to gender, but there are occasions when they refer to conventions and strategies dealing with the topic of disability, age or intersectional (such as the UN Convention on the Rights of Persons with Disabilities, the EU Strategy on the Rights

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on the EU market of products made by forced labour, including forced child labour and the development and implementation of an international framework on transparency and traceability for sustainable value chains in the garment and footwear industry (§ 4.1).



of the Child, the EU Gender Equality Strategy). Only in a few cases they mention other social categories or groups (besides gender and women) and explicitly state that these dimensions must be taken into account. However, the policies do not declare to adopt an intersectional approach and, indeed, they do not practice it. At best they adopt an incomplete additive approach that is limited to a one or few or several social categories and groups or pay attention to very few “intersectional situations”.

## Abstract

### **Ecological transition through the lens of intersectionality: a critical review of European policies**

**Purpose:** *The paper addresses the issue of conduct a critical discourse analysis of European policies on ecological transition to investigate whether these policies adopt a gender and intersectional approach.* **Methodology:** *The methodology adopted for the research consists in using intersectionality as a theoretical and methodological tool to do a critical discourse analysis of European policies on ecological transition. The research questions are “Who is (and is not) the ecological transition for?” and “Who benefits (or does not benefit) from these policies?”.* **Findings:** *In European policies about ecological transition, gender is intended in a binary sense and the gender dimension has been integrated in a fragmented and superficial manner, without providing robust gender analyses and proposing sufficient solutions. The European policies about ecological transition often adopt a mono-categorical approach, but never an intersectional approach, at best they adopt an incomplete additive approach that is limited to a few categories and social groups or pay attention to very few ‘intersectional situations’.* **Research limitations/implications:** *The analysis is limited to the main European policies on ecological transition, namely the Communication on the European Green Deal and the Recommendation for a Fair Transition, and to some European policies developed on specific topics, such as Climate, Transport and Textiles, chosen as they are particularly crucial for the green transition.* **Originality:** *The article offers a broad analysis of various and heterogeneous European policies on ecological transition, some of which have not been analysed with the lens of intersectionality until now.*

**Keywords:** *European policies, ecological transition, intersectionality, gender.*

# Collective bargaining and the challenge of the socio-ecological transition

Sara Prosdocimi\*

*Summary:* **1.** From the ecological transition to the socio-ecological transition: navigating towards new perspectives. – **2.** Collective bargaining on the socio-ecological transition: objective and methodology of the research. – **3.** The collective bargaining and the socio-ecological transition: direct measures. – **3.1.** The health-safety-environment systems. – **3.2.** The Workers' Representative for Safety and Environment. – **4.** The collective bargaining and the socio-ecological transition: indirect measures. – **4.1.** Smart working. – **5.** Conclusions.

## **1. From the ecological transition to the socio-ecological transition: navigating towards new perspectives**

The fight against climate change, the reduction of emissions, and the concurrent transition towards sustainable, modern, and efficient economies stand among the most critical challenges at the forefront of the action policies of various global stakeholders <sup>(1)</sup>.

Given these objectives, it is undeniable that what is known as ecological transition necessitates significant investments for the promotion and development of new production, economic, and social models <sup>(2)</sup>. This

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<sup>(1)</sup> Among all, particular mention should be made to the UNFCCC, *Paris Agreement*, 2015; EUROPEAN COMMISSION, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – The European Green Deal*, COM (2019) 640 final, 2019.

<sup>(2)</sup> The concept of sustainable development traces its roots back to the 1987 Brundtland Report and the 1992 Rio Declaration. The aim was to establish «a new and fair global partnership through the creation of new levels of cooperation among States, key sectors of societies, and people», seeking to improve the relationship between the environment and productivity, thereby realizing sustainable development. UNITED NATIONS, *Report*

predominantly entails restructuring product markets, labor markets, and employment, along with broader societal considerations, while encompassing the environment among the interests at stake.

Indeed, as the green transition primarily aims for a shift towards a climate-neutral economy, it is more and more evident that it must proceed through virtuous processes integrating social interests and issues, to identify adequate tools to ensure decent work, justice, as well as the safeguard citizens, workers, especially vulnerable groups during transitions.

The initial insights into the evident interconnection between environmental and social challenges can be traced back to the UNDP's Human Development Report of 1994, stating that «sustainable human development is pro-people, pro-jobs, and pro-nature. It places the highest priority on poverty reduction, productive employment, social integration, and environmental regeneration»<sup>(3)</sup>.

Following the Rio Conference in 2012, the concept of sustainability expanded to include the goal of a just transition for all, anticipating the central and programmatic promise of *leave no one behind*<sup>(4)</sup> of the

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*of the United Nations Conference on Environmental and Development, 1992, Annex I, 1. In the renewed interest in environmental issues, reinforced after the 2012 Rio Conference, the concept of sustainability has further expanded to encompass the notion of solidarity, encapsulated in the aim of a just transition for all, consequently encompassing the capacity to ensure conditions of stability, democracy, participation, information, education, and justice, while developing forms of coordination and cooperation capable of constructing shared programs and binding commitments. V. CAGNIN, *Labor Law and Sustainable Development*, Wolters Kluwer, 2018, 15; similarly UNITED NATIONS, *United Nations Conference on Environment and Development – Rio de Janeiro 1992 – Agenda 21*, 1992, 64.*

<sup>(3)</sup> UNDP, *Human Development Report 1994*, Oxford University Press, 1994, 4.

<sup>(4)</sup>The “Leave No One Behind” principle stands as the central motto and guiding policy of the 2030 Agenda for Sustainable Development and the implementation of its associated Sustainable Development Goals (SDGs). While it is undeniable to state that actions against climate change are now necessitated, it is equally essential to recognize and act upon the close link between the green transition and the socio-economic transition. The European Union has similarly embraced this programmatic mandate, committing to achieve sustainable development goals both internally and, through its new European Consensus on Development, to support partners worldwide in their realization. UN SUSTAINABLE DEVELOPMENT GROUP, *Universal Values - Principle Two: Leave No One Behind*, 2015; EUROPEAN COMMISSION, *Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, A Strong Social*

United Nations' Agenda 2030. This led to a further broadening of the concept, which scholars understood in terms of the capacity to guarantee stability, democracy, participation, information, education, and justice in communities and productive sectors. In this sense, it is essential to develop forms of coordination and international cooperation capable of building shared programs, binding commitments, and specific timelines to support these objectives.

Specifically in the labor field, the International Labour Organization (ILO) further clarified that «decent work, poverty eradication, and environmental sustainability» are «the most complex challenges of the new century» <sup>(5)</sup> and within this framework, institutions, businesses, workers, and trade unions are asked to act as actors of change or promoters of the *Just Transition*.

Also at the European Union level, with the introduction of the Green New Deal, there has been significant integration between environmental and social aspects, with a growing involvement of other stakeholders in managing transition processes <sup>(6)</sup>. Similarly, at a national level, in the Italian context references to the concept of a just transition can be found in the National Integrated Plan for Energy and Climate (PNIEC), emphasizing the need for a just energy transition, as well as in the National Recovery and Resilience Plan (PNRR), mentioning the concepts of a fair and equitable transition <sup>(7)</sup>.

It is evident that legislative interventions at the international, EU, and national levels have emphasized the need to broaden the concept and

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*Europe for Just Transitions*, 2020; EUROPEAN PARLIAMENT, Study Requested by the DEVE committee, *The implementation of the 2030 Agenda's principles of 'leaving-no-one-behind' and 'addressing the needs of those furthest behind first' in the EU's development policy*, 2022.

<sup>(5)</sup> F. MARTELLONI, *I benefici condizionati come tecniche promozionali nel Green New Deal*, in *Lavoro e diritto*, 2022, n. 2, 295.

<sup>(6)</sup> The European Commission explains how the European Green Deal affirms how this transition must be fair and inclusive, prioritizing people and paying particular attention to regions, industries, and workers facing the most significant challenges. EUROPEAN COMMISSION, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – The European Green Deal*, cit., 2.

<sup>(7)</sup> MINISTERO DELLO SVILUPPO ECONOMICO, MINISTERO DELL'AMBIENTE E DELLA TUTELA DEL TERRITORIO E DEL MARE, MINISTERO DELLE INFRASTRUTTURE E DEI TRASPORTI, *Piano Nazionale Integrato per l'Energia e per il Clima*, 2019, 281; CONSIGLIO DEI MINISTRI, *Piano Nazionale di Ripresa e Resilienza*, 2021, 43.

subsequently initiatives and policies, although the effectiveness and concrete implementation of such measures are still weak.

However, despite the numerous references to the need to consider the social sphere when reflecting and implementing the transition towards climate neutral economies, «paradoxically, the legal system seems to have taken the green transition more seriously than the social constraint, implicitly proposing a supposed opposition between labor and the environment, which in other times induced the system to push the accelerator on the former, at the expense of the latter»<sup>(8)</sup>.

## **2. Collective bargaining on the socio-ecological transition: objective and methodology of the research**

If, on the one hand, the defining factors of the transition seem to be well conceptualized by international, EU and national legislative disciplines, on the other, they call for deeper reflections and research on the convergence and interaction between labor sustainability and environmental sustainability<sup>(9)</sup>.

Indeed, in academic as well as political-union debates, amidst this growing attention, the knot of opportunities but also the challenges posed by the ecological transition to labor market regulation and functioning remains largely unexplored<sup>(10)</sup>.

In this sense, this research aims to delve deeper into these new perspectives of reflection and action defined in the literature as the *socio-ecological transition*<sup>(11)</sup>, shifting the focus of the transition, and

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<sup>(8)</sup>F. MARTELLONI, *op. cit.*, 305. Translation of the author of this paper.

<sup>(9)</sup>Among all, it is worth mentioning Tomassetti's reconstruction which outlines various experiments aimed at conceptualizing the hybridization between labor law studies and environmental law studies, systematically defining the theoretical coordinates for the definition of new disciplinary fields. Among these, it refers to studies in Environmental Labour Studies, La Ecología del Trabajo, Pedagogia dell'ambiente, and Just Transitions Law. P. TOMASSETTI, *Diritto del lavoro e ambiente*, ADAPT University Press, 2020, 49.

<sup>(10)</sup> Reference is made to the *VI ADAPT Report on Collective Bargaining in Italy 2019, Section I. Collective Bargaining and Environmental Sustainability*, 2020, ADAPT University Press, 183 et seq.

<sup>(11)</sup> A. DIMITROVA ET AL., *Literature review on fundamental concepts and definitions, objectives and policy goals as well as instruments relevant for socio-ecological transition*, WWForEurope Project, Working Paper n. 40, September, 2013, 4. «The

therefore of the actors involved and the actions that should be taken, from the only climate issue onto the two complex systems of society and nature, and the changes in their interactions.

This approach highlights not only the importance of addressing the challenges of the ecological transition but doing so fairly and inclusively, emphasizing the need to protect the rights of workers, communities, and vulnerable groups from economic and environmental changes and the transformation processes of sectors and territories, ensuring that no one is left behind. In this context, it is evident that environmental sustainability should be accompanied by social sustainability, ensuring the creation of dignified jobs, the protection of working conditions, and the democratic participation <sup>(12)</sup>.

Within the revised paradigm of sustainable development and socio-ecological transition, it becomes evident that a pivotal role can be played by social parties.

Therefore, this research aims to verify *whether* and *how* trade unions and employers' associations have established or confirmed tools and systemic models in support of the socio-ecological transition, or if they have merely managed certain aspects of the transformations occurring in sectors, from a more static perspective.

The adopted research methodology focuses on the analysis of the national collective bargaining in two different sectors in Italy, the energy-petroleum and metalworking sector, two of the sectors considered by scholars as *hard-to-abate*, hence more exposed to transformation and requalification processes (both in production and employment), to deepen this systemic tool used by social parties across

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socio-ecological transition is defined as the process necessitating the evaluation and integration of all aforementioned factors. It involves the amalgamation of various transitional processes across different domains and sectors, particularly emphasizing the interactions between the intricate systems of society and nature». M. FISCHER-KOWALSKI ET AL., *Socio-ecological transitions: definition, dynamics and related global scenarios*, Institute for Social Ecology-AAU, Centre for European Policy Studies, Vienna, Brussels, 2012, 5-10.

<sup>(12)</sup> See M. FISCHER-KOWALSKI ET AL., *op. cit.*, 5. Also see H. KREININ, *Typologies of "Just Transitions": Towards Social-Ecological Transformation*, WU Vienna University of Economics and Business, Ecological Economic Papers n. 35, 2020, 6-8; I. VELICU, S. BARCA, *The Just Transition and its work of inequality*, in *Sustainability: Science, Practice and Policy*, 2020.

the entire national territory <sup>(13)</sup>. The research specifically delves into the collective agreements of the two sectors under investigation which are part of the primary industrial relations systems and which have been signed by the most representative worker confederations. This selection is justified not only by historical data but also by current evidence related to the effective application of these agreements by companies and employers within each economic and productive sector <sup>(14)</sup>.

The focus is on specific institutions related to the socio-ecological transition, tracing back to the first agreement containing provisions relevant to the research area.

In the analysis, all measures directly or indirectly related to the objective of sustainability have been considered. The scope of investigation has been extended to include areas of intervention, institutions, tools that, while not explicitly intended by the parties to have this specific objective, are potentially oriented towards promoting a broader concept of sustainability (environmental, economic, and social).

In this particular aspect, the study distinguishes itself from other research endeavors <sup>(15)</sup> focusing only on collective bargaining and ecological transition. Indeed, the research aims to ascertain whether the horizon of socio-ecological transition (not solely ecological or energy-related) is implicitly present in collective bargaining.

The analysis will proceed comparing the tools and areas of intervention of the agreements of the sectors under study, to highlight features as well as critical issues of the collective bargaining action, as well as new perspectives on its role and function in achieving socio-ecological transition objectives.

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<sup>(13)</sup> According to the International Energy Agency (IEA) report, the hardest-to-abate sub-sectors include particularly the cement, steel, and iron sector, as well as the chemical sector, alongside the broader energy sector. INTERNATIONAL ENERGY AGENCY, *Transforming Industry through CCUS*, Technology report, May, 2019.

<sup>(14)</sup> Indeed, the coverage of national collective labor agreements signed by the major confederations applies to approximately 97% of the total workers included in the Uniemens statements. See I. ARMAROLI ET AL., *Atlante della contrattazione collettiva, La Geografia dei mercati del lavoro nel prisma della rappresentanza e dei sistemi di relazioni industriali*, ADAPT University Press, 2023, 12.

<sup>(15)</sup> See M. Zito, Il ruolo del dialogo sociale e della contrattazione collettiva transnazionale nella gestione delle tematiche legate all'ambiente e alla transizione verde, in DRI, 2022, 3, p.694; A. Caracciolo, Transizione ecologica: greening skills to greener jobs, in DRI, 2022, 4, p.969; C. Carta, La transizione ecologica nelle relazioni sindacali, in Lavoro e diritto, 2022, 2, p.311

Considering the complexity of the phenomena and themes studied, the analysis distinguishes between direct measures, strictly related to ecology, environmental sustainability, and the improvement of working conditions linked to the environment—therefore those measures that already recognize (at least) the green issue as a central topic—and indirect measures, that are not necessarily introduced with the (only) purpose of managing ecological issues, but could potentially contribute to support the *socio*-ecological transition, by referring to broader systemic aspects. These tools and areas of intervention are analysed starting from the disciplines set in the agreements, highlighting at the same time what doctrine recognizes as measures and topics related to the socio-ecological transition (i.e. encompassing equality, wellbeing, intergenerational dynamics, equilibrium between professional and personal life, etc...).

The analysis will concentrate exclusively on institutions shared by both examined sectors, seeking to present a comparative evaluation of those measures and deferring a more exhaustive investigation to future research endeavours.

### **3. The collective bargaining and the socio-ecological transition: direct measures**

It is evident that the direct measures resulting from collective bargaining referencing the transition still exclusively concern environmental aspects, therefore supporting environmental sustainability, the reduction of emissions and the fight against climate change <sup>(16)</sup>.

Among these, it is pertinent to mention the field of training, the Observatory system, paragraphs pertaining to health, safety and the environment, as well as specific roles and figures established by collective bargaining with responsibilities in environmental matters. Notably, if these measures have demonstrated a commitment to advancing ecological objectives, however, it is imperative to discern that

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<sup>(16)</sup> Reference is made here to previous studies addressing collective bargaining and the environment, which demonstrate that the measures adopted concern only aspects specifically related to the environmental dimension. Meanwhile, attention to the social aspect has typically been confined to addressing negative employment effects and, more recently, to training measures. See, among others, P. TOMASSETTI, *op. cit.*, 229 ss.



the scope of these endeavours remains confined primarily to environmental facets, with a conspicuous absence of comprehensive consideration for social implications, signifying a distinct lack of attention to the complex interplay between environmental policies and their broader social dimensions.

### 3.1. The health-safety-environment systems

Looking at the direct measures of collective bargaining, it is essential to consider the paragraph on Health-Safety-Environment. The energy-petroleum sector, since its agreement of 2002 <sup>(17)</sup>, highlights the opportunity and necessity to collectively contribute to defining and implementing a strategy aimed at fostering a broader culture of prevention in the workplace and working conditions to sustainable development.

From the onset of the paragraph, acknowledging the potential impact of the energy and petroleum sector and its related transformations in economic, environmental, and social terms, the parties emphasize the importance of pursuing sustainable development goals. This involves promoting a model engaging all stakeholders through the advancement and greater implementation of interactions among individuals, systems, work environments, local communities, and institutions.

Furthermore, it confirms and implements an industrial relations system characterized by participation and transparency in decision-making processes, manifested at the national level within the specific Health-Safety-Environment Commission of the national sector observatory, with the function of promoting, disseminating, and supporting the territorial and corporate dimension for an effective policy safeguarding health, safety, and the environment.

Indeed, the corporate level emerges as the prominent domain where the parties aim to promote and concretize sustainable development initiatives. This commitment translates into an obligation to «foster a culture of environmental sustainability in every workplace through the sensitization of each employee, the use of suitable environmental

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<sup>(17)</sup> ASIEP – ASSOCIAZIONE SINDACALE DELL’INDUSTRIA DELL’ENERGIA E DEL PETROLIO, FILCEM CGIL, FEMCA CISL, UILCEM UIL, *Contratto Collettivo Nazionale di Lavoro Energia e Petrolio*, 14 marzo 2002, 16.

management systems, operational procedures, and personnel training programs»<sup>(18)</sup>.

Accordingly, the agreement compels company management to engage in annual dialogues with worker representatives to define shared interventions aimed at environmental improvement.

Similarly, in the metalworking sector since its renewal in 2009<sup>(19)</sup>, the parties highlight how «the protection of safety and health in the workplace, the respect for the environment, and sustainable development of productive activities are shared values at all levels and constitute common objectives of the company and the workers».

Consequently, a commitment to collaboration between the company, the employees, and their representatives is established, with the aim of eliminating or gradually reducing risks at their source, improving ergonomic and organizational conditions in the workplace, promoting a higher level of health, and ensuring environmental protection.

