

# The Climate Show – Episode 29

## Transcript

00:00:04 Linnéa Nordlander

Hi and welcome to the Climate Show, a podcast that explores the law and politics of climate change. This podcast is brought to you by the University of Copenhagen.

00:00:16 Beatriz Martinez Romera

Hi. We are Beatriz Martinez

00:00:18 Linnéa Nordlander

and Linnéa Nordlander

00:00:19 Beatriz Martinez Romera

and we are your host at the Climate Show.

00:00:25 Beatriz Martinez Romera

Welcome to the Climate Show today in our episode, we are turning our attention to the intersection between climate change and social law, an area that is increasingly gaining interest but is rather under explore.

00:00:36 Linnéa Nordlander

Joining us are two experts to discuss how land policy can help shape fairer, greener societies. Vincenzo Pietrogiovanni is an associate professor from the University of Southern Denmark. His work on labor law examines how workers' rights, employment conditions and social dialogue can adapt to, and support adjust transition.

00:00:54 Beatriz Martinez Romera

And we're also joined by Alberto Barrio from CLIMA, faculty of Law, the University of Copenhagen, who studies how social protection systems can respond to the risks and inequalities posed by climate change. Together, Alberto Barrio and I are working on the EU funded project Express2, in which we study climate change resource to the EU social contract and how to address them.

00:01:19 Linnéa Nordlander

So how can labor law and social security be reimagined to support the achievement of climate goals? Let's find out.

00:01:33 Beatriz Martinez Romera

I'm thrilled to be here today with Vincenzo Pietrogiovanni and Alberto Barrio. Welcome both to the Climate Show.

00:01:39 Alberto Barrio

Thank you so much for having us?

00:01:41 Vincenzo Pietrogiovanni

Thank you so much for inviting us.

00:01:43 Beatriz Martinez Romera

Thank you for taking the trip to come here. Let's start talking about challenges, social security and labor law systems in Europe were originally designed to protect workers and vulnerable groups from typical risk in an industrial society, these groups are faced now with new challenges resulting from climate impacts and from climate mitigation efforts and policies, do you agree with this statement?

00:02:08 Vincenzo Pietrogiovanni

Yes, I strongly agree with this statement. Labor law systems in Europe were historically designed to address the outcomes. The social outcomes of industrial capitalism. So, workplace accidents, exploitation and employment. But don't forget that this, regulatory frameworks labor law, as we call it, is the result of a specific social, economic and political context which is Western Europe in the so-called social democratic context. So, the socioeconomic and political context has changed, and the environment too has changed with what many experts have been labeled Anthropocene. So, climate change introduces new and intensified challenges that labor laws globally don't seem very fully equipped to handle, so there's a series of categories of risks that are somehow that can be simplified.

00:03:16 Vincenzo Pietrogiovanni

So, the first group of categories of risk is the new risk for workers deriving from climate impacts. So extreme weather impacts on workplace safety, for instance, rising temperatures and floods, they directly put health and safety workers at risk, especially when work is performed outdoors.

00:03:39 Vincenzo Pietrogiovanni

So, the existing occupational health and safety laws need to be updated to address explicitly these kinds of stresses and dangers. Then there is the problem with displacement and livelihood loss. Climate related disruptions like the crop failure, the supply chain disruptions could lead to a series of job losses. Invulnerable industries and also this put labor law under pressure.

00:04:06 Vincenzo Pietrogiovanni

And then there is the risk from migration due to climate change, but also due to climate change migration to climate change policies. First and foremost, there is the idea of transitioning from the carbon sector to a sustainable sector. And of course this comes at the cost of job loss.

00:04:26 Vincenzo Pietrogiovanni

So just transition mechanism should take into consideration social dialogue in order to make sure that worker participates in this transition, there should be program on retraining and upscaling of workers and there should be severance guarantees for relocation support. And then there's the issue of precarious work in green jobs, we need to make sure that green jobs are not necessarily precarious in terms of working time or wages and so.

00:04:58 Vincenzo

Because we need to understand that climate vulnerability intersects directly with already existing social vulnerabilities.

00:05:07 Alberto Barrio

So yes, I absolutely agree with Vincenzo in the field of social security, we are experiencing something similar. Social security was created at a moment during the Industrial Revolution in which there was obviously a big dependence on economic growth based on consumption of fossil fuels and yes, in general continuous economic growth and social security was based also independently somewhat stable social risk. So, for example, unemployment, which in general could be more or less predictable as a global and also sickness, disability and so on, there was a certain possibility of prediction, particularly concerned there concerning what we call the standard employment relationship, right, like full employment and stable jobs.

00:05:55 Alberto Barrio

But right now, we're in a completely different context, not just because, of course, we are moving away perhaps from that standard but specifically concerning the situation of climate change. We see a situation. I would say that it has two big impacts on social security.

00:06:12 Alberto Barrio

In one hand, there is an increase on the materialization of risk. As a result of climate change, perhaps more unemployment, more sickness, because of situations resulting from extreme climate events, perhaps more disability. So, the traditional risk, that's what security typically covers.

