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EMPLOYMENT LAW AND
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Labour Regulation *for* the Environment

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The Future of Work. A Matter of Sustainability

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Outline

1. Theoretical framework
2. Research design
3. Preliminary results
4. Q&A

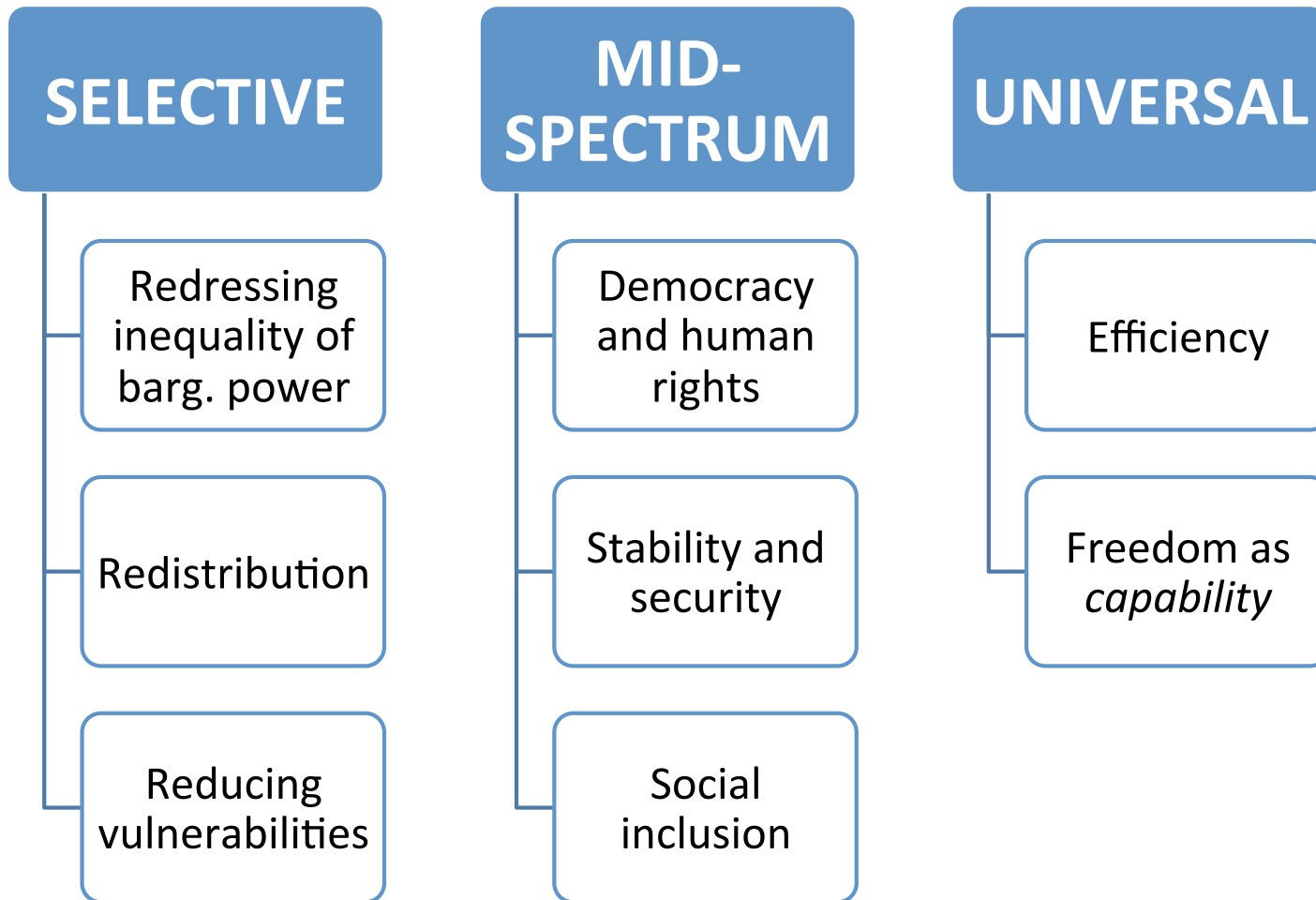
Theoretical framework

- Constructivist approach (Dworkin 1986; Capra, Mattei 2015; Hirokawa 2016)
- Dematerialisation of work environment (Allvin, Aronsson, 2003)
- Purposive approach to labour law (Davidov 2014; 2016)