Indeed, despite the outlined framework, the involved parties have not introduced a coherent system of information and consultation regarding environmental issues, exclusively focusing on aspects related to health and safety.

It is only with the recent renewal in 2021 that the agreement opens to the possibility to discuss, within the customary meetings between the Responsible for Prevention and Protection Services (RSPP) and the Workers' Representatives for Safety and Environment (RLSA), subjects encompassing emissions, waste management, energy impact, and environmental concerns<sup>(20)</sup>.

### 3.2. The Workers' Representative for Safety and Environment

Highlighting a growing focus on environmental concerns it must be recalled the figure of the Workers' Representative for Safety and Environment (Rappresentante dei Lavoratori per la Sicurezza e

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<sup>(18)</sup> *Ibidem*.

<sup>(19)</sup> FEDERMECCANICA, ASSISTAL, FIOM CGIL, FIM CISL, UILM UIL, *Ipotesi di Accordo per il rinnovo del CCNL per l'industria metalmeccanica privata e della installazione di impianti*, 15 Ottobre 2009, 16.

<sup>(20)</sup> FEDERMECCANICA, ASSISTAL, FIOM CGIL, FIM CISL, UILM UIL, *Contratto collettivo nazionale di lavoro 5 febbraio 2021 per i lavoratori addetti all'industria metalmeccanica privata*, 5 febbraio 2021, 188.

l'Ambiente o Rappresentante dei Lavoratori per la Salute, Sicurezza e Ambiente, RLSA or RLSSA). Recently, both of the sectors have expanded its role beyond its initial scope, which was limited to representing health and safety issues, as stipulated by Legislative Decree no. 626 of September 19, 1994, and the Interconfederal Agreement CONFINDUSTRIA-CGIL, CISL, UIL of June 22, 1995.

In the energy-petroleum sector, it was the national collective agreement of 2002 that marked the first extension of this representative's role from solely addressing health and safety to encompassing broader environmental issues <sup>(21)</sup>. In fact, recognizing the complexity of environmental legislation, it becomes evident that a broader qualification of the RLS was necessary, accompanied by its active involvement in corporate policies. Consequently, the RLS's role has expanded to cover environmental issues, assuming the new title of Workers' Representative for Health, Safety, and Environment.

The pivotal role of this figure is confirmed by the progressive increase in allocated hours for the RLSA to perform their functions. Starting from 40 annual hours in 2002, in addition to those already set for the workers' representative, the allocated hours increased to 50 in 2006, 56 in 2019, and 72 in 2022 <sup>(22)</sup>, further expanded for joint projects concerning new regulations and specific communication needs with the local community. Among its numerous functions, the RLSA has consultation rights regarding workers' training and information programs concerning its areas of expertise. Additionally, the figure analyzes and assesses the outcomes of environmental monitoring and is consulted when the company decides to certify its environmental and safety management systems.

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<sup>(21)</sup> ASIEP – ASSOCIAZIONE SINDACALE DELL'INDUSTRIA DELL'ENERGIA E DEL PETROLIO, FILCEM CGIL, FEMCA CISL, UILCEM UIL, *Contratto Collettivo Nazionale di Lavoro Energia e Petrolio*, 14 marzo 2002, 21.

<sup>(22)</sup> ASIEP – ASSOCIAZIONE SINDACALE DELL'INDUSTRIA DELL'ENERGIA E DEL PETROLIO, FILCEM CGIL, FEMCA CISL, UILCEM UIL, *Contratto Collettivo Nazionale di Lavoro Energia e Petrolio*, 14 marzo 2002, 22; ASIEP – ASSOCIAZIONE SINDACALE DELL'INDUSTRIA DELL'ENERGIA E DEL PETROLIO, FILCEM CGIL, FEMCA CISL, UILCEM UIL, *Contratto Collettivo Nazionale di Lavoro Energia e Petrolio*, 30 marzo 2006, 31; CONFINDUSTRIA ENERGIA, FILCTEM CGIL, FEMCA CISL, UILTEC UIL, *Ipotesi di accordo di rinnovo del CCNL Energia e Petrolio*, 19 settembre 2019, 14; CONFINDUSTRIA ENERGIA, FILCTEM CGIL, FEMCA CISL, UILTEC UIL, *Ipotesi di accordo di rinnovo del CCNL Energia e Petrolio*, 21 luglio 2022, 22.

However, despite the increasing attention to environmental issues, these endeavours represent merely a fraction of the multifaceted functions assigned to the RLSA, disregarding any social aspects associated with or augmenting environmental considerations.

Furthermore, analyzing the training hours allocated to this professional figure, the environment is treated as a distinct and separate topic. Specifically, the CCNL stipulates an addition of eight annual hours for updating, with four dedicated specifically to environmental training, therefore suggesting that environmental issues should be considered separately and independently from health and safety ones, without referencing any social aspect among the topics covered in the training. Similarly, the metalworking sector introduced the Workers' Representative for Safety and Environment in the 2009 renewal. It specifies that RLSAs also fulfil their role in environmental matters, contributing within their functions to achieving health and environmental protection goals <sup>(23)</sup>.

To ensure the functionality of this new figure, the collective agreement mandates companies to organize annual meetings specifically to provide detailed information to the RLSAs concerning the implemented environmental management systems. Concurrently, with the introduction of this role, the parties at the company level or in local joint bodies are required to agree on specific training programs focusing on environmental issues, integrating them into the mandatory training obligations dictated by current regulations.

#### **4. The collective bargaining and the socio-ecological transition: indirect measures**

Analyzing aspects related to the socio-ecological transition within the collective bargaining, it is pertinent to reference disciplines that, albeit indirectly, focus on promoting social aspects and environmental protection.

It is important to note that while these measures do not explicitly represent a commitment by the parties to the socio-ecological transition,

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<sup>(23)</sup> FEDERMECCANICA, ASSISTAL, FIOM CGIL, FIM Cisl, UILM UIL, *Ipotesi di Accordo per il rinnovo del CCNL per l'industria metalmeccanica privata e della installazione di impianti*, 15 Ottobre 2009, 19.

they are examined considering the elements emphasized by literature and doctrine in the paradigm of this transition: workers' participation, working time reduction, smart working, gender equality initiatives, and intergenerational programs. These measures are not intended to pursue (only) environmental goals, but are recognized to play a pivotal role in fostering a sustainable socio-ecological transition by addressing social dynamics, therefore emphasizing the need of a holistic approach that considers environmental issues and democracy, justice and social topics as well.

The contribution will focus its attention on the smart working tool, the only common intervention measure between the two sectors under study that can be framed within the broadly understood perspective of environmental sustainability, albeit with the limitations that will be highlighted.

#### 4.1. Smart working

Among the measures adopted, it is recognized how the regulation and implementation of smart working stand out as a solution for reducing air pollution and enhancing the work-life balance. Indeed, it is widely acknowledged that smart working constitutes an effective tool for promoting both ecological transition, by curbing carbon emissions linked to commuting, and social transition, enabling a better management of the work-life balance, aiding in the inclusion of individuals previously marginalized or excluded from the labor market.

Regarding this issue, the social partners in the energy-petroleum sector starting from the collective agreement in 2017 regulate the smart working <sup>(24)</sup>, affirming that it aims to increase company productivity, promote work-life balance, and support environmental sustainability.

While the discipline of this agreement remained unchanged in the 2019 contract, the subsequent renewal in 2022, considering the experience of the Covid-19 pandemic which emphasized the importance and need for

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<sup>(24)</sup> CONFINDUSTRIA ENERGIA, FILCTEM CGIL, FEMCA CISL, UILTEC UIL, *Contratto collettivo nazionale di lavoro per gli addetti all'Industria dell'Energia e del Petrolio*, 25 gennaio 2017, 31-32.

more flexibility, envisages the consolidation of teleworking as a flexible tool to enhance workers' work-life balance <sup>(25)</sup>.

Similarly, this innovative form of work organization, aiming not only to optimize productivity and employee well-being but also presenting an opportunity to promote sustainable practices and contribute to transitioning to a greener economy, is one of the subjects of the 2016 collective metalworking agreement and subsequent renewals.

The parties, considering the needs related to balancing work and life, the benefits in terms of environmental sustainability and improving organizational models' efficiency, and aware of the need to accompany the changes due to the use of new technologies, affirm that smart working, as a flexible work execution mode, represents a useful tool to enable greater adaptability to workers' and companies' different and new needs <sup>(26)</sup>.

While the 2016 provision remains a joint statement of the parties committing to delineate the legislative discipline more precisely, the 2021 renewal further specifies the matter <sup>(27)</sup>. Especially in response to the widespread use of agile work caused by Covid-19 containment measures, the parties confirm the principle of equal treatment between workers operating in an agile manner and those carrying out their duties on-site. They also establish a joint committee tasked with defining a regulatory framework for agile work, including provisions on the right to disconnect, union rights, privacy safeguards, the use of IT tools in the workplace, and the right to training.

The issue of smart working in the context of collective bargaining has thus assumed a significant role, especially in response to changed working conditions due to the pandemic. However, even in the latest contractual renewal, the socio-environmental issue, only briefly

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<sup>(25)</sup> CONFINDUSTRIA ENERGIA, FILCTEM CGIL, FEMCA CISL, UILTEC UIL, *Ipotesi di Accordo CCNL Energia e Petrolio*, 21 luglio 2022, 29.

<sup>(26)</sup> FEDERMECCANICA, ASSISTAL, FIOM CGIL, FIM CISL, UILM UIL, *Contratto collettivo nazionale di lavoro 5 febbraio 2021 per i lavoratori addetti all'industria metalmeccanica privata*, 26 novembre 2016, 121.

<sup>(27)</sup> FEDERMECCANICA, ASSISTAL, FIOM CGIL, FIM CISL, UILM UIL, *Contratto collettivo nazionale di lavoro 5 febbraio 2021 per i lavoratori addetti all'industria metalmeccanica privata*, 5 febbraio 2021, 153.

mentioned in the previous contract, is not further explored focusing instead on giving normative discipline <sup>(28)</sup>.

Smart working, in fact, although widely mentioned in the literature as a tool with great potential in the perspective of socio-ecological transition, still has many limitations: its discipline, although it aims to effectively guarantee the achievement of environmental objectives, maintains a conservative approach with reference to work locations/time in the examined collective agreements. For example, the collective agreement of the energy-oil sector does not recognise a broadly understood flexibility regime, but delegates to the company level a new «modulation of a working time regime» <sup>(29)</sup>; similarly, the metalworking collective agreement that, even though it proposes to regulate, through the appropriate commission, issues such as the «“right to disconnection”, “trade union rights”, the protection of privacy, IT working tools, and the “right to training”» <sup>(30)</sup>, does not even mention the issue of working time. Still, the discipline does not pay attention to the fair distribution of opportunities to access smart-working, thus risking exacerbating inequalities already present in the traditional system of organisation and implementation of work performance. In fact, there are no indications on how to consider and include vulnerable groups such as women, persons with disabilities, individuals living in peripheral or unconnected areas, who through this tool could shorten the inequalities still present in the world of work.

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<sup>(28)</sup>However, the National Collective Labor Agreement for Metalworking Cooperatives stipulates differently. In a statement on smart working, it specifies that «the Parties, considering the needs related to balancing work and life, the benefits in terms of environmental sustainability, and improving the efficiency of organizational models, and aware of the need to accompany the changes already underway due to the use of new technologies, believe that smart working, as a flexible mode of work execution, constitutes a useful tool to enable greater adaptability to workers’ and companies’ different and new needs». ANCPL LEGACOOP, FEDERLAVORO E SERVIZI CONFCOOPERATIVE, AGCI PRODUZIONE E SERVIZI, FIOM CGIL, FIM CISL, UILM UIL, *Ipotesi di accordo per il rinnovo del CCNL per gli addetti delle aziende cooperative metalmeccaniche*, 26 gennaio 2017, 29.

<sup>(29)</sup> Translation of the Author, see CONFINDUSTRIA ENERGIA, FILCTEM CGIL, FEMCA CISL, UILTEC UIL, *Ipotesi di Accordo CCNL Energia e Petrolio*, 21 luglio 2022, 29.

<sup>(30)</sup> Translation of the Author, see FEDERMECCANICA, ASSISTAL, FIOM CGIL, FIM CISL, UILM UIL, *Contratto collettivo nazionale di lavoro 5 febbraio 2021 per i lavoratori addetti all’industria metalmeccanica privata*, 5 febbraio 2021, 153.

In general, despite the parties' programmatic declarations, it appears that smart working has other specific and more circumscribed purposes than those abstractly prefigured in the literature.

## 5. Conclusions

The evidence gathered from European and national legislative disciplines regarding the socio-ecological transition and sustainable development highlights a commitment and willingness, as well as (in some cases) an obligation, in constructing policies that consider interconnected productive, social, and environmental interests and variables.

Similarly, scholars have increasingly underlined the imperative to consider the socio-ecological transition, moving beyond the confines of the "singular" green transition, emphasizing the interconnection of social and environmental facets, and advocating for a holistic approach that addresses the complex interplay between social justice, economic sustainability, and environmental issues.

Hence, reflecting on the role and commitment of industrial relations and collective bargaining on this issue becomes crucial.

Indeed, from the analysis of collective bargaining in this research, it emerges how social partners have not yet internalized in their provisions areas of intervention and tools to support the socio-ecological transition. Looking at the direct measures alone, the highlighted instruments or covered topics explicitly focus only on environmental issues, leaving aside the social factors inevitably impacted by transition processes.

Also, it emerges a significant disparity between the two sectors under examination: for instance, the energy-petroleum sector foresees specific observers and joint committees supporting environmental transition <sup>(31)</sup>,

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<sup>(31)</sup> Regarding the observatory and bilateral commissions, it is the renewal in 2002 that established the Joint National Sector Observatory, composed of 12 members (6 from the trade union side and 6 from the employer side). It has a targeted role in analyzing, verifying, and engaging in nationwide discussions on various issues, notably including matters related to labor and energy policies. The activities of the Observatory are further specified within joint commissions aimed at addressing specific topics of common interest, often involving external experts. Specifically concerning environmental issues, reference is made to the specific commission established in 2002. The 2017 renewal reforms the Observatory's activities, restructuring the composition of its commissions.



or training courses on ecological themes <sup>(32)</sup>; conversely, the metalworking sector lacks such provisions on these issues.

In this sense, it is not surprising that in no case the collective bargaining of the sectors under examination refer to the socio-ecological transition. Regarding what we here called indirect measures, there are noticeable differences between the sectors analysed. While the energy-petroleum sector addresses issues like generational turnover <sup>(33)</sup> and gender equality <sup>(34)</sup>, the latter remains anchored in defining measures, tools, and

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ASIEP – ASSOCIAZIONE SINDACALE DELL’INDUSTRIA DELL’ENERGIA E DEL PETROLIO, FILCEM CGIL, FEMCA CISL, UILCEM UIL, *Contratto Collettivo Nazionale di Lavoro Energia e Petrolio*, 14 marzo 2002, 3; CONFINDUSTRIA ENERGIA, FILCTEM CGIL, FEMCA CISL, UILTEC UIL, *Ipotesi di Accordo CCNL Energia e Petrolio*, 21 luglio 2022.

<sup>(32)</sup> About the training provisions, see ASIEP – ASSOCIAZIONE SINDACALE DELL’INDUSTRIA DELL’ENERGIA E DEL PETROLIO, FILCEM CGIL, FEMCA CISL, UILCEM UIL, *Contratto Collettivo Nazionale di Lavoro Energia e Petrolio*, 14 marzo 2002, 14-15. The concept is reaffirmed in subsequent agreements, albeit with different terms. «Training is deemed by the parties as a strategic element for the growth and development of human resources, ensuring the continuity of the company’s competitiveness and its adaptability to change», see ASIEP – ASSOCIAZIONE SINDACALE DELL’INDUSTRIA DELL’ENERGIA E DEL PETROLIO, FILCEM CGIL, FEMCA CISL, UILCEM UIL, *Contratto Collettivo Nazionale di Lavoro Energia e Petrolio*, 30 marzo 2006, 22.

<sup>(33)</sup> Since the 2017 renewal, the parties have promoted a section named “Generational Project” emphasizing the significance of this topic within the workplace. It underscores the necessity of addressing these challenges constructively and fairly, particularly during transitional phases. See CONFINDUSTRIA ENERGIA, FILCTEM CGIL, FEMCA CISL, UILTEC UIL, *Contratto collettivo nazionale di lavoro per gli addetti all’Industria dell’Energia e del Petrolio*, 25 gennaio 2017, 26.

<sup>(34)</sup> On the gender equality issues, the parties of the energy-petroleum sector take on the responsibility to promote and implement initiatives aimed at identifying and removing possible unjustified subjective and objective barriers hindering effective gender equality in accessing the labor market. The National Sector Observatory, particularly the National Joint Commission on the status of female labor and the achievement of equal opportunities in the energy and petroleum sector established in the 2002, is tasked with promoting initiatives to ensure genuine equality among individuals. In the latest contract renewal, this theme has gained further significance due to the commitment of the Parties to renew and promote the Observatory’s activities. The Observatory is entrusted with providing consultancy and support in formulating and implementing gender equality policies, conducting research, and monitoring gender equality conditions within sector companies. Its task includes identifying and proposing best practices, promoting training, knowledge dissemination, and a culture of equal opportunities, including pay parity. See ASIEP – ASSOCIAZIONE SINDACALE

processes traditionally regulated by collective agreements, disregarding these elements to which collective bargaining is expected to respond in the perspective of the socio-ecological transition.

If, for example, the collective agreements provide disciplines for smart working, recognizing it as a crucial tool to promote both social and environmental sustainability by reducing the environmental impact of work activities and supporting a better balance between work and private life, the parties do not adopt a holistic and systemic perspective in setting the specific discipline.

If, in other words, there are no dictates of the socio-ecological transition, which is (by now) merely an interpretative framework for very complex phenomena, an assessment can be suggested on the primary and pivotal role played by collective bargaining in fostering the active engagement of social partners on this matter.

Social parties, precisely because they operate in labor markets but also in territories, in specific industrial dimensions, can manage both environmental and social aspects (in terms of skills' development and requalification, safety, well-being, work-life balance, equity) understanding the specificities of the communities and production sites in which they operate, hence better tailoring transition policies.

In this sense, despite the analysis of collective bargaining so far do not reveal a renewed awareness and proactivity among trade unions or employers' associations in promoting aspects such as democracy, justice, and social inclusion in the necessary ecological transition processes, the potential of the collective bargaining in a future proactive management, rather than solely reactive, of the processes and impacts of the transition seems to deserve attention.

## Abstract

### Collective bargaining and the challenge of the socio-ecological transition

***Purpose:** The objective of the research is to investigate the role of collective bargaining in the socio-ecological transition process. This specific inquiry aims to contribute to a*

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DELL'INDUSTRIA DELL'ENERGIA E DEL PETROLIO, FILCEM CGIL, FEMCA CISL, UILCEM UIL, *Contratto Collettivo Nazionale di Lavoro Energia e Petrolio*, 14 marzo 2002, 32; CONFINDUSTRIA ENERGIA, FILCTEM CGIL, FEMCA CISL, UILTEC UIL, *Ipotesi di Accordo CCNL Energia e Petrolio*, 21 luglio 2022, 25.