00:06:31 Alberto Barrio

Now they are more numerous, but also more unpredictable. That's on the one hand and then we may also see what we may call new social risk situations that originally social security wasn't designed to protect against, but that now may be the only tool possible to do so. So that could be, for example, situations in which a person cannot work because, for example, heat waves or any other kind of environmental situation resulting from climate change, that doesn't make that possible. That wasn't typically something that's our security was designed to cover. That's not unemployment, and that's not maybe sickness and so on.

00:07:12 Alberto Barrio

But now it may be the only tool possible to do so, so that's my opinion that your big challenges for social security. And of course, this is even more difficult in a context in which these risks are even more dangerous and more prevalent for persons in vulnerable situations and for vulnerable groups, so would you take that into account? The challenge is even more complex.

00:07:39 Beatriz Martinez Romera

And how do you see then your field service searches the area of labor law and the area of social security law adapting to this new risk to these new pressures. Maybe we can start with you, Alberto.

00:07:51 Alberto Barrio

Thank you. So well, first of all, I think that it's very important to take into account the central role of social security in what we call just transition. So, as Vincenzo mentioned before there is going to be or is already happening in a transition from more polluting industries, carbon consuming industries to those who are more compatible with the policies, mitigating or combating climate change, for example, renewable energies and so on.

00:08:19 Alberto Barrio

But this transition, if it's not accompanied by measures helping people in more vulnerable situations. So, we're saying before and also protecting those in unemployment resulting from, for example, the closure of companies as Vincenzo mentioned.

00:08:34 Alberto Barrio

This could result in a big impact for those in the most vulnerable groups, so that's definitely something that our security needs to address. That's a key role, but also social security needs to, as I was saying before, needs to address more risk, and that requires more finance a more sustainable financing we will address that later on as well.

00:09:00 Alberto Barrio

And 3rd social security does not only have to response to immediate or future situations, but it also needs to start preventing perhaps those situations. So, there is a preventive role in social security benefits and services.

00:09:16 Alberto Barrio

That has been present in healthcare for a long time, but perhaps not that much in other forms of benefits like unemployment, sick pay, and so on. And that, for example, there are many studies that show that communities that have more stable income they are more prepared for extreme weather events and for other fuel consumption resulting from climate change or even from, of course, losing employment because of transitions. So, as I was saying, social security needs to start considering that preventive role and maybe perhaps the last thing if it's possible.

00:09:53 Alberto Barrio

And social security systems are very much dependent on economic growth and that's for their financing and that's definitely something that we have to consider. So, until now, social security has had the penalty in social security contributions and taxes or even the growth of the stock market in order to maintain itself. But all of those sources of financing, of course, depend on economic growth. There are now many experts that are trying to consider which other forms of alternative financing could exist, like for example, there is right now a debate in the French parliament in which they are considering perhaps creating additional taxes for most polluting companies in order to use part of that income for the extra cost of for to healthcare services for people who, for example, become ill as a result of climate change. So that's definitely another part of the conversation.

00:10:50 Beatriz Martinez Romera

And how did you see Vincenzo this interplay happening with regards to labor law?

00:10:55 Vincenzo Pietrogiovanni

Yes. So, let's just define what labor law is, because probably not all listeners are familiar with it. So, labor law is basically that set of rules stemming either from legislation or from collective agreement. That aim is to regulate on an individual level the contract of employment and on a collective level, the relationship between employers and the employee's association and trade unions.

00:11:21 Vincenzo Pietrogiovanni

So, with this definition in the background, how labor law is evolving and how somehow it should evolve in addressing climate.

00:11:32 Vincenzo Pietrogiovanni

Well, first and foremost, there are two areas of labor law where this trend is already visible. The first one is in health and safety, where labor law is trying to adapt workplace and workplace regulation to existing and new kinds of risks in order to protect workers from climate impacts.

00:11:52 Vincenzo Pietrogiovanni

And then there is the area of labor market policies where the just transition basically is trying to ensure fairness in the green policies, in the implementation of green policies.

00:12:04 Vincenzo Pietrogiovanni

So, these are the two major let's say pillars in which labor law is developing. Then there is another one which is connected to health and safety, but not necessarily only to health and safety, which is working time. Working time regulations are meant essentially as an occupational health and safety issue, but they also take into consideration the distribution of burden.

00:12:29 Vincenzo Pietrogiovanni

So in this regard, the reducing the working time, making sure that from 40 hours a week which is more or less now the average working time in Europe going down to 30-32 or 20-28 in the most radical proposal is a way to liberate workers from working time working time is not only about exposure of workers to risks, and we discussed already the higher and new is that. But it's also entails less commuting or commuting in a more flexible way so transportation, but it's also freeing people to make sure that they are able to take care of, you know, the vulnerable groups take care of communities, take care of the environment. So, I think that in some terms working time in labor law should become a pivotal aspect for it.

00:13:30 Vincenzo Pietrogiovanni

And yeah, as I said, I totally agree with Alberto's point of vulnerability. Unfortunately, what we've been witnessing in the so-called green market in green jobs, many of these jobs are extremely precarious. And this kind of precariousness should not necessarily happen because we know that precariousness is most dramatically already existing for vulnerable workers, so a good transition should not expand. This group of workers creates new forms of precariousness.

