

Eco-social Synergies: Legal Challenges at the Intersection of the Environmental and Employment Realms

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ABSTRACT

The Future Challenges in Labour Environmental Protection: Going Beyond Borders

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When we talk about ‘labour’ and ‘environmental’ protections together, we already cross the borders of distinct legal disciplines, which have tended to operate in parallel. My suggestion is that the future challenges for those of us interested in these issues can be viewed as two-fold.

The first challenge is, in a metaphorical sense, to traverse long-respected legal boundaries, fusing together different branches of the law. This mission might entail the redesign of labour and environmental laws in ways that enable their interaction, for example rethinking employment status and our understandings of work, as well as legitimate collective action. Responding to emerging work-related climate, digital, food and energy objectives could also require engagement with what seemed previously to be extraneous legal spheres, such as competition (and procurement) law and even human rights (and public) law. As the old proverb states, necessity is the mother of invention; we may have to be creative.

Secondly, in a more tangible way, we may need to evaluate how ecological harms cross geographical borders. This can arise through the slow seep of pollution (or carbonisation) from one country to another, but also global business practices via manufacturing, service supply and distribution chains. Here we could interrogate the content of domestic laws which affect the terms of trade (including finance, import controls, investment and migration), and question the scope for effective transnational regulation via the current variety of regional and international legal frameworks. This exercise requires recognition of the complex inter-connections between legal disciplines, but also further appreciation of their multi-level and multilayered interactions across state boundaries.

Both challenges raise profound questions regarding the agency of actors who could be involved in these processes, alongside the potential merits of extra-legal strategies.