*broader reflection on the nature and function of collective bargaining. **Methodology:** The research undertakes an examination of both European and national legislation, coupled with a comprehensive review of predominantly international literature concerning the subject of transition. Expanding upon the established theoretical framework, the study advances through an analysis of national collective bargaining within two economic sectors, retracing to the first agreement encompassing provisions on the explored theme. **Findings:** The study reveals a dual role of national collective bargaining in dealing with transition processes: one emphasizing job stability and worker safety, labelled “traditional union action”, while in other cases it addresses sustainability in a more systemic way. **Research limitations/implications:** Given the breadth of the topic, encompassing economic sectors and their industrial relations systems, this research cannot be deemed exhaustive regarding the role of collective bargaining in managing and promoting the socio-ecological transition and its related impacts. **Originality:** The research analyses the broad transition issue from the original and specific perspective of the socio-ecological transition deepening the role of national collective bargaining. In this sense it aims to contribute to the reflection on the function and role of collective agreements.*

**Keywords:** *socio-ecological transition, collective bargaining, collective agreements, function.*

## *Osservatorio internazionale e comparato*

### **Intersections between work, nature and feminine: initial considerations from a Global South perspective**

Contribution for the First International online workshop “Exploring the gender-environment nexus in selected countries”, organised in the frame of the PROJECT “ENTRUST” (womEN’s work and sustainability: Towards gendeR jUSt Transitions), University of Insubria, November 7th 2023

*Tânia Regina Zimmermann\**

*Summary:* 1. Introduction. – 2. Situating experiences in the *Global South*. – 3. Final considerations.

### **1. Introduction**

This text aims to provide brief considerations about the First International online workshop of the Project “ENTRUST” (Women’s work and sustainability: towards gender just transitions) observing the exhibitions as well as starting from a southern perspective that encompasses coloniality and green colonialism in Latin America and situated writings by Latin American ecofeminists. Furthermore, in this workshop we see points of convergence in relation to sustainability and ecological transition, green programs and employment, care economy, ecofeminism, intersectionalities, political strategies for mitigating climate change from a gender perspective.

Given some perspectives to understand the historical dimension of gender in eco-territorial collective actions, some feminist thinkers highlight discussions of great relevance when understanding care,

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motherhood and domesticity as political places <sup>(1)</sup>. The domestic spaces of collectives before colonization were under the responsibility of women as politicized and relatively autonomous spaces in a way that Segato calls low patriarchy. A patriarchy even so because there were positions of privilege and status between men and women in a relationship of duality and not binaries.

With European colonization, community domestic spheres were privatized, endowing them with a new morality of sacred subservience. This domestic confinement devoid of politicization was the basis of several social movements that Jelin called <sup>(2)</sup> maternalists and familists. In these fighting processes, emotions were the political banner, as family and affection bonds form the source of legitimacy in the fight for human rights, denouncing the political violence experienced during the civic-military dictatorships in the Southern Cone of Latin America.

Added to this, after the 1980s, several Latin American feminist meetings took place, national and international meetings with the scope of intense violations, precariousness and patriarchal exposures of female and dissident bodies. In these meetings we mention the confluence and alliances of indigenous, anti-patriarchal and environmentalist movements; territorial alliances in Parliaments, plurinational meetings of women and sexual dissidents (event in La Plata, Buenos Aires, 2019), chairs and events on ecofeminism and the Basta Terricidio walk.

In the theoretical field, intersectional discussions placed the environment at the center of eco-territorial feminist struggles in the face of degradation, lack of food, water, soil contamination <sup>(3)</sup> and initiated studies on the feminized and women's protagonism in eco-territorial conflicts arising from different belongings such as organizations community groups of indigenous groups, Afro-descendants, activists of socio-environmental groups, state workers, NGO activists.

Intersectional feminism recognizes that there is not just one axis of oppression and that it does not operate in layers, but rather intertwined <sup>(4)</sup>. This category/methodology specifically addresses the way in which

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<sup>(1)</sup> J. WALLS, *To decolonize feminism*, Community Feminism of Abya Yala, 2020; R. L. SEGATO, *Counter-pedagogies of Cruelty*, 3rd ed., Prometheus, 2021.

<sup>(2)</sup> E. JELIN, *Subjectivity and the public sphere: The gender and meanings of family in the memories of her repression*, in *Politics Y Sociedad*, 48(3), 2011, 555-569.

<sup>(3)</sup> V. SHIVA, M. MIES, *Ecofeminism: Theory, criticism, perspectives*, Icaria, 2016.

<sup>(4)</sup> S. BILGE, P. HILL COLLINS, *Intersectionality*, Translated by Rane Souza, Boitempo, 2021.

racism, patriarchy, class oppression, and other discriminatory and exploitative systems create basic inequalities that structure the relative positions of women, races, ethnicities, classes, and others. This must be taken into consideration in the theories and practices of feminist movements, without omitting the various oppressions and without defending the category of women as unitary and abstract.

In addition, important discussions about these neoliberal relations were strengthened with Fraser <sup>(5)</sup> producing a consensus that it is not possible to analyze market relations without the tasks of care and the sphere of production and reproduction. Above all, ecofeminism points out that the planet and the economy must be understood as the house, the home, whose activities of women in this space transcend the vision of patriarchal production and reproduction.

In this sense, feminist epistemologies focused on the issue of reproduction and historical invisibilization of the depoliticized private sphere. Federici highlights:

“From Lenin to Gramsci, the entire tradition of the left agreed on the ‘marginality’ of domestic work to the reproduction of capital and the marginality of the housewife to the revolutionary struggle. For the left, as housewives, women do not suffer because of capitalist evolution, but because of its absence. Our problem, it seems, is that capital has not organized our kitchens and bedrooms, which has a double consequence: that we apparently work in a pre-capitalist stage and that anything we do in these spaces is irrelevant for social transformation. Logically, if domestic work is external to capital, our struggle will never cause its downfall <sup>(6)</sup>”.

Feminists denounced the profound androcentrism of capitalist society. By politicizing the personal, they expanded the boundaries of protest to include domestic work, sexuality and reproduction as Fraser reports:

“Such market-mediated processes of subordination are the very essence of neoliberal capitalism. Today, consequently, they must become the main focus of feminist critique, as we seek to distinguish ourselves from neoliberalism and

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<sup>(5)</sup> N. FRASER, *Fortunes of feminism and capitalism managed by the state a la neoliberal crisis*, IAEN-Institute of Altos Estudios Nacionales del Ecuador, Traficantes de sueños, 2015.

<sup>(6)</sup> S. FEDERICI, *Revolution en point zero. Domestic work, reproduction and feminist fights*, Traficantes de sueños, 2013.

avoid its reframing. The aim, certainly, is not to abandon the struggle against traditional male authority, which remains a necessary moment of feminist critique. It is, on the contrary, to break the easy passage of such criticism to its neoliberal double – above all by reconnecting the struggles against personalized subjection to the critique of a capitalist system, which, even though it promises liberation, in fact replaces one mode of domination with another <sup>(7)</sup>.

Inexorably, Fraser's argument adds to the various markedly racist and heterocentric lines of oppression that have sustained the feminization of poverty, and of this reality, a large part of those in poverty are white women, indigenous women, dissidents, black women and people under their care. Therefore, understanding colonial logic is essential when it comes to gender, since women in the global south were irremediably exploited by race, but also by gender associated with nature <sup>(8)</sup>. Latin American ecofeminist movements incorporate in their practices and conceptions an action response to these oppressions.

## 2. Situating experiences in the Global South

The experiences of working women in various parts of the world encourage a specific connection with the environment. How is this possible? Would it be a practice inherent to the feminine whose relationship with human reproduction would provide the answers we are looking for here? Here is one of the answers: “[...] we can consciously choose to accept the woman-nature connection, participating in culture, recognizing that the devaluation of the donation of life has profound consequences for ecology and women” <sup>(9)</sup>.

environmental connection and work indicates that women's experiences lead to responsibility and promotion of a creative and inventive impact in the most different areas of human existence in plural worldviews <sup>(10)</sup>. Gebara also argues that an ecofeminist perspective must develop a new cosmology that recognizes different forms of life as dependent on cooperation and mutual caring relationships. In this sense, new debates

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<sup>(7)</sup> N. FRASER, *cit.*

<sup>(8)</sup> M. LUGONES, *Coloniality and Gender*, in *Tabula Rasa*, n. 9, July 2008, 73-101.

<sup>(9)</sup> R.C. DI CIOMMO, *Ecofeminism and environmental education*, Cone Sul, 2003.

<sup>(10)</sup> I. GEBARA, *Ecofeminist intuitions: An essay to rethink knowledge and religion*, Trotta, 2000.

and clashes are emerging regarding equity, gender equality and their relationships with socio-environmental justice, recovery of fragile ecosystems and food security in different institutional spaces and in the collective rural environment or not.

Numerous women and dissidents in Latin America have launched initiatives to defend nature in the face of environmental degradation, denouncing the way in which this has affected their lives and the lives of the people under their care. At the most basic level is nature, on which life depends and has always depended. Being sustainable at this first, most basic level means maintaining this relationship of interdependence between society and nature, through a co-evolutionary path – always open and changing – that is durable from the point of view of natural heritage and environmental services, both for future generations as for current ones.

However, the interaction that the capitalist economy, patriarchal society and androcentric technological culture maintain with nature are responsible for growing local and global ecological problems. To which is added, in addition to the serious problems of inequality, poverty and misery that already exist, new forms of impoverishment that derive from environmental degradation itself<sup>(1)</sup>.

In the Latin American scenario, environmental degradation and resilient conflicts operated with the civilizational matrix of death exporting natural resources and processes of economic reprimarization, socio-environmental injustices in all spaces, emerging different eco-territorial social struggles (rural, urban, indigenous people, Afro-descendants) oriented against private sectors, especially transnational corporations and against the State that violates human rights. These movements tend to expand their political and discursive platforms by incorporating themes that question development models and instrumental and anthropocentric views of nature. In these struggles, popular feminisms emerge, which, according to Claudia Korol (2016), the notion of “popular” in relation to feminisms functions more as a polysemic category to understand the plurality of feminist struggles involving situations of different intersectional subalternizations in which the

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(1) C. CARRASCO, *The Feminist Economy: a challenge for another economy*, in M. J. VARAM (ed) *Studies on gender and economy*, Akal, 2008.



subjects are able to collectively question and propose new historical projects <sup>(12)</sup>.

In recent decades, popular feminisms in their own experiences have incorporated holistic perspectives that integrate and politicize care practices and the importance of affections and emotions in ecological processes for the production and reproduction of good living, linking ontological links <sup>(13)</sup>.

These feminisms assume that the heteropatriarchal and colonial capitalist system dominated and disciplined female bodies in continuity with territories and nature. They also revalue knowledge from the experience of everyday life transmitted through generations and which produces knowledge with emancipatory perspectives with the creation of autonomous and libertarian subjectivities.

These are feminisms whose social experiments create democratic horizons of ecosocial justice, whose ecobiographical trajectories make concepts, practices, images available from everyday life, science, politics, and territories. One of the paradigmatic examples of the global south was the Chipko movement in India, which emerged in the 1970s and was led by women who hugged trees to prevent their felling, representing the affective and human body-earth bond.

Astrid Ulloa observes that in Latin America there is a multiplicity of eco-territorial feminisms arising from a scenario of precarious life and expulsion from their territories, which are struggles led by indigenous, Afro-descendant and peasant women, centered on defending the care of the territory, the body and the nature with criticism of development and extractive processes <sup>(14)</sup>. For the author, these are feminisms whose antecedents we find in the dynamics of movements of indigenous and Afro-descendant women (autonomous or community feminisms), from which worldviews arise for the defense of life, in continuity and

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<sup>(12)</sup> M. DE LA CADENA, *Indigenous cosmopolitics en the Andes: more conceptual reflections on « politics »*, in *Tabula Rasa*, 33, 2020, 273-311.

<sup>(13)</sup> MATERIA COLLECTIVE, *Feminism in them limits of it reason extractivist: an intervention from posthuman materialism*, in *Magazine of modern and contemporary philosophy*, 11, 2020, 332-350.

<sup>(14)</sup> A. ULLOA, *Territorial feminisms in Latin America: defenses of life against them extractivism*, in *Nomads*, 45, 2016, 123-139.

articulation with territories. Hence the importance of notions such as land-territory and body-territory <sup>(15)</sup>.

To understand these notions, cosmogonic symbolism is used to add to the content of territorial feminism, Cabnal (2010) pays attention to the body-territory category. The body is the first territory and the body of women and feminized identities is the place where institutional and institutionalized structures persist, where hierarchical policies and power structures are shaped, that is, it is the embodied assembly of gender, race, class, sexuality and age. Ancestral cosmogony is the central reference of these feminisms.

About these feminisms there is a literature nourished by eco-territorial practices produced by thinkers and activists. Here we summarize in a few lines his works whose words resonate strongly throughout Abya Yala. For example, Gladys Tzul Tzul <sup>(16)</sup>, a Quiché Mayan sociologist, together with the women of her people, demands communal ways of doing politics with a long memory of fighting for territory. Moira Millán is currently leading the native flower rebellion process, a movement that brings together indigenous women from different peoples in the fight against terricides resulting from extractivism and agribusiness by large corporations.

The terricide category comes from the notion coined by the Indigenous Women's Movement for Good Living and condenses many debates among ecofeminists, whose focus is recent, open, plural, diverse, theoretical and militant, which brings new perspectives to analyze the intersections between extractivism, patriarchy and denaturalize their historical alliances of domination. Terricide is a systematic extermination of all forms of life destroying both the tangible ecosystem and the spiritual ecosystem. There are regulatory forces that sustain life, that is, forces that are the spiritual energy of that particular territory and that community. The "terricide", "ecocide" and other notions coined from this movement come from local philosophies incorporated in spiritual practices, in painful experiences, in the ways of fighting and feeling. Collective thinking concepts are forged in the process,

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<sup>(15)</sup> L. CABNAL, *Approach The there construction of it proposal for epistemic thinking – community feminist indigenous women from Abya Yala. Diverse feminisms: community feminism*, ACSUR, 2010.

<sup>(16)</sup> G. TZUL TZUL, *The production of it indigenous communal authority . Brief outline for Guatemala*, in *Studio Magazine El Apantle Communitarian*, 2, 2016, Society Community en Strategic Studies, 226-241.

throughout several conversations, meetings and marches. This category includes other dimensions in the elaborations of Western and Latin American ecofeminist theorists, namely:

- Territorial
- Spiritual
- Cultural

The Indigenous Women's Movement for Good Living emerged in 2018, but with several antecedents. It brings together women from 36 nations of indigenous peoples and this movement emerged to denounce femicides, discrimination based on gender, race, class and other intersectionalities, marginalization, rape, sexual abuse, deaths due to malnutrition of their children, to demonstrate against what they call terricide. All of these practices respond to a structural problem: a civilization matrix embedded in nation-states that do not represent their ways of being and inhabiting life. The terricide category, then, has its bases in a link with nature that is difficult to "classify" in the Western perspective. An articulation of the languages of containment is produced here of an environmentalist nature with the languages of feminism and indigenous movements, which opens new horizons to understand complex problems with several intersections.

This category also adds to another Mapuche concept of territorial feminists, namely hetero-winka-patriarchy. To heteronormativity and patriarchy is added winka, which represents coloniality. Winka represents the set of rules established by the conqueror and the State in its capitalist and extractive form "We have not stopped living in colonial relations, current ones, of corporate transnational powers" (Valeria Silva, Mapuche activist). To this end, indigenous wisdom exposes "a spirituality and a life practice that should be embraced in many aspects to find him again environmental balance" <sup>(17)</sup>.

The Indigenous Women's Movement for Good Living states that there cannot be an anti-patriarchal and environmental struggle if there is no anti-colonial and anti-racist struggle. They talk about the possibility of liberation by restoring ancestral thought traditions that propose reciprocity and harmony with territories and between peoples. Good living: is defined by the opposition to the "better living" of neoliberal

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<sup>(17)</sup> M. J RESS, *Las sources del ecofeminism: a genealogy*, in *Conspiring. Latin American magazine of ecofeminism, spirituality and theology*, 23, 1998, Mosquito editors, 118-131.

logic and proposes a much fairer model of life for everyone, unlike capitalism, in which many have to “live badly” so that some can “live well”. *Kvme Felem* is based on balance and harmony. It is the concept that best expresses the life system of the Mapuche People, as it implies that people must be in social, spiritual and economic balance (non-developmental), assuming a role as an integral part of the *Waj Mapu* (territory).

The intertwining between local actions, globality and modernity in Southern thought permeates the questions about women who remained outside the historical recognition of their activities, especially in the private environment and/or in the collective environment such as indigenous and quilombola women.

In discussions about female protagonism in the global south in relation to demands and proactive actions towards socio-environmental justice and autonomy of rural communities to manage their ways of life, we present the combined efforts of women on various fronts such as the *Marcha das Margaridas* <sup>(18)</sup> in Brazil in the struggle for the dignity of their communities as well as indigenous and quilombola women in confronting socio-environmental destruction in their eco-territorial spaces.

These women’s activisms involve combating not only local and regional powers, but also adding that from a southern perspective we see this reduction and threat from the Global North with its economic and ecological imperialism. This system seeks to destroy, devastate and reduce traditional forms of community existence under the international division of labor. Spivak <sup>(19)</sup> also pointed out this process in the coloniality of knowledge, including philosophers of deconstruction, who ignored the global south, betting on the non-coloniality of being, power and knowledge. However, in the global north-south relationship, processes of environmental destruction greatly affect intersectionalities with the feminine.

The feminization of poverty is one of these aspects with profound socio-environmental, health and generational consequences. This affectation is

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<sup>(18)</sup> *Marcha das Margaridas* is a unified socio-environmental movement of rural women from all over Brazil, which receives support from different civil society organizations, with emphasis on support from the National Confederation of Rural Workers and Family Farmers (CONTAG).

<sup>(19)</sup> G. C. SPIVAK, *Can the subordinate speak?* Translated by Sandra Regina G. Almeida; Marcos P. Feitosa and André P. Feitosa, Editora UFMG, 2014.

related to Western patriarchy and the coloniality of power that generated different oppressions for southern women. In these activisms there is the understanding that a global ecological balance depends on the suppression of patriarchal structures and the proposition of southern cosmologies. It is also suggested that women participate more in active movements and political incursions to stop predatory developmental projects that take away necessary assets such as land, water, seeds, biodiversity and autonomy to manage and nourish life and work with dignity.

### 3. Final Considerations

Bringing collective and individual actions and thoughts of ecofeminist women from Abya Yala and their collectives is also a political act as well as an invitation to weave stories “in the most vegetal region of time and light” according to a song by Mercedes Sosa. These ecofeminists who emerged after the 1980s give hope to collectives of original women and other women who have experienced the intense effects of the exploratory processes of colonization.