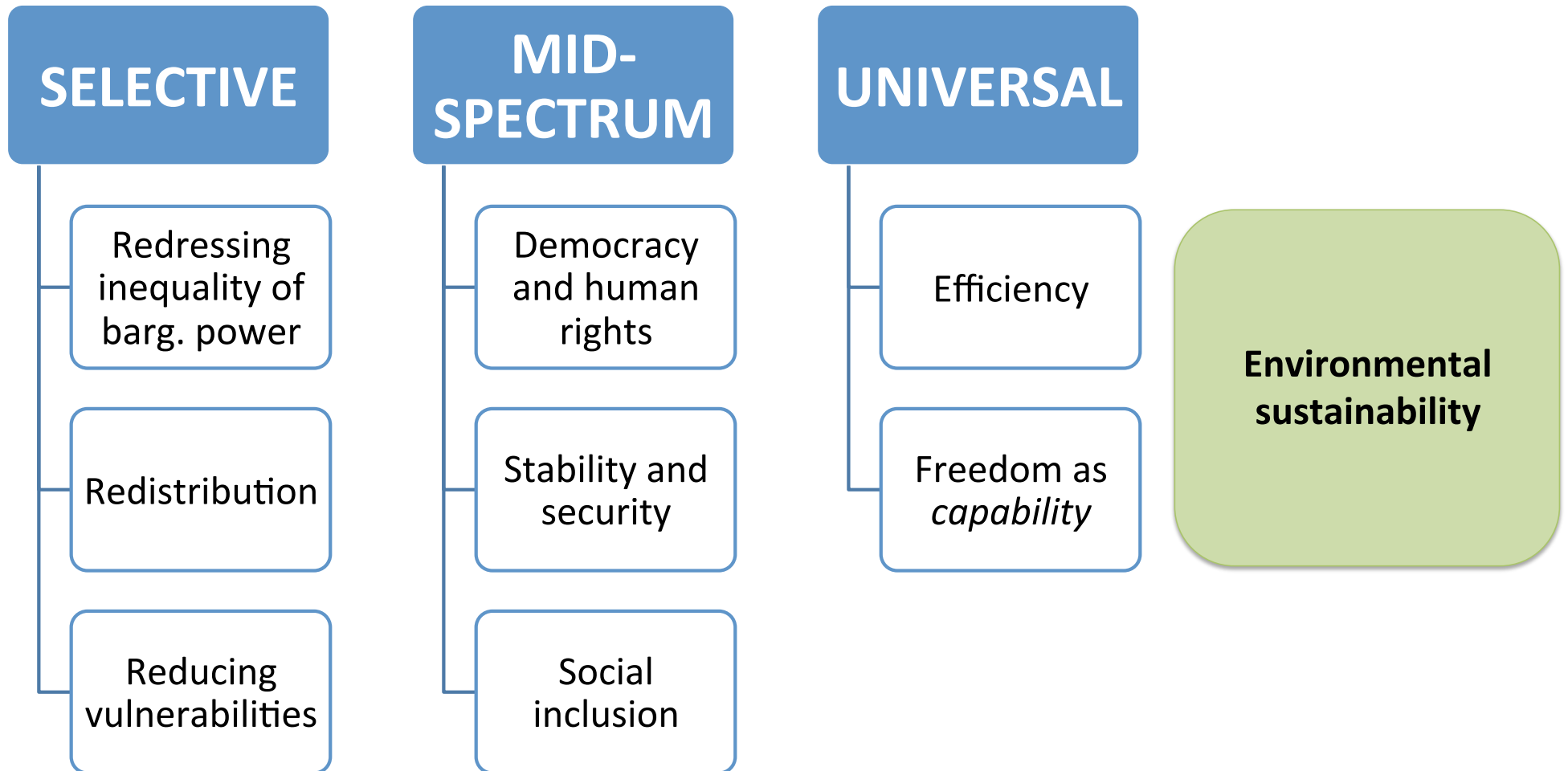
“Labour law has a role in the task of promoting sustainable development; provided it does not limit itself to reacting to external economic pressures. An active role can be exerted by using in an innovative way the specific instruments of the law and of collective action” (Treu, 2016)

Why labour law should be concerned with the environmental protection?

Goals of labour law (Davidov, 2016)



Goals of labour law



Research design

Research question

- How and why the environmental protection can become relevant to the objective of the employment contract, without detracting from the original and selective goals of labour law

Theoretical paradigm

- Sustainable work system (Eurofound, 2015; Ehnert, Harry, Zink 2014; Vitols, Kluge 2011; Docherty, Kira, (Rami) Shami, 2009):
 - Aimed at the regeneration of the resources it utilizes – human, social, material, and natural resources;
 - The development of one type of resource does not exploit resources of other types.

Research design

Unit of analysis

- Labour regulation in Italy, with a focus on the following aspects of work organisation:
 - Working time regulation
 - Executive-pay and employee reward*
 - Workers' voice: participation, involvement, whistleblowing*
 - Codes of conducts and disciplinary actions*
 - Health and safety at work*
 - Employment contracts and job classification
 - Industrial actions

Preliminary results

Subject	Type of institution	Source of regulation	
Employee rewards systems	Green pay, i.e. gain-sharing plans linking pay rises to green targets	Collective bargaining	E.g.: Almaviva, Renner, Luxottica, Total
Workers' obligations and duties	Obligations to respect environmental standards and related disciplinary actions	Company unilateral disciplinary code	ABB, TenarisDalmine
Workers' voice	Employee protection for environmental whistleblowing	Statutory legislation	Art. 54bis, Law n. 165/2001
Occupational health and safety	Conflict between employment protection and environment protection	Case law	Constitutional Court, Case n. 85/2013 (ILVA case)

Discussion

Subject	Type of institution	Analysis
Employee rewards systems	Green pay, i.e. gain-sharing plans linking pay rises to green targets	Combination of selective and universal goals, i.e. redistribution and sustainability
Workers' obligations and duties	Obligations to respect environmental standards and related disciplinary actions	Combination of selective and universal goals, i.e. reducing vulnerabilities, protecting human rights and sustainability
Workers' voice	Employee protection for environmental whistleblowing	Combination of selective and universal goals, i.e. redressing inequality of bargaining power, democracy and sustainability
Occupational health and safety	Conflict between employment protection and environment protection	Short-term perspective, no environmental sustainability, no protection of labour as a human right, no protection of workers' capability

Conclusions

- Italian case law still based on an anachronistic worldview, i.e. the “mechanistic trap” that Fritjof Capra and Ugo Mattei have recently associated to many of the environmental crises we face today. ILVA Case as clear example of a legal construction of the conflict between employment and environmental protection
- Some positive signals of modernisation in collective bargaining, statutory legislation and unilateral codes of conducts; yet far from a fully integrated ecological rationality of labour regulation
- When it comes to sustainability, to strike a balance between selective and universal goals of labour law is possible

THANK YOU!

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