They are women who are on the prowl in defense of their bodies-territories and their community, challenging neocolonial governments, but they also challenged the theorizations of epistemic feminists both in relation to the geopolitics of coloniality and knowledge. The praxis of ecofeminists Antisystemic approaches can allow ontologically contextualized dialogues and translations. These decades of struggles that date back several centuries have always had an explicit meaning: brotherhood, otherness, justice and liberation. Utopia and/or ecofeminist actions anti-patriarchal actions are made and replicated in doing.

The construction of new relationships of responsibility towards the present time and the future implies resistance to contemporary mutilating simplification and has its leading roles in women. We have observed that some feminisms fail to believe that the domination and destruction of the environment, of which the climate has shown signs of exhaustion, is a relationship only between women and men. No, it's not. And the use of the term “pedagogy of cruelty”, an expression coined by Rita Segato, serves to show us the destruction and transformation of all values present in community lives. Therefore, Capitalism and market Patriarchy need this pedagogy to act. It is therefore urgent to propose counter-pedagogies

to articulate new debates on equity, gender equality and their relationships with socio-environmental justice, recovery of fragile ecosystems and food security in different institutional spaces based on interdisciplinary discussions and with a vision anchored in historical pluralism.

## **Ambiente y género: Un maridaje clave para el desarrollo humano**

Contribution for the First International online workshop “Exploring the gender-environment nexus in selected countries”, organised in the frame of the PROJECT “ENTRUST” (womEN’s work and sustainability: Towards gendeR jUSt Transitions), University of Insubria, November 7th 2023

*Viviana Laura Diaz\**

*Summary: 1. Introducción. – 2. La perspectiva argentina. – 3. Programa Empleo Verde. – 4. Palabras finales.*

### **1. Introducción**

Desde tiempos ancestrales, las mujeres han tenido una relación especial con la naturaleza. Ellas contribuyen enormemente al bienestar y el desarrollo sostenible de sus comunidades, así como al mantenimiento de los ecosistemas, la diversidad biológica y los recursos naturales del planeta. El rol de las mujeres en la gestión pública, en general, y ambiental, en particular acompaña un proceso de transformación de gran escala que incluye a toda la sociedad. Género y ambiente son dos ejes centrales para pensar el futuro desde una serie de procesos, movimientos y transformaciones que atraviesan nuestro presente.

Es fundamental reconocer e involucrar a las mujeres como agentes de desarrollo local, considerando que sus necesidades son diferentes a las de los hombres. Potencializar sus habilidades y recursos (en lo individual y en grupos) mejora el bienestar de las comunidades. La vulnerabilidad que enfrentan las mujeres ante los riesgos de desastres difieren en función de los roles que desempeñan y los espacios en que se desarrollan. Se señala que los desastres naturales tienen un impacto mayor sobre la esperanza de vida de las mujeres, pues son 14 veces más propensas a morir durante un desastre. Además, debido a que sobre las mujeres recae la responsabilidad del trabajo no remunerado, la tarea de los cuidados

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(suministro de cuidados, agua y alimentos), los desastres les acarrearán una carga emocional y física adicional

El Programa de Naciones Unidas para el Medio Ambiente (PNUMA) ha sintetizado el núcleo de esta vinculación al expresar que “los cambios medioambientales nos afectan a todos. Sin embargo, estos cambios afectan a la vida de hombres y mujeres de diferentes maneras debido a las dinámicas de género y a las desigualdades “

Lograr la equidad de género es fundamental para el desarrollo sostenible . En todas las sociedades, los roles de las mujeres y los hombres se construyen socialmente, pero con demasiada frecuencia existen disparidades de género que perjudican a las mujeres; esto impide su desarrollo y por ende el de la humanidad.

## **2. La perspectiva argentina**

Argentina está comprometida con el cambio climático, ha ratificado el Acuerdo de París sobre el cambio climático en el año 2016, a través de la ley 27270, luego de haber participado activamente en el proceso de negociación. En el mismo sentido la Ley de Presupuestos Mínimos de Adaptación y Mitigación al Cambio Climático Global del 18 de diciembre de 2019, establece los presupuestos mínimos de protección ambiental para garantizar acciones, instrumentos y estrategias adecuadas de adaptación y mitigación al cambio climático en la Argentina en los términos del artículo 41 de la Constitución Nacional. Se considera información pública ambiental todos los datos y documentación relacionados con su aplicación y crea un Sistema Nacional de Información sobre Cambio Climático. Cada jurisdicción debe promover procesos de participación entre todos los involucrados y actores interesados que conduzcan a la definición de las mejores acciones de adaptación y mitigación al cambio climático.

El núcleo central de la vinculación de la equidad de género y protección del medio ambiente se encuentra en la interrelación de los conceptos de desarrollo humano y desarrollo sustentable o sostenible que incorpora la cláusula del artículo 41 de la Constitución Nacional de Argentina, otorgándole un contenido que parte de un “ambiente sano, equilibrado, apto para el desarrollo humano y para que las actividades productivas satisfagan las necesidades presentes sin comprometer las de las generaciones futuras”. El artículo 41 dice que: “Todos los habitantes



gozan del derecho a un ambiente sano, equilibrado, apto para el desarrollo humano y para que las actividades productivas satisfagan las necesidades presentes sin comprometer las de las generaciones futuras; y tienen el deber de preservarlo. El daño ambiental generará prioritariamente la obligación de recomponer, según lo establezca la ley. Las autoridades proveerán a la protección de este derecho, a la utilización racional de los recursos naturales, a la preservación del patrimonio natural y cultural y de la diversidad biológica y a la información y educación ambientales. Corresponde a la Nación dictar las normas que contengan los 2 presupuestos mínimos de protección y a las provincias las necesarias para complementarlas, sin que aquellas alteren las jurisdicciones locales. Se prohíbe el ingreso al territorio nacional de residuos actual y potencialmente peligrosos y de los radioactivos.”

En el año 1994, en el Capítulo Segundo -de la Parte Dogmática- de la Constitución Nacional, se incorpora este artículo 41, que introduce la noción de desarrollo sustentable, en el marco de los denominados derechos fundamentales. Especifica, el concepto de TUTELA AMBIENTAL, entendida como el mecanismo de protección que permite a cada persona acudir a la justicia para obtener la protección de sus derechos ambientales. Un ambiente sano implica —entre otras cosas— respirar aire limpio, acceder a fuentes de agua potable, disponer de alimentos de calidad y tener un lugar digno donde vivir.

En el mismo artículo se incluyen, además de los derechos de los habitantes actuales, los derechos llamados de “tercera generación”, que son los derechos de los ciudadanos argentinos que van a nacer en el futuro y que también dependerán de los elementos del ambiente para poder gozar de una vida plena, entendiendo por esto un ambiente sano. Esto en definitiva nos conduce a utilizar los elementos del ambiente según nuestras necesidades básicas, pero sin utilizar lo que no es necesario intentando favorecer el uso sustentable, permitiendo que el ambiente reponga lo que extraemos, reemplazando el uso de elementos no renovables por otros renovables y terminando con los hábitos de acumulación y consumo ilimitado e innecesario; además de no afectar el ambiente con el uso de elementos contaminantes u otras formas agresivas que en definitiva destruyen el ambiente. Un ambiente equilibrado es el que mantiene su biodiversidad, donde no se altera de manera significativa el sistema natural

La ley protege el AMBIENTE y deja en claro que hay responsables de su cumplimiento . Al ser la Argentina un país federal, las normativas a

cumplir en cada espacio administrativo corresponden a las autoridades locales; por ejemplo, a nivel nacional existen leyes de presupuesto mínimo como es el caso de la preservación de bosques nativos. A nivel de cada provincia debe existir una ley provincial que, teniendo en cuenta la ley nacional, sea aplicable a cada realidad provincial, lo mismo debería ocurrir a nivel de municipio o comuna.

En materia de educación ambiental, la Ley para la Implementación de la Educación Ambiental Integral, (EAI) la Ley N° 27.621 promulgada el 1° de junio de 2021, la define, como un proceso educativo permanente con contenidos temáticos específicos y transversales, que tiene como propósito general la formación de una conciencia ambiental. Y en este marco, la Ley de EAI complementa la Ley Yolanda.

La Ley 27.592 o Ley Yolanda, es una ley que tiene como objetivo garantizar la formación integral en ambiente, con perspectiva de desarrollo sostenible y con especial énfasis en cambio climático, para las personas que se desempeñan en la función pública. Fue sancionada el 17 de noviembre del año 2020, y su nombre es en honor a Yolanda Ortiz nacida en Tucumán en 1923, que fue la primera mujer en ejercer un cargo público de gestión ambiental en América Latina. Yolanda Ortiz fue Doctora en Química, especializada en Toxicología, y durante su juventud obtuvo una beca en La Sorbona, Francia, donde permaneció hasta fines de la década del 60. En 1973 se convirtió en la primera secretaria de Recursos Naturales y Ambiente Humano de Argentina y de América Latina, designada por Juan Domingo Perón durante su tercer gobierno. Yolanda falleció en la Ciudad de Buenos Aires a los 94 años el 22 de junio de 2019. Como homenaje a su legado, se sancionó el 17 de noviembre de 2020 la Ley 27592 que establece que todos los empleados de la función pública deben recibir una capacitación obligatoria en materia ambiental, tanto de los Poderes Ejecutivo, Legislativo como Judicial de la Nación, para contribuir, desde la gestión estatal, a la construcción de una Argentina ambientalmente sostenible.

Desde su contenido transversal, la Ley asume el desafío de la alfabetización ambiental, buscando la sensibilización de las personas que ejercen un cargo público respecto a las causas y a los efectos de la afectación del ambiente, impulsando el análisis y el tratamiento de soluciones posibles y aplicables.

La ley busca garantizar la formación ambiental con perspectiva de desarrollo sostenible, poniendo énfasis en el cambio climático, en la equidad, en la igualdad de género, en el respeto por la justicia y la inclusión de los seres humanos y la naturaleza. La duración de la capacitación está prevista en 16 horas con módulos de por lo menos dos horas cada uno, de cursada tanto en formato presencial como virtual. El incumplimiento de la capacitación, acarrea sanciones disciplinarias.

Las capacitaciones se organizan en 6 módulos temáticos comunes y 2 módulos temáticos a elección, según las particularidades de cada sector público o jurisdicción. Su contenido abarca tanto temáticas de conocimiento, como actitudinal, con el desarrollo de valores y habilidades de comportamiento ambiental. Su formación comprende nociones de CAMBIO CLIMÁTICO, BIODIVERSIDAD, NORMATIVA VIGENTE, EFICIENCIA ENERGÉTICA, DESARROLLO SOSTENIBLE Y ECONOMÍA CIRCULAR.

Se asume la crisis ambiental como una crisis civilizatoria y no sólo ecológica en términos de degradación ambiental. Crisis que emerge de un modelo de vida que desconoce los ciclos de la naturaleza, debilitando los vínculos sociales y por sobre todo el empleo. En este marco, el EMPLEO VERDE es aquel que MEJORA LA EFICIENCIA ENERGÉTICA y que LIMITA las emisiones de gases de efecto invernadero, minimizando los residuos y la contaminación, protegiendo los ecosistemas y apoyando la adaptación a los efectos climáticos. En este sentido nace el PROGRAMA DE EMPLEO VERDE.

### **3. Programa Empleo Verde**

Se formalizó por medio de la Resolución 82/2023, publicada el 23 de febrero del 2023, por el Ministerio de Trabajo, Empleo y Seguridad Social de la Nación (MTEySS). Así, el gobierno argentino impulsa la creación de empleos verdes en sintonía con la definición provista por la OIT. Es decir, empleos que cumplen los estándares de trabajo decente y contribuyen a “preservar y restaurar los recursos naturales, el ambiente y/o la biodiversidad tanto en sectores tradicionales como en sectores emergentes”. El 15 de mayo de 2023, la Secretaria de Empleo del MTESS dicta la Resolución 608/2023 que aprueba la reglamentación del

programa empleo verde, con el objeto de precisar su alcance y determinar su modalidad de implementación en articulación con los planes, programas y líneas de acción en materia de promoción del empleo del propio Ministerio.

#### Objetivos del PROGRAMA EMPLEO VERDE

- impulsar la creación de empleos verdes
- promover la formación profesional, certificación y mejora de las competencias laborales en perfiles ocupacionales que sean ambientalmente sustentables
- acompañar a los trabajadores en procesos de transición justa buscando reducir el impacto negativo que pueden generar los cambios en el mercado de trabajo
- favorecer la movilidad de los trabajadores y de empresas hacia sectores de actividad verdes en función del producto final o el proceso de trabajo
- identificar oportunidades estratégicas a nivel sectorial y territorial para la promoción y creación de empleos verdes
- impulsar la formalización de los trabajadores y unidades productivas que realizan actividades ambientalmente sostenibles
- acompañar y sostener el empleo en la transición hacia una economía verde

desarrollar acciones positivas contra todas las formas de discriminación en el mundo del trabajo

#### Modalidad de Implementación

El programa se implementa en forma transversal, integrada, articulada y a través de los diferentes planes, programas y líneas de acción de promoción del empleo y formación profesional aplicados y gestionados por la Secretaría de Empleo del Ministerio de Trabajo.

#### Destinatarios

Se establece como población objetivo del programa a los trabajadores asalariados, independientes o de unidades productivas autogestionadas de manera individual o asociativa, y trabajadores en situación de desocupación participantes de los planes, programas y acciones de promoción del empleo y de formación profesional. Abarcando tanto los organismos públicos que desarrollen acciones de problemática ambiental como organizaciones de la sociedad civil.

El Programa se enmarca en los compromisos asumidos por nuestro país desde el año 2015 en torno a los Objetivos de Desarrollo Sostenible (ODS) y en particular al Objetivo 8, cuyo objeto es “PROMOVER EL

CRECIMIENTO ECONÓMICO SOSTENIDO, INCLUSIVO Y SOSTENIBLE; EL EMPLEO PLENO Y PRODUCTIVO Y EL TRABAJO DECENTE PARA TODOS”. De esta manera, se constituye como un complemento desde la perspectiva de las Políticas Públicas de Empleo a la Capacitación en Ambiente- Ley Yolanda (27.592). Implica acciones positivas contra todas las formas de discriminación en el mundo del trabajo, con un enfoque interseccional, apuntando especialmente a trabajadores vulnerados por motivo de género.

Los sectores identificados para la aplicación del PROGRAMA EMPLEO VERDE son los de agricultura, forestal, pesca, energía, industria manufacturera en recursos naturales, reciclaje, turismo, construcción y transporte. Todos los programas del MINISTERIO DE TRABAJO, potencian sus incentivos en aquellas actividades identificadas como cuidadas de los recursos naturales y su impacto ambiental y que promueven el empleo decente.

#### **4. Palabras finales**

La participación de los trabajadores en los asuntos ambientales es primordial para morigerar el impacto ambiental en las organizaciones y poner en marcha las políticas ambientales. Las Directrices de la OIT para una transición justa destacan la importancia de los derechos en el trabajo en el pasaje hacia economías sostenibles. Tanto el Convenio Número 87 sobre Libertad Sindical como el Convenio Número 98 sobre el Derecho de Sindicación y Negociación Colectiva son la brújula para lograr consenso sobre políticas ambientales que afectan al empleo todo ello, que en particular se ha visto ratificado en la 111 Conferencia de OIT 2023

Pero, la transición hacia una economía verde requiere nuevas habilidades y capacidades para los roles laborales que van surgiendo y para adaptar a las personas trabajadoras a los ya existentes.

Las deficiencias y escasez de trabajadores calificados se comienzan a ver como un cuello de botella importante en distintos sectores como los de energía renovable, eficiencia energética y de recursos, renovación de edificios, construcción, servicios ambientales y fabricación.

El uso de tecnología limpia precisa habilidades en aplicación, adaptación y mantenimiento de tecnología. Los avances tecnológicos modifican las formas, las modalidades y también específicamente los puestos de

trabajo, contenidos, tareas y descripciones, lo cual obliga a revisar las habilidades y competencias que debe reunir una persona trabajadora para asumir responsablemente dicha posición.

Algunos vectores para trabajar en el trinomio TECNODERECHO, EMPLEO y HABILIDADES VERDES, son:

- La transición hacia economías bajas en carbono representa una oportunidad para la generación de empleo.
- La prevalencia y demanda de habilidades verdes va en aumento en América Latina y el Caribe.
- La agricultura es la industria con mayor penetración de habilidades verdes en los países de la región.
- Los servicios ambientales es la actividad con mayor crecimiento en todos los países e industrias.
- La tasa de contratación verde ha experimentado un rápido crecimiento desde 2020, lo que sugiere un cambio importante como resultado de la pandemia.

Resulta entonces indispensable diseñar estrategias específicas por país e industria para acelerar la transformación económica necesaria para enfrentar el cambio climático.

El mundo atraviesa una transformación de las actividades económicas para mejorar la sostenibilidad ambiental de los recursos naturales disponibles. A ello se suma el proceso acelerado de nuevas tecnologías que desde hace años cumple con la ambivalente función de destruir y construir a la vez puestos de trabajo.

Esta innovación en las formas de producir y trabajar tiene diferentes tendencias y ellas se agudizarán en la medida que los gobiernos y el sector privado se decidan a avanzar aceleradamente para que más actividades económicas se lleven a cabo de un modo más eficiente, disminuyendo la contaminación y las emisiones, reduciendo los impactos para la salud pública.

Para ello, se necesita una nueva mirada que pase de usar las señales tradicionales de mercado y educación (puestos, grados, títulos y escuelas) a centrarse en las habilidades y las capacidades reales de las personas, con las cuales se pueda llevar a cabo esta transformación en una forma más óptima.

Hay un vínculo muy estrecho entre MUJER y NATURALEZA, este concepto implica armonía, sustentabilidad y diversidad. No se trata de enfrentar a las mujeres con los hombres, ni de asignar a las mujeres una mayor responsabilidad por la rehabilitación del medio ambiente, sino de combinar esfuerzos para lograr sociedades mejores, más felices y más pacíficas.

## **Ambiente y género: Plan de adaptación y mitigación para el cambio climático en la Argentina**

Contribution for the First International online workshop “Exploring the gender-environment nexus in selected countries”, organised in the frame of the PROJECT “ENTRUST” (womEN’s work and sustainability: Towards gendeR jUSt Transitions), University of Insubria, November 7th 2023

*Alberto Fantini\**

*Summary:* **1.** Introducción. – **2.** Ley 27270: de aprobación del acuerdo de París de 2015. – **3.** Ley 27520: de presupuestos mínimos de adaptación y mitigación al cambio climático global. – **4.** Incorporación del enfoque de género. – **5.** Líneas estratégicas. – **6.** Enfoques transversales. – **7.** Líneas de acción. – **8.** Conclusiones.

### **1. Introducción**

Esta presentación apunta a revisar en la legislación ambiental argentina si se visibilizan las desigualdades de género y si se está trabajando para modificarlas de manera de acercarnos al objetivo de lograr la igualdad de género.

La transversalización de la perspectiva de género y diversidad en las políticas públicas implica analizar y diagnosticar diferentes situaciones considerando el género como una dimensión fundamental para comprender las desigualdades estructurales y las circunstancias particulares que vive cada grupo.

El diseño de políticas género - transformadoras implica, necesariamente, la construcción de acciones que desafían abiertamente las desigualdades de género para la promoción efectiva de la igualdad y la independencia de las mujeres y las diversas identidades y expresiones de género y orientaciones sexuales (comunidad LGBTIQ+).

Las políticas con enfoque de género y diversidad identifican, comprenden e implementan acciones para disminuir las brechas de género y superar los sesgos de género históricos en las políticas e intervenciones.

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En ésta tarea, ponemos particular atención en dos leyes vigentes en la República Argentina, que llevan los números 27270 de 2016 y la 27520 de 2019.

## 2. Ley 27270: de aprobación del acuerdo de París de 2015

[LEY 27270](#) es la ley que ratifica el Acuerdo de París, celebrado y firmado en la ciudad de París, Francia, el 12 de diciembre de 2015, que consta de veintinueve (29) artículos y cuya copia autenticada en idioma español forma parte de la ley.

Reconociendo que el cambio climático es un problema de toda la humanidad y que, al adoptar medidas para hacerle frente, las Partes deberían respetar, promover y tener en cuenta sus respectivas obligaciones relativas a los derechos humanos, el derecho a la salud, los derechos de los pueblos indígenas, las comunidades locales, los migrantes, los niños, las personas con discapacidad y las personas en situaciones vulnerables y el derecho al desarrollo, así como la igualdad de género, el empoderamiento de la mujer y la equidad intergeneracional. A fin de cumplir el objetivo a largo plazo, referente a la temperatura que se establece en el artículo 2, inciso a) del Acuerdo, para mantener el aumento de la temperatura media mundial muy por debajo de 2° Celsius (C) en relación a los niveles preindustriales, y proseguir los esfuerzos para limitar ese aumento de la temperatura a 1,5° C con respecto a los niveles preindustriales, reconociendo que ella reduciría considerablemente los riesgos y los efectos del cambio climático, las Partes se proponen lograr que las emisiones mundiales de gases de efecto invernadero alcancen su punto máximo lo antes posible.

La Argentina está comprometida con la acción climática, como se demuestra con la actualización de la Segunda Contribución Determinada a Nivel Nacional realizada en 2021 y que representa un 27,7 % más ambiciosa que la presentada en 2016, incluyéndose en la última, metas de adaptación y reducción de vulnerabilidades frente al cambio climático.

[Las Contribuciones Determinadas a Nivel Nacional](#) (NDC, por su sigla en inglés) son el núcleo del Acuerdo de París y de la consecución de esos objetivos a largo plazo. Las contribuciones determinadas a nivel nacional encarnan los esfuerzos de cada país para reducir las emisiones nacionales y adaptarse a los efectos del cambio climático. Son los compromisos

asumidos por los países que forman parte de la Convención Marco de las Naciones Unidas sobre el Cambio Climático (CMNUCC) y que deben llevar a cabo para intensificar sus acciones contra el cambio climático, ya sea para reducir las emisiones de Gases de Efecto Invernadero (GEI) (acciones de mitigación) o para adaptarse a los impactos producidos por ese fenómeno (acciones de adaptación). Las [contribuciones](#) de cada país son establecidas en función de sus circunstancias nacionales y sus respectivas capacidades.

### **3. Ley 27520: de presupuestos mínimos de adaptación y mitigación al cambio climático global**

Establece los presupuestos mínimos de protección ambiental para garantizar acciones, instrumentos y estrategias adecuadas de Adaptación y Mitigación al Cambio Climático en todo el territorio nacional basada en los términos del artículo 41 de la Constitución Nacional.

El [Art. 41 CN](#) establece:

“Artículo 41.- Todos los habitantes gozan del derecho a un ambiente sano, equilibrado, apto para el desarrollo humano y para que las actividades productivas satisfagan las necesidades presentes sin comprometer las de las generaciones futuras; y tienen el deber de preservarlo. El daño ambiental generará prioritariamente la obligación de recomponer, según lo establezca la ley.

Las autoridades proveerán a la protección de este derecho, a la utilización racional de los recursos naturales, a la preservación del patrimonio natural y cultural y de la diversidad biológica, y a la información y educación ambientales.

Corresponde a la Nación dictar las normas que contengan los presupuestos mínimos de protección, y a las provincias, las necesarias para complementarlas, sin que aquéllas alteren las jurisdicciones locales. Se prohíbe el ingreso al territorio nacional de residuos actual o potencialmente peligrosos, y de los radiactivos.”

La [ley de Presupuestos Mínimos de Adaptación y Mitigación](#) en su artículo 2° prevé los objetivos de la misma:

a) Establecer las estrategias, medidas, políticas e instrumentos relativos al estudio del impacto, la vulnerabilidad y las actividades de adaptación al Cambio Climático que puedan garantizar el desarrollo humano y de los ecosistemas.

- b) Asistir y promover el desarrollo de estrategias de mitigación y reducción de gases de efecto invernadero en el país.
- c) Reducir la vulnerabilidad humana y de los sistemas naturales ante el Cambio Climático, protegerlos de sus efectos adversos y aprovechar sus beneficios.

El [Plan Nacional de Adaptación y Mitigación al Cambio Climático](#) es el instrumento nacional que tiene como objetivo cumplimentar las obligaciones establecidas por la Ley N° 27520 y su decreto reglamentario n° 1030/2020.

Este plan sistematiza la política climática nacional, es decir aquellas medidas e instrumentos a ser implementados desde la fecha (2019) hasta el año 2030, a fin de cumplimentar la Ley 27520 sobre Presupuestos Mínimos de Adaptación y Mitigación al Cambio Climático Global y de alcanzar las metas asumidas en la Segunda Contribución Determinada a Nivel Nacional y su actualización. Es decir:

Meta de mitigación: no exceder la emisión neta de 349 MtCO<sub>2</sub>e para 2030, objetivo aplicable a todos los sectores de la economía.

Meta de adaptación: construir capacidades, fortalecer la resiliencia y disminuir la vulnerabilidad frente al cambio climático, en los distintos gobiernos locales y sectores, a través de medidas que prioricen a las comunidades y los grupos sociales en situación de vulnerabilidad, y que incorporen el enfoque de género y la equidad intergeneracional.

#### **4. Incorporación del enfoque de género**

El Plan Nacional de Adaptación y Mitigación al Cambio Climático describe el camino hacia la transición justa, incorporando el enfoque de género y la equidad intergeneracional.

El abordaje elegido para la concreción de esta visión está centrado en las personas. En este sentido y considerando que los impactos del cambio climático no afectan a todas las personas por igual, otorga especial atención a las comunidades en situación de mayor vulnerabilidad a fin de garantizar la equidad e igualdad de oportunidades para todas las personas que habitan el territorio nacional.

Puntualmente, el cambio climático tiene impactos diferenciales sobre los proyectos de vida de mujeres y la comunidad identidades y expresiones de género, y orientaciones sexuales (comunidad LGBTIQ+), generando

procesos políticos, económicos, sociales, culturales que no hacen otra cosa que agudizar la inequidad de género.

El plan incluye 250 medidas de política pública que deben aplicarse de aquí a 2030 y prioriza el gas natural como combustible de transición. También busca reducir las emisiones en las actividades agrícolas y ganaderas, y se centra en mejorar la gestión del agua.

La implementación del enfoque de género requiere lineamientos de acción que deben estar presentes a lo largo del diseño, implementación y evaluación de las políticas climáticas, con el objetivo de reducir el amplio espectro de desigualdades, discriminaciones y violencias de género.

El Plan se estructura en torno a seis líneas estratégicas, cuatro ejes transversales y cinco líneas de acción.

## **5. Líneas estratégicas**

Transición energética, donde se promueve tanto la eficiencia energética como la transformación hacia una matriz más limpia y resiliente.

Transición productiva, con medidas para desarrollar cadenas de valor nacionales, fomentar la economía circular, vincular la gestión del riesgo climático a la planificación productiva e impulsar la innovación de procesos.

Movilidad sostenible, donde se presentan medidas para adaptar la infraestructura y operación del transporte ante el cambio climático, planificar la movilidad urbana, hacer un uso eficiente de la energía y contribuir al reemplazo progresivo de los combustibles fósiles.

Territorios sostenibles y resilientes, que incluye acciones para fortalecer la sostenibilidad de la vivienda y la resiliencia de la infraestructura, prevenir eventos extremos y mejorar las herramientas de gestión de residuos y efluentes.

Conservación de la biodiversidad y bienes comunes, con medidas para fortalecer el rol de los ecosistemas en la mitigación y absorción de gases de efecto invernadero, hacer un Ordenamiento Ambiental del Territorio y restaurar y conservar ecosistemas.

Gestión sostenible de los sistemas alimentarios y bosques, que incluye medidas para promover la conservación de suelos, impulsar el uso sostenible de los bosques nativos, aumentar la diversificación y

eficiencia productiva y gestionar los riesgos climáticos agroforestales y pesqueros.

## 6. Enfoques transversales

Los enfoques transversales constituyen temas de la agenda pública y de la realidad social que atraviesan cada una de las políticas climáticas, convirtiéndose así en fundamentos para la implementación de las medidas de adaptación y mitigación del cambio climático.

Los cuatro enfoques transversales que presenta el Plan son:

Género y diversidad, Gestión Integral de Riesgos, Salud y Transición Laboral Justa. En el presente artículo nos referimos solo al primero.

Específicamente, el cambio climático tiene impactos diferenciales en los proyectos de vida de mujeres y LGBTIQ+, generando procesos políticos, económicos, sociales y productivos que sustentan las desigualdades de género. En este sentido, la perspectiva de género y diversidad regirá la política climática nacional basada en la justicia ambiental y de género.

Durante el año 2020, el Gabinete Nacional de Cambio Climático (GNCC), desde el Grupo de Trabajo de Géneros, ha llevado adelante un trabajo sostenido en pos de transversalizar la perspectiva de género y diversidad en las políticas climáticas.

De manera significativa, estos esfuerzos se ven plasmados en el enfoque adoptado en la Segunda Contribución Determinada a Nivel Nacional y en la [Comunicación de Adaptación](#) (2020).

## 7. Líneas de acción

Se presentan cinco líneas de acción, las cuales serán retomadas y servirán de base para el diseño de la Estrategia Nacional de Género, Diversidad y Cambio Climático.

Las líneas de acción de este enfoque transversal

1.- Institucionalización de políticas y formación en perspectiva de género y diversidad.

Descripción

Para garantizar la implementación de medidas y acciones concretas que incorporen la perspectiva de género y diversidad, es necesario que

existan espacios específicos y especialistas que tengan puesta la mirada en ese objetivo, construyendo metas concretas, medibles y realizables.

A su vez, es indispensable la formación en perspectiva de género y diversidad para todo ámbito que se proponga reducir brechas, desigualdades y violencias.

Esto incluye desde actores estatales hasta sectores de la sociedad civil, ONG, empresas, organizaciones de base social y política, cooperativas y otros.

Asimismo, es necesario seguir fortaleciendo la línea de base sobre género, diversidad y cambio climático a nivel nacional y desarrollar indicadores de género para monitorear y evaluar el progreso y resultado de las políticas de adaptación y mitigación en la reducción de las brechas de género previamente identificadas.

#### 2.- Planificación y presupuesto con perspectiva de género y diversidad:

##### Descripción

El presupuesto con perspectiva de género y diversidad es una herramienta de planificación que permite identificar cuánto de lo que se invertirá en las políticas que serán desarrolladas podrá tener impacto sobre las brechas de géneros preexistentes.

#### 3.- Mecanismos de participación y toma de decisión de mujeres y diversidades en la formulación de estrategias:

##### Descripción

Es menester que cualquier política climática incorpore la visión y experiencia histórica de mujeres y LGBTIQ+. La realización de foros o consultas abiertas a la sociedad civil que recuperen sus saberes y experiencias, así como la construcción de mesas de trabajo donde participen mujeres y diversidades constituyen algunas de las propuestas.

#### 4.- Formación técnico-profesional e inclusión laboral de mujeres y LGBTIQ+ en sectores estratégicos

##### Descripción

La inclusión laboral en sí misma es una medida que brinda las condiciones necesarias a mujeres y LGBTIQ+ para mejorar su situación y herramientas para hacer frente a las problemáticas asociadas al cambio climático. Además, deben contemplarse la construcción y fortalecimiento de programas y proyectos que abonen a la inclusión laboral de mujeres y diversidades en sectores estratégicos.

#### 5.- Financiamiento de proyectos con perspectiva de género.

##### Descripción

Es fundamental el desarrollo de políticas públicas orientadas a mejorar las condiciones de mujeres y LGBTIQ+ que llevan adelante acciones en territorio para hacer frente al cambio climático, facilitando el acceso a programas de financiamiento o transferencia de recursos específicos, con una lógica de redistribución.

En síntesis:

El Plan Nacional de Adaptación y Mitigación al Cambio Climático se estructura en torno a cuatro enfoques transversales, cinco líneas de acción y seis líneas estratégicas. Cada una de ellas será ejecutada a través de 57 líneas de acción que agrupan más de 240 medidas a cargo de las distintas carteras del Poder Ejecutivo Nacional.

A su vez, la perspectiva de género y diversidad se sustenta en tres ejes: soberanía, habitabilidad y cuidados, que buscan promover intervenciones transformadoras de las brechas de género en la política climática.

El eje de soberanía enfatiza las posibilidades que tienen mujeres y LGBTIQ+ de acceder y participar en la toma de decisiones sobre el uso y control de los bienes naturales y productivos de sus territorios.

El eje de habitabilidad pone atención en las condiciones y calidad de vida de mujeres y LGBTIQ+ para construir espacios y modos de vida dignos, teniendo como horizonte la igualdad de géneros y la sostenibilidad.

Finalmente, el eje de cuidados refiere a las actividades indispensables para satisfacer las necesidades básicas de la reproducción de las personas, que históricamente han sido asignadas a mujeres y LGBTIQ+. En resumen, se han ponderado los tres ejes de acción que afirman las intervenciones género-transformadoras en la política climática:

Soberanía y autonomía: sin duda, un aspecto determinante frente al cambio climático que implica la capacidad de decisión y gestión de la propia vida y los recursos disponibles.

La reducción de las brechas del impacto del cambio climático debe estar atravesada por una lógica de fortalecimiento de la soberanía e independencia de mujeres y LGBTIQ+ en sus vidas y territorios. Para ello, el Plan propone impulsar mecanismos para su participación en la toma de decisiones vinculadas al cambio climático y el acceso efectivo a recursos.

En cuanto al trabajo de cuidado no remunerado realizado históricamente por mujeres y las diversas identidades y expresiones de género, y orientaciones sexuales + es ineludible para la sostenibilidad de la vida. Por tanto, este eje promueve la redistribución social de este trabajo.

La transformación hacia una organización social del cuidado más justa es un elemento clave para pensar en un desarrollo sostenible.

Para finalizar la habitabilidad pues desde éste eje se promueve una visión para el acceso a derechos y las condiciones en las que se habitan los territorios, sumamente afectadas por el cambio climático. Por ello, resulta central proyectar políticas de adaptación y mitigación.

Retomar esta visión desde la perspectiva de género y diversidad permite reflexionar sobre el hábitat y abordar nociones ambientales y sociales, entendiendo que las vivencias generizadas atraviesan profundamente las experiencias cotidianas de las personas.

Son Políticas que buscan superar las desigualdades en base al género para la promoción efectiva de la equidad de género.

Las llamadas políticas género-transformadoras (gender-transformative policies) identifican, comprenden e implementan acciones para reducir las brechas de género y superar los históricos sesgos de género en las políticas e intervenciones; así como contribuir a la promoción activa de la igualdad de género. Estas medidas pueden incluir análisis de género que demuestren las brechas de género existentes, así como las causas y factores que las crean.

## 8. Conclusiones

La falta de integración entre los problemas ambientales y los problemas de género y diversidad responde a un modelo de desarrollo productivo, económico, social y cultural fragmentado y hegemónico durante largas décadas a nivel global.

El cambio de rumbo encaminado a construir un futuro sostenible, inclusivo e igualitario requiere de un trabajo integral y articulado entre las diferentes agencias estatales, la sociedad civil, el sector privado y otros actores involucrados en los territorios que habitamos.

Algunos aspectos que consideramos centrales para la efectividad de las políticas frente al cambio climático son:

Propiciar la conformación de nuevas institucionalidades que impulsen un cambio sociocultural.

Fomentar la participación de las mujeres y las diversas identidades y expresiones de género, y orientaciones sexuales (LGBTI+) en los espacios de toma de decisiones en los distintos niveles, tanto nacionales como subnacionales.



Fortalecer las organizaciones de mujeres y de las diversas identidades y expresiones de género, y orientaciones sexuales (LGBTI+) para la promoción de su independencia y su participación activa en las diversas instituciones políticas, culturales, educativas, deportivas, etc.

Impulsar la participación de la diversidad de actores de la sociedad civil en conjunto con las instituciones públicas en la etapa de diseño de los planes de adaptación.

### **Le politiche di transizione ecologica e la disuguaglianza fra generi**

Intervento presentato al Convegno Finale del Progetto “ENTRUST” (*womEN’s work and sustainability: Towards gendeR jUSt Transitions*), Università degli Studi dell’Insubria, 13 dicembre 2023

*Maria Paola Monaco\**

*Sommario:* **1.** Alcune considerazioni preliminari. – **2.** Analisi di alcuni concetti chiave. – **3.** Riflessione su possibili strumenti di tutela.

#### **1. Alcune considerazioni preliminari**

Il passaggio verso una prospettiva ecologica più ampia che superi il limite del campo specifico della sola disciplina scientifica, nel corso degli anni, è stato influenzato dalla crescente consapevolezza dei limiti delle risorse non rinnovabili e degli impatti ambientali delle fonti energetiche convenzionali. Così, in uno con il dibattito intellettuale e scientifico, si sono andati sviluppando movimenti ecologisti di vario tipo, che hanno agito a livello politico, culturale e sociale per promuovere la protezione ambientale e lo sviluppo sostenibile. Si è andata così evidenziando l’importanza di adottare approcci sostenibili nella gestione delle risorse e nell’affrontare problemi globali e complessi (<sup>1</sup>). Anche la transizione ecologica, infatti, rappresenta una sfida che come le altre pone la necessità di governare la complessità non solo del processo in sé ma anche di tutto ciò che lo accompagna e che ne consegue

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(<sup>1</sup>) C. BOCCHI, M. CERUTI, *La sfida della complessità nell’età globale*, in *FOR Rivista per la formazione*, 71, 2007, 7-17.

sull'economia, sul mercato del lavoro, sui mutamenti sociali. Tra i diversi fattori che accompagnano il processo rendendolo ancora più complesso un ruolo di primo piano riveste il fenomeno migratorio. Le nuove complessità introdotte nel tessuto sociale, dalla convivenza popoli e civiltà anche culturalmente molto distanti, sebbene possano essere viste come un segno di progresso civile derivante da valori come tolleranza, libertà di espressione e rispetto della dignità umana, non sottrae comunque le comunità migranti, spesso povere e marginalizzate, a forme di sfruttamento. Sono proprio queste comunità che spesso avendo meno risorse e strumenti per proteggersi subiscono in modo più grave i danni ambientali, sia a livello globale che locale. Diversi studi e ricerche, come quelli di Agyeman <sup>(2)</sup>, hanno evidenziato questa disparità nella distribuzione degli impatti ambientali in quanto proprio le comunità più vulnerabili, fra le quali rientrano sicuramente quelle dei migranti, sono spesso concentrate in aree ad alto rischio di eventi climatici estremi, di fenomeni di inquinamento o di degrado ambientale. Ulteriori fattori che incidono sul processo di transizione ecologica sono rappresentati dalla rivoluzione scientifica che ha cambiato il contesto nel quale viviamo creando un clima a volte di fiducia ovvero a volte addirittura opposto nei confronti delle sperimentazioni scientifiche nonché dalla introduzione delle tecnologie digitali che consentono, solo a coloro che sono dotati di questi strumenti, di poter essere allo stesso tempo consumatori, recettori e autori di informazioni e comunicazioni che incidono sulla percezione del fenomeno.

L'aver sottolineato questi fattori consente di affrontare il tema della transizione ecologica con maggiore consapevolezza perché molte delle dimensioni che caratterizzano questo processo devono "fare i conti" con quelle sopra delineate. Per il sostentamento della popolazione occorre, infatti, garantire una sostenibilità economica in grado di generare una crescita duratura degli indicatori economici, in particolare lavoro e reddito, ma anche delle risorse economiche disponibili <sup>(3)</sup>. Il processo di transizione ecologica è, infatti, proprio una delle risposte alla non

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<sup>(2)</sup> J. AGYEMAN, R. D. BULLARD, B. EVANS, *Exploring the nexus: Bringing together sustainability, environmental justice and equity*, in *Space and polity*, 6, 1, 2002, 77-90; I. ANGUELOVSKI ET AL., *Green gentrification in European and North American cities*, in *Nature communications*, 13,1, 2022, 3816 e ss.

<sup>(3)</sup> F. MUNARI, *L'inadeguata percezione della scienza nel diritto internazionale dell'ambiente e l'esigenza di un cambiamento di paradigma*, in *Rivista giuridica dell'ambiente*, 2, 2023, 443-472

sostenibilità dei modelli di produzione e di consumo tradizionali che impongono di accedere a grandi quantità di risorse e di energia che dopo essere trasformate in prodotti e utilizzate finiscono il loro percorso. Di qui la necessità di rivolgere l'attenzione a modelli di produzione e consumo diversi in grado di utilizzare i prodotti e le risorse naturali in un'ottica nuova che ne estenda il ciclo di vita riducendo, al contempo, i rifiuti <sup>(4)</sup>. La strada verso la sostenibilità passa, quindi, per una transizione non solo ecologica ma anche societaria: un radicale cambio di paradigma nel quale l'ambiente, la biodiversità e, da ultimo, il rispetto dei limiti ecologici non siano una aggiunta finale della programmazione economica, ma parte integrante di un'economia del benessere. Le osservazioni fino ad ora svolte, d'altra parte, trovano riscontro nell'Agenda 2030 per lo Sviluppo Sostenibile che pone in primo piano proprio le tre fondamentali dimensioni della sostenibilità: quella ambientale, relativa alla riproducibilità delle risorse; quella economica, legata all'efficienza e alla crescita, e quella sociale relativa all'equità. Conoscere ed analizzare queste tre dimensioni consente di comprendere ed intervenire a favore degli aspetti centrali del concetto di sviluppo sostenibile, così come indicato nel Rapporto Brundtland (Commissione Brundtland su ambiente e sviluppo, *Il futuro di tutti noi*, 1987).

## 2. Analisi di alcuni concetti chiave

Le osservazioni di carattere generale appena svolte portano a ritenere che il dibattito sulla transizione ecologica dovrebbe incentrarsi su un diverso approccio al funzionamento della società civile, attraverso quella che potrebbe definita in termini di “transizione sociale”. Conferma dell'impossibilità di una vera transizione ecologica che prescindendo da quella sociale, trova dimostrazione anche negli obiettivi posti dal programma [Next Generation Eu](#) per la ripartenza dell'Europa dopo la grave crisi pandemica. In assenza di politiche adeguate anche nel contesto della transizione, infatti, sono proprio alcune categorie di persone come la popolazione di genere femminile ovvero le categorie marginalizzate ad essere maggiormente penalizzate. Si pensi come

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<sup>(4)</sup> S. SCARPELLINO, *Gestione sostenibile dei rifiuti ed economia circolare: il contributo alla transizione ecologica*, 2022, in *Sindacalismo: rivista di studi sull'innovazione e sulla rappresentanza del lavoro nella società globale*, 48, 1, 2022, 57 e ss.

incida proprio sulle fasce più marginalizzate della società l'esposizione a vari rischi ambientali come rifiuti tossici o agenti inquinanti. Un fenomeno ben conosciuto nel mondo anglosassone che ha portato allo sviluppo del concetto di «razzismo ambientale»<sup>(5)</sup> per indicare come una serie di strutture ecologicamente pericolose - discariche o stabilimenti industriali - spesso vengano collocate proprio in prossimità di quartieri periferici, prevalentemente abitati da popolazioni di colore<sup>(6)</sup>. Tale fenomeno è stato approfondito successivamente anche in ambito europeo al fine di far emergere come avvenimenti apparentemente distanti fra loro siano spesso invece collegati, come dimostrato dalla sequenza inquinamento, malattie e disuguaglianze urbane<sup>(7)</sup>. Tuttavia, non è solo in un'ottica non ecologica che il territorio e l'allocatione delle persone su di esso possono causare disuguaglianza; anche l'alleggerimento dell'impatto non ecologico, infatti, può essere foriero di disuguaglianza. Il processo di transizione ecologica non rappresenta un'azione politica neutra ma a seconda di come viene svolto può incidere diversamente sulle persone già vulnerabili ovvero può renderne alcune vulnerabili.

### 3. Riflessione su possibili strumenti di tutela

Conferma di quanto affermato si trae con estrema chiarezza dal Regolamento 1056/2021 del parlamento europeo e del consiglio del 24

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<sup>(5)</sup> Per una ricostruzione F. PEROCCO, F. ROSIGNOLI, "Sulla nostra pelle": razzismo ambientale e disuguaglianze di salute, in *Socioscapas. International Journal of Societies, Politics and Cultures* 3, 1, 2022, 7-36, in particolare 10 ss.

<sup>(6)</sup> J. CORBURN, *Toward the healthy city: people, places, and the politics of urban planning*. Mit Press, 2009, 2 ss. e 129 ss.; D. GIUDICI, *Sostenibile per chi? Vulnerabilità sociale e transizione ecologica*, in *Rassegna Italiana di Sociologia*, 1, 2023, 27

<sup>(7)</sup> A.R. DAVIES, *Environmental justice as subtext or omission: Examining discourses of anti-incineration campaigning in Ireland*, in *Geoforum*, 2006, 37, 5, 708-724. In Italia, ad esempio, alcuni studi di taglio prettamente etnografico hanno connesso le più ampie istanze globali del rischio ambientale con le esperienze locali delle persone che vivono e lavorano nelle aree industriali del Mezzogiorno (D. BUBBICO, *L'economia del petrolio e il lavoro. L'estrazione di idrocarburi in Basilicata tra fabbisogno energetico nazionale e impatto sull'economia locale*, 2016, Roma, Ediesse; A.F. RAVENDA, «Ammalarsi di carbone». *Note etnografiche su salute e inquinamento industriale a Brindisi*, in *AM. Rivista della Società Italiana di Antropologia Medica*, 2014, pp. 615-633).

giugno 2021 che istituisce il Fondo per una transizione giusta (JTF, Just Transition Fund) la cui finalità è quella di contribuire al raggiungimento di singoli obiettivi specifici che consentano a regioni e persone di affrontare gli impatti sociali, occupazionali, economici e ambientali della transizione dell'Unione verso i suoi obiettivi 2030. Tramite questo strumento si introduce così un concetto chiave, quello di transizione giusta<sup>(8)</sup> che ha come suo presupposto evidente l'idea che la transizione ecologica possa non essere giusta. Le politiche climatiche possono infatti escludere molte persone che hanno una occupazione dal mercato. A partire dalle donne molto spesso già sottorappresentate nel mercato del lavoro. Se si prende in considerazione il tasso di occupazione nel settore della produzione di gas e petrolio emerge che le donne sono presenti in percentuale molto bassa, da ciò ne consegue che l'adozione di un approccio sostenibile a livello ambientale non sarebbe inclusivo in un'ottica di genere nel medio periodo. Parimenti in via generale i lavoratori che prestano la loro attività in aziende molto inquinanti in ragione di politiche spinte verso la sostenibilità resterebbero esclusi dal mercato del lavoro. Di qui il Regolamento che, proprio al fine di proteggere i cittadini più vulnerabili dagli effetti della transizione ecologica, prevede tramite le risorse del Fondo lo sviluppo e la riconversione delle competenze professionali dei lavoratori coinvolti nel processo sia nel caso in siano occupati ma con evidenze di un rischio di uscire dal mercato a causa del futuro e nuovo contesto sia, e a maggior ragione, nel caso in cui siano già in stato di disoccupazione a causa della transizione. Il Fondo dovrebbe essere orientato a fornire supporto agli individui per adattarsi alle nuove opportunità di lavoro sia offrendo sostegno adeguato a coloro che cercano lavoro, anche fornendo tramite operatori specializzati assistenza per la ricerca di impiego e opportunità di inserimento attivo nel mercato del lavoro; dovrebbe altresì di assistere tutti coloro che sono alla ricerca di lavoro e hanno perso il proprio impiego in settori colpiti dalla transizione, anche se non risiedono nella regione interessata dalla strategia di transizione. Il Regolamento affronta poi anche tematiche specifiche relative alla segmentazione del mercato con particolare riferimento al segmento delle donne quale genere sottorappresentato. Così nei considerando del Regolamento si ricorda come per affrontare la situazione specifica e il ruolo delle donne nella

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<sup>(8)</sup> R. SALOMONE, *Transizione ecologica e politiche del mercato del lavoro*, in *Giornale di diritto del lavoro e di relazioni industriali*, 2023, in particolare 31ss.

transizione ad una economia climaticamente neutra sia opportuno promuovere e sostenere la parità di genere attraverso quegli strumenti che, meglio di altri, svolgono un ruolo importante per garantire pari opportunità: la partecipazione delle donne al mercato del lavoro, l'imprenditorialità femminile e la parità retributiva.

Se non si contestualizzano i concetti nei contesti specifici, la loro intangibilità diventa evidente. Tuttavia, è impossibile considerare i contesti dal punto di vista politico senza integrare il pensiero e il punto di vista femminile, cioè senza garantire una rappresentanza paritaria fra uomini e donne nelle istituzioni <sup>(9)</sup>. Allo stesso tempo, statistiche e indicatori sulla situazione delle donne e degli uomini sono indispensabili per analizzare i loro ruoli nella società, nell'economia e nella famiglia. Questi dati forniscono la base per lo sviluppo di politiche SMART (Specifiche, Misurabili, Attuabili, Rilevanti e Temporizzate) e per valutarne l'efficacia attraverso un monitoraggio costante.

Il riscontro dei dati, tuttavia, offre uno spaccato non entusiasmante. Un primo dato a disposizione è quello fornito dall'EIGE che monitora regolarmente la quota di donne in posizioni di potere e che consente questo monitoraggio anche nell'ambito dell'ambiente e del cambiamento climatico all'interno dei paesi membri dell'UE. Le serie temporali dei dati che coprono il periodo che va dal 2012 al 2020/2021 dimostra come solo il 26,8% dei ministri di governo responsabili delle politiche sull'ambiente e sui cambiamenti climatici siano donne. Se è vero che la lettura dei dati in sequenza dimostra come, rispetto al dato iniziale del 2012 in cui la rappresentanza politica di genere femminile era pari al 19,2%, vi sia stata un aumento rappresentativo delle donne, dimostra anche che in termini assoluti la rappresentazione del genere femminile sia molto scarsa, soprattutto se paragonata con i dati relativi ad altri settori. Parimenti all'interno dei parlamenti nazionali degli Stati membri dell'UE, le commissioni parlamentari che esaminano le questioni politiche e controllano l'azione del governo in relazione all'ambiente e ai cambiamenti climatici mostrano un'analogia mancanza di equilibrio di genere, essendo composte solo per il 29,7% da donne. Ancora, nei ministeri nazionali che attuano le politiche governative in materia di ambiente e cambiamenti climatici, le donne rappresentano il 42,5 % dei primi due livelli di amministratori nel 2020 (erano il 33,1 % nel 2012)

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<sup>(9)</sup> L. CASANO, *Ripensare il "sistema" delle politiche attive: l'opportunità (e i rischi) della transizione ecologica*, in *Diritto delle relazioni industriali*, 4, 2021, 997- 1026.

ma questo dato torna nuovamente a scendere ed attestando al 31,7% con riferimento alle prime posizioni livello di gestione. La valutazione dell'EIGE si appunta anche sulla presenza delle donne nel settore dell'agricoltura reputando questa attività di estrema importanza per mantenere la qualità dell'ambiente e fermare il cambiamento climatico. Anche in questo settore, tuttavia, si registra una notevole disuguaglianza di genere: le donne che conducono un'azienda agricola sono meno del 30% e si occupano prevalentemente di piccole e medie attività.

I dati che riguardano – essenzialmente – la presenza delle donne e la rilevanza delle posizioni ricoperte nella politica e in un settore economico strategico quale quello dell'agricoltura sebbene rappresentino degli indicatori importanti andrebbero arricchiti

Si tratta di informazioni necessarie, ma chiaramente non sufficienti. Perché le politiche su questo tema non sono solo le politiche nazionali ma anche e soprattutto le politiche locali. Al fine di valorizzare la dimensione locale che ha tanta parte nel sistema uno spunto assolutamente interessante ed innovativo può essere rappresentato dallo strumento del bilancio di genere considerando come questo, sebbene abbia vita autonoma, sempre più si inserisce in altri documenti di rendicontazione sociale come ad esempio il bilancio sociale o di sostenibilità. Uno dei contenuti del bilancio di sostenibilità, così come indicato dal Decreto Legislativo 30 dicembre 2016, n. 254, fa riferimento alla sfera sociale, nello specifico ad *“aspetti sociali e attinenti alla gestione del personale, incluse le azioni poste in essere per garantire la parità di genere, le misure volte ad attuare le convenzioni di organizzazioni internazionali e sovranazionali in materia, e le modalità con cui è realizzato il dialogo con le parti sociali; rispetto dei diritti umani, le misure adottate per prevenirne le violazioni, nonché le azioni poste in essere per impedire atteggiamenti ed azioni comunque discriminatori”*.

Fotografare l'aspetto del genere o in un documento ad hoc oppure in un unico documento che si ponga in dialogo con il bilancio di sostenibilità vuol dire introdurre nel bilancio di sostenibilità la dimensione di genere come una dimensione non solo importante ma direi a questo punto imprescindibile anche per la costruzione di politiche sull'ambiente. Può a ben ragione proprio il bilancio di genere ad esempio di un ente locale essere quello strumento che rileva quanto evidenziato dall'OCSE nel Rapporto [\*Gender and environmental statistics\*](#), ossia *“quelle differenze nell'esposizione all'inquinamento e alle sostanze chimiche pericolose*



*tra uomini e donne, legate alle abitudini di consumo, alle differenze fisiologiche e ai divari del background socioeconomico*". Questo passaggio sottolinea l'importanza cruciale di passare dall'analisi alla programmazione delle politiche pubbliche con una prospettiva di genere. La finalità del bilancio di genere è garantire un'equità effettiva tra uomini e donne, e ciò richiede una serie di azioni fondamentali. Il primo luogo va sottolineata la necessità di avere a disposizione dati disaggregati per genere: i dati sono essenziali per comprendere le disuguaglianze di genere esistenti e per progettare politiche mirate a ridurle. Senza una valutazione accurata dei progressi compiuti, diventa difficile identificare le aree in cui le politiche stanno avendo successo e dove c'è ancora bisogno di interventi.

Per arrivare a questo risultato, tuttavia, occorre raccogliere informazioni che distinguano tra uomini e donne in vari contesti sociali ed economici. Il lavoro di Caroline Criado Perez nel suo libro "Invisibili" evidenzia come le politiche e le decisioni che si considerano neutre rispetto al genere sono costruite spesso su una prospettiva androcentrica con conseguenze negative sul genere. Una volta rilevato il dato vi è la necessità di avere strumenti di misurazione adeguati per monitorare i risultati delle politiche (di genere) implementate. In sintesi, per realizzare pienamente l'equità di genere è fondamentale passare dalla semplice analisi all'azione programmata, utilizzando dati disaggregati e strumenti di monitoraggio adeguati. Solo così sarà possibile sviluppare politiche pubbliche che rispondano efficacemente alle esigenze specifiche di uomini e donne.

## **La prospettiva di genere nello sviluppo sostenibile: una questione aperta\***

Intervento presentato al Convegno Finale del Progetto “ENTRUST” (*womEN’s work and sustainability: Towards gendeR jUSt Transitions*), Università degli Studi dell’Insubria, 13 dicembre 2023

*Concetta Parrinello\*\**

*Sommario:* **1.** Il campo di indagine. – **2.** Lo stato dell’arte. – **3.** Il principio di eguaglianza «alla prova del genere» per un ambiente familiare sostenibile. – **4.** Salute delle donne, medicina personalizzata e sviluppo sostenibile. – **5.** Osservazioni conclusive.

### **1. Il campo di indagine**

Il panel “Limiti e potenzialità di una prospettiva di genere nella comprensione e gestione dei processi di transizione ecologica: verso una visione sistemica della sostenibilità?” nel quale si inserisce la presente relazione impone la delimitazione del campo di indagine.

Se è ormai acquisita la stretta correlazione tra parità di genere e sviluppo sostenibile e se i dati evidenziano come le donne hanno una visione matura di “sostenibilità” nelle scelte alimentari, nell’educazione, nella riduzione e nella gestione dei rifiuti domestici, nella pianificazione delle nascite, nella gestione delle risorse economiche, nelle scelte imprenditoriali e formative, da più parti si avverte l’esigenza di integrare la prospettiva di genere<sup>1</sup> tenuto conto che i cambiamenti climatici, la trasformazione ecologica e lo sviluppo sociale ed economico hanno tutti una dimensione di genere e impongono la promozione dell’emancipazione femminile e la sostenibilità in tutti gli ambiti.

Circoscrivendo l’indagine ad uno dei profili che caratterizzano la sostenibilità, nell’ottica del civilista, appare interessante interrogarsi se

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\* *Il contributo, ampliato e corredato di note, riproduce la relazione presentata al convegno.*

\*\* *Professore Ordinario di Diritto Privato, Università degli Studi di Messina.*

<sup>1</sup> La Strategia per la parità di genere 2020-2025 ha integrato la prospettiva di genere in tutte le politiche e in tutte le principali iniziative dell’Unione Europea.

può dirsi raggiunta la parità di genere in famiglia e in relazione alla salute delle donne al di là del mero profilo della riproduzione.

## 2. Lo stato dell'arte

Il secolo scorso ha rappresentato un'importante tappa verso la promozione della parità di genere, lo sviluppo sostenibile e la transizione ecologica, tematiche analizzate in forma disaggregata, soprattutto a livello normativo, è ciò ha comportato l'avvio di un percorso che si è svolto su binari paralleli, trascurando le inevitabili e imprescindibili correlazioni, che solo negli ultimi anni sono state attenzionate.

La nozione di sviluppo sostenibile appare per la prima volta, seppur in forma embrionale, nella Dichiarazione di Stoccolma del 1972<sup>(2)</sup> che ha messo in luce la necessaria interrelazione tra sviluppo e ambiente, sottolineando che, per migliorare in modo duraturo le condizioni di vita, occorre salvaguardare le risorse naturali a beneficio di tutti<sup>(3)</sup> e che, per raggiungere questo obiettivo, è necessaria una collaborazione internazionale.

Il primo riconoscimento in un testo giuridico si rinviene nel Rapporto *Our Common Future* del 1987, conosciuto come Rapporto Burtland<sup>4</sup>, che pone attenzione all'interesse delle generazioni future che potrebbero essere pregiudicate da uno sviluppo non sostenibile, ma trascura di inserire il riferimento alle donne, nonostante già da tempo, a livello internazionale, si sottolineava l'esigenza di contrastare ogni forma di discriminazione<sup>(5)</sup>.

L'attenzione per la sostenibilità si è ulteriormente intensificata con atti di natura non vincolante<sup>(6)</sup> nei quali sono declinati principi

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<sup>(2)</sup> Cfr. L. PINESCHI, *La Conferenza di Rio de Janeiro su ambiente e sviluppo*, in *Rivista giuridica ambientale*, 1992, n. 3, 705 ss.

<sup>(3)</sup> Il riferimento agli esseri umani globalmente intesi non tiene conto del fatto che già la Dichiarazione universale dei diritti dell'uomo adottata nel 1948 sancisce "gli uguali diritti degli uomini e delle donne".

<sup>(4)</sup> Per un commento, v., tra gli altri, E. FERRERO, *Lo sviluppo sostenibile tra etica e diritto*, in *Ambiente e sviluppo*, 2021, n. 5, 358.

<sup>(5)</sup> Il riferimento è alla Convenzione ONU sull'eliminazione di tutte le forme di discriminazione nei confronti della donna (CEDAW) del 1979.

<sup>(6)</sup> In tal senso si segnalano:

La Dichiarazione di Rio del 1992 che rappresenta una tappa fondamentale nel cammino verso la promozione di modelli di sviluppo sostenibile a livello mondiale, v. sul tema,

generalissimi, attorno ai quali si è formato un forte consenso degli Stati membri.

Un interesse alla questione dello sviluppo sostenibile collegata alla parità di genere si può ravvisare nella Dichiarazione del Millennio <sup>(7)</sup> che prevede di garantire la sostenibilità ambientale e di promuovere l'uguaglianza di genere e l'*empowerment* delle donne <sup>(8)</sup>.

Negli anni, l'importanza del ruolo delle donne per lo sviluppo sostenibile ha fatto sì che l'*Organisation for Economic Cooperation and Development* (OECD) sottolineasse come le donne, considerate un gruppo, siano state marginalizzate e così il loro potenziale contributo allo sviluppo economico-sociale ed alla protezione ambientale <sup>(9)</sup>. Secondo l'Organizzazione un migliore utilizzo della popolazione femminile potrebbe favorire la crescita economica, ridurre la povertà, diffondere il benessere sociale e contribuire ad assicurare uno sviluppo sostenibile<sup>(10)</sup>.

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tra gli altri, AA.VV., in G.C. GARAGUSO-S. MARCHISIO (a cura di), *Rio 1992: vertice per la terra, Atti della Conferenza mondiale sull'ambiente e lo sviluppo con saggi introduttivi e guida ragionata*, Franco Angeli, 1993, *passim*; V. LAZINGER, *Rio de Janeiro: per un nuovo diritto dell'ambiente*, in *Democrazia e diritto*, 1992, I, 1207; la Convenzione sui cambiamenti climatici che indica il diritto e dovere di promuovere lo sviluppo sostenibile; la Dichiarazione di Johannesburg sullo sviluppo sostenibile del 2002 che pone l'accento sulla sostenibilità economica sociale ed ecologica; per un commento cfr. A. FODELLA, *Il vertice di Johannesburg sullo sviluppo sostenibile*, in *Rivista giuridica ambientale*, 2003, n. 2, 385-402.

<sup>(7)</sup> Nel settembre 2000, al termine del Vertice del Millennio presso le Nazioni Unite, 189 capi di Stato e di governo hanno adottato la Dichiarazione del Millennio (Ris. 55/2 dell'Assemblea generale), un patto globale che sancisce le aspirazioni della comunità internazionale nel nuovo secolo.

<sup>(8)</sup> In questa direzione si possono leggere in modo combinato le affermazioni contenute nell'Obiettivo IV. Proteggere il nostro ambiente comune e il valore della Uguaglianza.

<sup>(9)</sup> Nel maggio 2021, l'OECD, indagando l'intersezione tra genere e ambiente, ha rilevato che gli effetti negativi del riscaldamento globale, delle ondate di calore, della siccità, dell'aumento del livello del mare e delle condizioni meteorologiche estreme sono, infatti ancor più accentuati per le donne, già di per sé più vulnerabili.

<sup>(10)</sup> Se è indubbio che il *gap* di genere comporta costi economici, la valorizzazione del capitale umano femminile, che può comportare numerosi benefici in tema di crescita economica e di diminuzione dei danni derivanti dalle attività non sostenibili, impone la realizzazione di una effettiva conciliazione tra vita e lavoro, la promozione del ruolo economico e dell'imprenditoria delle donne, la valorizzazione anche economica dei settori di lavoro tradizionalmente femminili, la incentivazione della presenza femminile nelle carriere tecnico-scientifiche, l'adozione di un approccio di genere nei servizi per la salute, lo sviluppo della prospettiva di genere nelle politiche per l'ambiente, anche attraverso l'aumento della presenza delle donne nei ruoli decisionali.

Si devono alla Conferenza annuale delle Parti (COP) l'attenzione al collegamento tra genere e lotta ai cambiamenti climatici e il riconoscimento delle conseguenze dei danni ambientali su tutti gli esseri umani. Peraltro, la Conferenza ha posto in rilievo la circostanza che gli effetti dei cambiamenti sono maggiormente avvertiti da quelle componenti della popolazione che si trovano già in condizioni di vulnerabilità, quali i popoli indigeni, le persone anziane, le persone con disabilità, le donne e le bambine. Ciò ha comportato che il legame tra genere e clima è diventato un punto fermo all'ordine del giorno della Conferenza annuale delle Parti<sup>(1)</sup>.

Attive su questo fronte sono anche *UN Women* e la Banca Mondiale che, già nel 2011, preso atto della maggiore vulnerabilità delle donne rispetto agli effetti dei disastri naturali e del cambiamento climatico, soprattutto nei contesti in cui i loro diritti e il loro *status* socio-economico non sono uguali a quelli degli uomini, osservavano che rimediare a questa disuguaglianza e, dunque, investire sull'emancipazione delle donne contribuisce significativamente alla costruzione della resilienza climatica.

La Commissione Onu sullo *status* delle donne, nella riunione del 2021, ha ribadito il ruolo cruciale che donne e ragazze ricoprono “come agenti di cambiamento per lo sviluppo sostenibile, in particolare salvaguardando l'ambiente e affrontando gli effetti negativi del cambiamento climatico”.

Anche l'Unione Europea ha da tempo fortemente avvertito la stretta connessione tra ambiente e genere ma si è limitata ad atti di *soft law* come tali poco incisivi. In tal senso si può richiamare la Risoluzione del Parlamento Europeo sul Ruolo delle donne nell'economia verde<sup>(2)</sup>, in cui si invitano la Commissione Europea e gli Stati membri a “integrare

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<sup>(1)</sup> In occasione delle Conferenze annuali delle Parti della Convenzione quadro sul cambiamento climatico, la COP20 ha costituito il programma di lavoro sul genere e con la decisione 3/P.25, § 11 incoraggia le parti a nominare e fornire supporto per un *gender focal point* per i negoziati sul clima, l'attuazione e il monitoraggio; la COP 26 ha dedicato una sessione a *Gender and climate change* e la COP 27 ha previsto una Revisione intermedia dell'attuazione del piano d'azione sulla parità di genere. Infine, la COP 28 ha sottolineato l'importanza di porre al centro le persone e ciò significa garantire che l'azione per il clima sia inclusiva, equa, giusta e basata sui diritti umani, e che risponda ai bisogni e alle aspirazioni dei gruppi più vulnerabili ed emarginati quali le donne.

<sup>(2)</sup> Risoluzione del Parlamento europeo dell'11 settembre 2012 sul ruolo delle donne nell'economia verde.

gli obiettivi in materia di uguaglianza di genere in tutte le politiche connesse all'ambiente". Il documento sottolinea, tra le considerazioni generali, la necessità di cambiamento della società attuando un modello di economia verde in cui le esigenze ambientali siano poste sullo stesso piano della sostenibilità, ovvero di "una maggiore parità tra donne e uomini e maggiore giustizia sociale". Inoltre, tenuto conto che le politiche in materia di cambiamenti climatici hanno impatti differenziati per genere, e che la promozione della parità di genere e dell'emancipazione femminile è necessaria anche nell'interesse di un'azione efficace per il clima, appare imprescindibile coinvolgere le donne nell'elaborazione di strategie e azioni di risposta alle crisi a favore di un'Europa più democratica e inclusiva<sup>(13)</sup>.

La circostanza che uno sviluppo realmente sostenibile sia impossibile in caso di disuguaglianze uomo-donna ha fatto sì che nell'Agenda 2030<sup>(14)</sup> si attribuisse alla parità di genere un valore trasversale, strategico e nevralgico per il conseguimento di tutti gli altri obiettivi, ovvero per un nuovo sguardo sulla natura, sull'economia, sulla società, capace di correggere le storture oggi presenti.

La questione della parità di genere è poi uno dei pilastri del *Next Generation Eu* e del PNRR che assegnano alla parità di genere il ruolo cruciale di criterio e misura degli interventi da pianificare.

Il nesso tra parità e sviluppo sostenibile sollecita l'adozione di tutte le misure volte a perseguire l'uguaglianza di genere e a scardinare le disuguaglianze che continuano a persistere, nel rispetto delle differenze e in ossequio al principio personalista *ex art. 2 Cost.*<sup>(15)</sup>.

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<sup>(13)</sup> Sul legame tra cambiamento climatico e parità di genere è particolarmente rilevante la relazione del Parlamento europeo del 2018 in cui sono state avanzate alcune richieste specifiche alla Commissione: meccanismi finanziari aggiuntivi, nell'ambito della UNFCCC (il Fondo verde per il clima, il Fondo mondiale per l'ambiente e il Fondo di adattamento), per una politica di investimento a favore del clima maggiormente rispondente alle problematiche di genere. Cfr., inoltre, la Risoluzione del Parlamento europeo del 16 gennaio 2018 sulle donne, le pari opportunità e la giustizia climatica.

<sup>(14)</sup> Nel 2015 le Nazioni Unite hanno fissato nell'Agenda 2030 per lo Sviluppo Sostenibile una serie di obiettivi SDGs - tra cui al quinto posto c'è anche la parità di genere - che hanno come scopo quello di migliorare la vita di tutti, sia a livello ambientale che sociale.

<sup>(15)</sup> Osserva P. PERLINGIERI, *Persona, ambiente e sviluppo*, in M. PENNASILICO (a cura di), *Contratto e ambiente. L'analisi "ecologica" del diritto contrattuale*, ESI, 2016, 322, che "lo sviluppo è "sostenibile" quando garantisce il pieno e libero sviluppo della persona umana".

### 3. Il principio di eguaglianza «alla prova del genere» per un ambiente familiare sostenibile

L'emersione della questione femminile collegata allo sviluppo sostenibile evidenzia un nucleo di problemi irrisolti che attengono alla "condizione giuridica della donna" <sup>(16)</sup>. La prospettiva maschile che caratterizza ancora oggi la società ha dato vita a forme di discriminazioni nei confronti delle donne che, muovendo dalla diversità biologica, hanno determinato un giudizio di inferiorità per il sesso femminile, cui sono seguiti comportamenti fortemente lesivi della donna, come persona, e della sua dignità.

Il *gender gap*, oggetto di attenzione soprattutto nell'ambito del diritto del lavoro dove si registrano importanti, seppur non risolutivi interventi, volti al superamento delle differenze di genere, non risulta adeguatamente attenzionato in altri settori del diritto.

Prendendo come parametro di indagine il settore della famiglia, luogo privilegiato della costruzione delle relazioni di genere, occorre segnalare che sia il testo dell'art. 29 Cost., sia alcuni datati interventi della Consulta<sup>(17)</sup>, sembrano giustificare la differente considerazione del genere a beneficio dell'unità familiare.

Sebbene progressivamente si sia giunti ad una revisione delle relazioni uomo-donna in famiglia, con una conseguente potenziale riscrittura dei rapporti in un'ottica di *gender-equality*, la parità di genere non appare effettivamente conseguita, stante anche il retaggio culturale che continua a mantenere il *gender gap* con negativa incidenza sulla donna e sullo sviluppo della società.

Inoltre, se le revisioni normative conducono verso l'affermazione dell'uguaglianza formale, che assolve ad una funzione «antidiscriminatoria», si da evitare che il mero fatto di essere uomo o

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<sup>(16)</sup> Cfr. F. TESCIONE, *Il «soggetto donna» nel diritto*, in *comparazioneDirittoCivile.it*, giugno 2017, 1-9.

<sup>(17)</sup> In questa direzione significative sono alcune decisioni (Corte cost., 28 novembre 1961, n. 64, Corte cost., 16 dicembre 1968, n. 126, Corte cost., 19 dicembre 1968, n. 127, Corte cost., 4 febbraio 1969, n. 147, Corte cost., 18 aprile 1974, n. 99, tutte in *DeJure*) che evidenziano un modello familiare caratterizzato dalla supremazia della figura maschile e dalla sottomissione femminile, condizionando il principio di uguaglianza nonostante la vigenza dell'art. 29, comma 2,222 Cost.

donna possa costituire elemento di esclusione nel godimento dei diritti, non appare, tuttavia, effettivamente conseguita l'uguaglianza sostanziale e, quindi, una reale parità di genere.

I problemi connessi alla questione femminile evidenziano, infatti, disuguaglianze (di fatto) che «persistono nella individuazione dei ruoli e nelle aspettative di genere maschio-femmina, come costrutti mentali, stereotipi, pregiudizi culturali e sociali»<sup>(18)</sup>, ostacoli da scardinare o rimuovere, ai sensi del disposto dell'articolo 3, comma 2, Cost., al fine del benessere anche sociale.

La necessità della realizzazione dell'uguaglianza sostanziale nei rapporti familiari, anche nella prospettiva del civilista, è stata fortemente avvertita e il legislatore ha ritenuto di dovere intervenire prevedendo misure adeguate di contrasto a tutte quelle forme di violenza perpetrate in famiglia che non rivestono i connotati di fattispecie penalmente rilevanti. Il riferimento è all'istituto degli ordini di protezione che, dall'ambito del codice civile, è traslato, a seguito della Riforma Cartabia, nel codice di rito. Piace pensare che il legislatore con la normativa suddetta abbia avuto contezza che la parità di genere si può anche perseguire eliminando qualsivoglia violenza perpetrata in famiglia nei confronti delle donne, anticipando, in tal modo, la previsione dell'Agenda 2030<sup>(19)</sup> che si propone di perseguire la parità di genere e lo sviluppo sostenibile anche attraverso contrasto alla violenza.

La normativa, seppure volta a sanzionare abusi commessi da un familiare, rappresenta uno strumento significativo ai fini dell'indagine in atto; l'agire violento «contro le donne» a caratterizzazione «familiare», è considerato fonte di vulnerabilità per la vittima<sup>(20)</sup>, meritevole di una tutela apposita a carattere rafforzato<sup>(21)</sup>.

<sup>(18)</sup> Cfr. C. TRIPODINA, *I gradini di pietra della parità di genere*, in *Costituzionalismo.it*, 2021, n. 2, 92.

<sup>(19)</sup> Nella individuazione dei sotto-obiettivi, collocati all'interno della cornice espressa al punto 5, l'Agenda esordisce (al n. 5.2) con l'imperativo della eliminazione di ogni forma di violenza «contro le donne».

<sup>(20)</sup> Il legislatore, con la Riforma Cartabia, ha previsto nuove misure operative sia all'interno del processo di famiglia che prima ancora della sua eventuale instaurazione, per assicurare tutela effettiva alle vittime di violenza domestica o di genere.

<sup>(21)</sup> Sul tema si rinvia a G. FOTI, *Violenze a carattere familiare e vulnerabilità ipertrofica: gli ordini di protezione tra novità e risvolti sostanziali della Riforma del processo civile*, in *Giustiziacivile.com*, 29 marzo 2023, 1-34; ID., *L'evoluzione della disciplina italiana sugli ordini di protezione contro le violenze e family metamorphosis. Dinamiche processuali e risvolti sostanziali*, in *Actualidad Juridica Iberoamericana*,



Alla previsione in tema di ordini di protezione si aggiungono le soluzioni giurisprudenziali che progressivamente hanno “sanzionato” con l’addebito della separazione le reiterate violenze fisiche e morali, anche se episodiche e non continuative, inflitte dal marito alla moglie<sup>(22)</sup>.

La gravità del fenomeno che si consuma all’interno delle mura domestiche e spesso in assenza di testimoni ha indotto i giudici più sensibili ad affermare che un unico episodio di violenza può giustificare, *ex se*, l’addebito della separazione<sup>(23)</sup>. Si tratta, invero, di comportamento idoneo, comunque, a sconvolgere definitivamente l’equilibrio relazionale della coppia, poiché lesivo della pari dignità di ogni persona, a rendere l’ambiente familiare insostenibile e a determinare una significativa lesione dell’esplicazione delle attività realizzatrici della persona umana in sé considerata.

Una tale condotta, legata a strutture sociali e culturali a predominanza maschile volte alla subordinazione femminile nella sfera privata e all’aggressione di beni e diritti fondamentali della persona, supera la soglia minima di solidarietà e di rispetto che deve caratterizzare ogni relazione familiare, mina il benessere psico-fisico della donna e rende l’ambiente domestico luogo di disconoscimento della parità e della dignità di ogni persona.

Inoltre, la circostanza che spesso la donna si trovi in posizione di inferiorità psicologica e/o economica può comportare che l’altro coniuge ponga in essere azioni persecutorie, vessatorie e intimidatorie per creare una condizione di vita sfavorevole alla “vittima”<sup>(24)</sup>.

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2022, n. 17-bis, 2114-2151; ID., *Gli ordini di protezione tra sostanza e processo. La violenza familiare nella riforma Cartabia: il disvelamento della fattispecie*, in *Giust. civ.*, 2022, n. 3, 585-628.

<sup>(22)</sup> Secondo la Suprema Corte (Cass. civ., 22 settembre 2022, n. 27766 e già Cass. civ., 19 febbraio 2018, n. 3925 e Cass. civ., 22 marzo 2017, n. 7388, tutte in *DeJure*), la vittima della violenza è esonerata dal fornire la prova della efficacia causale della condotta nella determinazione della intollerabilità della convivenza.

<sup>(23)</sup> In tal senso Cass., 24 ottobre 2022, n. 31351, con nota di S. CAPPUCIO, *Violenza familiare: un’inaccettabile violazione dei doveri coniugali che giustifica, ex se, l’addebito*, in *Famiglia e diritto*, 2023, n. 7, 633-642.

<sup>(24)</sup> Il riferimento è ad una sentenza di merito (App. Torino, 21 febbraio 2000, con nota di R.C. DELCONTE, *Il mobbing entra in famiglia? – Il commento*, in *Famiglia e diritto*, 2000, n. 5, 475-479) che ha introdotto il *mobbing* nel lessico del diritto di famiglia. Anche la Suprema Corte di Cassazione (Cass., 19 giugno 2014, n. 13983 e Cass., 13 settembre 2017, n. 21296, entrambe in *DeJure*) ha sancito legittimo l’addebito della separazione per chi pratica “*mobbing familiare*” nei confronti del coniuge, con

Talvolta, nelle relazioni familiari l'obiettivo del "carnefice" è quello di limitare o privare la vittima della propria indipendenza economica, fenomeno codificato nella Convenzione di Istanbul<sup>(25)</sup>.

La violenza economica<sup>(26)</sup> determina, inoltre, effetti sullo sviluppo sociale e sostenibile del Paese tenuto conto dei potenziali riflessi dannosi sulla salute della vittima, con aggravio di costi per il sistema sanitario, e dei rischi sulla partecipazione della donna nel mercato del lavoro, sulla stabilità lavorativa e sulla produttività.

La gravità del fenomeno suddetto ha sollecitato l'adozione di tutele economiche per le donne vittime, al fine di contribuire a sostenerne l'autonomia<sup>(27)</sup>. In questa ottica assume rilevanza il Reddito di libertà, strumento statale di natura strutturale finalizzato a supportare economicamente le donne che abbiano maturato la decisione di uscire da una relazione violenta, accompagnato da una serie di misure capaci di consentire un reale percorso verso l'emancipazione femminile e verso lo sviluppo sostenibile<sup>(28)</sup>. Se è apprezzabile la scelta del legislatore di

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vessazioni tali da costringere il partner ad abbandonare la casa coniugale, se conseguenza della condotta colpevole dell'altro. V. A. M. FASANO, *Il mobbing familiare*, in P. Cendon (a cura di), *Trattato della responsabilità civile e penale in famiglia*, Padova, 2004, II, 1673.

<sup>(25)</sup> La Convenzione di Istanbul definisce la violenza economica come una forma di violazione dei diritti umani e di discriminazione nei confronti delle donne, consistente in tutte quelle condotte dirette a limitare o a negare l'indipendenza economica della donna e a comprometterne l'autosufficienza.

<sup>(26)</sup> Secondo la definizione fornita da UN Women (2015) si tratta di un "insieme di atti di violenza finalizzati a mantenere la vittima in una condizione di subordinazione e dipendenza, impedendole l'accesso alle risorse economiche, sfruttandone la capacità di guadagno, limitandone l'accesso ai mezzi necessari per l'indipendenza, resistenza e fuga". L'Istituto europeo per l'uguaglianza di genere (EIGE) (2017) definisce la violenza economica come "qualsiasi atto o comportamento che provochi un danno economico a un individuo. La violenza economica può assumere la forma, ad esempio, di danni alla proprietà, limitazione dell'accesso alle risorse finanziarie, all'istruzione o al mercato del lavoro, o mancato rispetto di responsabilità economiche, come gli alimenti".

<sup>(27)</sup> Si segnala l'adozione nel PNRR della Strategia nazionale per la parità di genere 2021-2026, nel quale si prendono in considerazione le priorità strategiche, da raggiungere entro il 2026, volte a misurare i principali aspetti del fenomeno della disparità di genere, ovvero: lavoro, reddito, competenze, tempo e potere. Inoltre, nel Piano strategico nazionale anti violenza 2021-2023 si fa riferimento all'autonomia lavorativa, economica ed abitativa e alla diffusione dei luoghi dedicati alle donne.

<sup>28</sup> La disponibilità di risorse economiche, seppur minime, per la donna vittima di violenza rappresenta il primo passo verso l'uscita dalla violenza domestica. La

introdurre uno strumento volto a favorire percorsi di emancipazione delle donne vittima di violenza, tuttavia appare inadeguato il contributo stanziato per ciascuna donna e ancor più insufficienti risultano le risorse disponibili stante la platea significativa delle vittime <sup>(29)</sup>.

Sul piano strettamente civilistico, appare significativa l'istituzione sperimentale del Fondo di solidarietà a tutela del coniuge che, non ricevendo l'assegno di mantenimento da parte del coniuge obbligato <sup>(30)</sup>, si trovi in stato di bisogno e non sia in grado di provvedere al proprio mantenimento né a quello dei figli conviventi (minorenni o maggiorenni non autosufficienti).

#### **4. Salute delle donne, medicina personalizzata e sviluppo sostenibile**

La questione della salute delle donne e di una medicina personalizzata che tenga conto delle differenze esistenti tra uomini e donne è stata avvertita da tempo dall'ONU che, nella Convenzione per l'eliminazione di tutte le forme di discriminazione contro le donne <sup>(31)</sup>, ha invitato gli Stati membri a predisporre appropriate misure contro le discriminazioni di genere e a porre in atto politiche per attivare un servizio sanitario equo.

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previdenza di forme di aiuto economico rappresenta un tassello importante per la protezione delle donne dalla violenza, poiché intervengono in una fase precedente a quella emergenziale e contribuiscono ad interrompere la spirale della violenza o, nella migliore delle ipotesi, ad evitarla.

<sup>(29)</sup> Sul punto Antonella Veltri, Presidente di Di.Re., afferma che si tratta di un "intervento di facciata"; cfr. Comunicato stampa della rete D.i.Re "Reddito di libertà: la realtà dietro i proclami", in [www.direcontrolaviolenza.it](http://www.direcontrolaviolenza.it).

<sup>(30)</sup> I dubbi e le perplessità sulla concreta utilizzabilità della misura sono tanti; in primo luogo si tratta di una misura di sostegno economico sperimentale; inoltre, l'accesso al fondo di solidarietà è fortemente limitato da una serie di requisiti:

- deve trattarsi di coniuge che non ha ricevuto l'assegno di mantenimento a causa dell'inadempimento dell'obbligato;
- un indicatore ISEE uguale o inferiore a euro 3.000,00;
- presenza di figli minori o maggiorenni portatori di handicap grave;
- il credito deve essere sorto a partire dal 2016;
- il creditore deve avere previamente esperito infruttuosamente la procedura esecutiva.

<sup>(31)</sup> Il riferimento è alla CEDAW firmata da 189 Stati aderenti. L'aggiornamento CEDAW del 1999 nella sezione "Donne e salute" ha affermato che "le differenze biologiche tra uomini e donne possono portare a differenze sullo stato di salute ed esistono fattori della società che sono determinativi dello stato di salute di entrambi".

E vari organismi internazionali <sup>(32)</sup> hanno sollecitato azioni specifiche volte a riconoscere il genere nella cura della salute e ad eliminare le disuguaglianze in campo sanitario.

L'esigenza di inserire una prospettiva di genere in ogni scelta politica, in particolare in materia di salute fisica e mentale, partendo dalla constatazione che la "ricerca medica era basata prevalentemente sugli uomini", ha sollecitato l'adozione di azioni programmatiche al fine di attivare politiche indirizzate a uno sviluppo sociale tendente a promuovere eguaglianza ed equità tra donne e uomini anche in materia di salute <sup>(33)</sup>.

L'Organizzazione Mondiale della Sanità (OMS), preso atto delle differenze tra i due sessi, ha inserito la medicina di genere nell'*Equity Act*, sottolineando che il principio di equità doveva essere applicato all'accesso e all'appropriatezza delle cure, considerando l'individuo nella sua specificità.

Se negli anni '90 si comincia a parlare di medicina di genere con l'obiettivo di studiare l'impatto del genere sulla fisiologia, sulla fisiopatologia, sulle caratteristiche cliniche delle malattie al fine di individuare le differenze nella prevenzione, nella diagnostica e nella terapia <sup>(34)</sup>, la consapevolezza di dovere intervenire in modo puntuale si concretizza solo all'inizio di questo secolo e diventa oggetto di dibattito e confronto anche a livello internazionale <sup>(35)</sup>.

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<sup>(32)</sup> In questa direzione si muovono l'Organizzazione Mondiale per la Sanità (OMS), la Comunità Europea (CE), l'Agenzia Europea per il Farmaco (EMA), l'Agenzia Europea per la Sicurezza e la Salute sul Lavoro (OSHA). In particolare, l'OMS già nel 2009 ha istituito un dipartimento dedicato alla salute delle donne e attento alle differenze di genere e successivamente, identifica il "genere" come imprescindibile nella programmazione sanitaria (*Action Plan 2014-19*) al fine della promozione della salute finalizzata a sviluppare approcci terapeutici diversificati per le donne e per gli uomini. Secondo l'OMS "Tutti i professionisti della salute devono avere conoscenza e consapevolezza dei modi in cui il genere influenza la salute, in modo che possano affrontare le questioni di genere, laddove appropriato, rendendo così il loro lavoro più efficace".

<sup>(33)</sup> In tal senso la IV Conferenza mondiale sulle donne tenutasi a Pechino nel 1995.

<sup>(34)</sup> Nel 1991 è stato pubblicato un articolo, intitolato "The Yentl syndrome", nel quale si evidenziava la necessità di una differente gestione della patologia coronarica nei due generi, e si sottolineava che il numero ridotto di interventi diagnostici e terapeutici effettuati sulle donne rispetto agli uomini, a parità di condizioni, rappresentava un approccio clinico-terapeutico discriminatorio e insufficiente se confrontato con quello praticato nei confronti degli uomini.

<sup>(35)</sup> In occasione del G20 del 2021, nel Women20, per la prima volta si è parlato anche di medicina di genere, osservando che un approccio che tenga conto delle differenze di genere nella pratica clinica consente di promuovere l'appropriatezza e la

In questo percorso l'Agenda 2030, con il *Goal 5*, si propone di "Raggiungere l'uguaglianza di genere ed emancipare donne e ragazze", limitando però la tutela della salute delle donne tenuto conto che il punto 5.6 si prefigge di "Garantire accesso universale alla salute sessuale e riproduttiva e ai diritti in ambito riproduttivo, come concordato nel Programma d'Azione della Conferenza internazionale su popolazione e sviluppo e dalla Piattaforma d'Azione di Pechino e dai documenti prodotti nelle successive conferenze". Anche il *Goal 3*, secondo il quale per raggiungere lo sviluppo sostenibile è fondamentale garantire una vita sana e promuovere il benessere di tutti a tutte le età, non presta attenzione specifica alla salute delle donne in senso ampio.

L'acquisita consapevolezza che gli uomini e le donne, pur essendo soggetti alle medesime patologie, presentano sintomi, progressione di malattie e risposta ai trattamenti molto diversi tra loro, ha portato, di recente, con una normativa *ad hoc*<sup>(36)</sup>, all'inserimento di questa "nuova" dimensione della medicina in tutte le aree mediche.

Preso atto che i bisogni sanitari delle donne sono crescenti, differenti e di particolare complessità, l'attenzione al genere rappresenta una scelta strategica di politica sanitaria che ha come finalità l'appropriatezza nella prevenzione, nella diagnosi, nella cura e nella riabilitazione<sup>(37)</sup>; al contempo, rende il SSN sostenibile, in quanto vari studi hanno rilevato che operare in un'ottica di genere permette la valutazione delle differenze di *outcome* terapeutici tra uomo e donna diminuendo gli errori nelle prescrizioni, aumenta la sicurezza dei trattamenti farmacologici e garantisce un'adeguata appropriatezza terapeutica, oltre ad avere un impatto positivo sui fattori socio-economici e culturali<sup>(38)</sup>.

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personalizzazione delle cure, di rispondere alle sfide sanitarie del futuro e di rimanere al passo con le esigenze di salute dei cittadini. Occorre ricordare, altresì, che nel 2005 nasce l'*International Society for Gender Medicine* (IGM), nel 2007 l'Unione Europea fonda lo *European Institute of Women's Health* (EIWH), nel 2009 nasce l'*European Society of Gender Health and Medicine* e nel 2011 l'Unione Europea fonda l'*European Institute for Gender Equality* (EIGE).

<sup>(36)</sup> La legge 11 gennaio 2018, n. 3, garantisce e promuove per la prima volta la medicina orientata al genere in tutte le sue applicazioni a livello nazionale, sia nella sperimentazione clinica dei farmaci (art. 1), sia per tutto il percorso clinico (art. 3).

<sup>(37)</sup> V. Quaderni del Ministero della Salute, aprile 2016, n. 26, *Il genere come determinante della salute. Lo sviluppo della medicina di genere per garantire equità e appropriatezza della cura*, 29 ss.

<sup>(38)</sup> Cfr. AA. VV., *Verso un'equità di genere nella salute e nella ricerca Libro bianco*, Franco Angeli, 2023. Nel volume si sottolinea che, anche ai fini della riorganizzazione del SSN, occorre porre attenzione all'equità di genere che si basa sulla modulazione

L'importanza di un approccio di genere in sanità per una centralità della persona ha comportato l'adozione di un Piano volto alla diffusione della medicina di genere <sup>(39)</sup> nel quale si sottolinea l'esigenza di un approccio intersettoriale tra le diverse aree mediche e le scienze umane che tenga conto delle differenze derivanti dal genere, al fine di garantire l'appropriatezza della ricerca, della prevenzione, della diagnosi e della cura e la necessità di promuovere la ricerca biomedica e farmacologica basata sulle differenze di genere.

Inoltre, le differenze nella sintomatologia e nei segni clinici, nonché nei fattori di rischio e protettivi, nella prognosi, nella risposta ai trattamenti e nelle reazioni avverse ai farmaci, hanno comportato l'adozione di un approccio di genere nell'aggiornamento delle Linee Guida e ciò conferma l'obiettivo di garantire uniformità e qualità delle cure.

La medicina di genere propone, quindi, una rivalutazione dell'approccio medico-scientifico in un'ottica di genere per migliorare non solo le conoscenze sui diversi aspetti alla base delle differenze tra uomini e donne, ma anche per adeguare e personalizzare l'intervento sulla salute e quindi l'efficienza ed efficacia delle cure per la promozione del benessere individuale, al fine di dare attuazione in modo più incisivo al *Goal 5*, letto in sinergia con il *Goal 3*, nell'ottica di uno sviluppo sostenibile.

Il nuovo approccio multidisciplinare alla medicina di genere impone, pertanto, che venga garantito l'accesso alle cure, il benessere psicologico legato alle condizioni di vita, il contrasto al disagio psichico, affinché si persegua la salute degli uomini e delle donne e non solo la sanità.

È maturo il tempo per lo sviluppo di una cultura e di una presa in carico della persona <sup>(40)</sup> che tenga presente le differenze non solo sotto l'aspetto anatomico-fisiologico, ma anche biologico-funzionale, psicologico, sociale e culturale, garantendo una maggiore appropriatezza e personalizzazione delle cure.

Senza un orientamento di genere la politica di tutela della salute risulta discriminatoria, laddove l'attenzione alla conoscenza delle differenze di

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degli interventi in relazione alle differenze, alle specificità, ai bisogni, con l'obiettivo di assicurare pari opportunità nell'ambito della prevenzione, della diagnosi e della cura.  
<sup>(39)</sup> Piano per l'applicazione e la diffusione della Medicina di Genere (in attuazione dell'articolo 3, comma 1, Legge 3/2018), adottato nel 2019.

<sup>(40)</sup> La Medicina Genere-specifica nel Sistema Sanitario rappresenta un'opportunità di maggiore efficienza del sistema sanitario nazionale, oltre che di maggior tutela del paziente.

genere favorisce una maggiore appropriatezza della terapia ed una maggiore tutela della salute sia per gli uomini che per le donne.

La scelta verso la cura che tutela le differenze si deve tradurre in modelli assistenziali capaci di migliorare la qualità della vita delle persone, costruendo un modello di società più inclusivo e resiliente.

Al fine di realizzare una reale medicina di genere personalizzata è necessario incidere sull'organizzazione del servizio sanitario nazionale, implementando il ruolo delle donne nell'ambito sanitario. L'assenza o la limitata presenza di donne ai vertici delle varie istituzioni e organismi della sanità comporta una scarsa attenzione nella programmazione e nell'organizzazione dei servizi sanitari a favore delle donne.

## 5. Osservazioni conclusive

L'uguaglianza di genere è un imperativo etico, morale e giuridico; se le donne, che rappresentano metà della popolazione mondiale e, dunque, metà del suo potenziale, non avranno accesso alle medesime risorse, ad uguali diritti e a pari opportunità, il raggiungimento dello sviluppo sostenibile non potrà mai verificarsi.

La presenza delle donne non è un obiettivo numerico, un traguardo liberale, ma l'indispensabile presupposto per perseguire gli altri obiettivi di bene comune: clima e cura del pianeta, lotta alla povertà, pace e giustizia, tutela dei minori e delle persone fragili, comunità e città sostenibili, consumo responsabile.

Una maggiore partecipazione delle donne nella società potrà contribuire al miglioramento delle condizioni di vita, individuali e collettive, nonché alla crescita, alla prosperità e al benessere dell'intera comunità.

Infatti, un migliore utilizzo della popolazione femminile potrebbe favorire la crescita economica, ridurre la povertà, diffondere il benessere sociale e contribuire così a realizzare una crescita sostenibile. L'eliminazione del *gap* di genere dipende da scelte legislative mirate, capaci di tenere conto della dimensione di genere e del ruolo delle donne nello sviluppo economico, sociale e ambientale.

È ormai urgente promuovere investimenti a lungo termine in capitali economici, umani ed ambientali, in quanto le donne sono ancora marginalizzate e così il loro potenziale contributo allo sviluppo economico-sociale e alla protezione ambientale.

Non è più in gioco solo una questione di diritti di una parte del genere umano, ma di responsabilità da condividere insieme per un futuro migliore e più sostenibile.