00:14:08 Alberto Barrio

I think that actually that's a very interesting point and that I also have seen in other research that in some situations jobs in the green sector, maybe even using of their green character, which of course is very well seen to justify forms of non-standard work and very precarious work that is not at all compatible with the kind of stability and security that we want typically provide welfare states, right?

00:14:34 Alberto Barrio

So that's even it has happened in countries like in Belgium in which there has been apparently some issues with some forms of benefits that allow people in unemployment to get jobs in green energy companies and so on. And companies in the green transition sector, and apparently there have been some problems in those kinds of jobs that were in some way subsidized by the government. They have not been fulfilling perhaps all their obligations. They were in, sometimes, precarious situations. So that's definitely something that we have to take into account, especially in a context in which precarious or was already a big issue as both of us have already covered in our research before.

00:15:18 Vincenzo Pietrogiovanni

Yeah, just transition should be also a way to increase social justice and not to undermine it.

00:15:15 Alberto Barrio

Exactly.

00:15:27 Beatriz Martinez Romera

You have already mentioned some, but are there any examples of instruments, legal or policies, either at the national or EU level, that have indicated ways in which we can approach these challenges from both of your disciplines? We can start with Vincenzo if you like.

00:15:45 Vincenzo Pietrogiovanni

Yes, here it's very evident that there is a sort of different path or different pace between what the legislator is doing and what the policymaker is doing. So, the policymakers at the national level, but even more at international and European level, are quite fast and quite productive.

00:16:06 Vincenzo Pietrogiovanni

So if we look at what happens, for instance, at the international level from the International Labor Organization and even more so at European level with the initiatives from the EU, with the 'Just Transition' mechanism, all of this activism, if we can say so, is addressing the idea of redistributing resources in order to foster and more socially sustainable green transition.

00:16:31 Vincenzo Pietrogiovanni

But there is very little behind this policy action. So, when it comes to legislation, everything at this point seems to address the issue of transition in order to support and not leave anyone behind.

00:16:48 Vincenzo Pietrogiovanni

When it comes to legal provisions that directly take into consideration climate risks for workers, we can only find something in the corporate sustainability due diligence directive. The very recent directive which requires now firms to assess and mitigate climate risk to workers in the context of global supply chain.

00:17:08 Vincenzo Pietrogiovanni

Other than that, there are some national schemes in which governments implement social dialogues or governments or local authorities meet with the social partners and they try to negotiate in order to all the transition plans or the decarbonization plans, or the investments in in green economy in order to make sure that workers are not left behind. But we're always talking about basically funds and how to redistribute the funds.

00:17:39 Vincenzo Pietrogiovanni

There are in very little cases, norms, and provisions that impact directly on working conditions. And I would like to mention what happens in France with the climate resilience labor reforms that basically revise the health and safety policy at workplace considering climate as one of the factors that needs to be taken into consideration when the risk assessment is made.

00:18:10 Vincenzo Pietrogiovanni

And then another aspect, another example that tells us a lot of how the regulation needs to be adapted in its sources, in the system of sources, which is the example of a decision of the President of the region of Puglia which is actually also the region where I come from which following a very dramatic accident that works.

00:18:39 Vincenzo Pietrogiovanni

So, a woman who was working out in the field in the, in the in the month of August, who died because of a heart attack directly connected to the heat, the president of the region issued a ban. So based on the power of public health and safety.

00:19:01 Vincenzo Pietrogiovanni

A ban in which basically all work to be performed outdoors and work that is of intensity. So, like agricultural construction and renewable energies are banned between 12:00 and 4:00 PM. In the hottest hours of the day.

00:19:24 Vincenzo Pietrogiovanni

The local authorities have forbidden outdoor work, so this tells us how somehow climate change is impacting not only labor law in general, but also on which sources and which kind of scope or regulation are we talking about. And this is extremely important.



00:19:44 Vincenzo Pietrogiovanni

Because labor law is very usually meant as national legislation, but climate change is more, let's say, effectively addressed in local aspects, especially when it comes to special conditions in special sectors.

00:20:03 Beatriz Martinez Romera

Is it a bit the same in your field of social security, Alberto?

00:20:06 Alberto Barrio

Yes, indeed we see for the moment, at least, a lot of policy work and policy preparation work, so we have seen quite a bit of reports like the parliamentary French report that I mentioned before or non-binding recommendations that you level on this issue on household security may adapt to climate change and so on.

00:20:32 Alberto Barrio

But we don't see that much piling instruments yet, at least not purely on social security. On the non-binding instruments, the one that I think really should be mentioned, because even though it's non-binding, it's a very interesting instrument. Is the Council recommendation for transition an instrument of a couple of years ago and this is to my knowledge, the first instrument by the EU and which is clearly stated that social protection needs to be adapted to these new challenges and that this, among other things, may require new forms of funding.

00:21:07 Alberto Barrio

And it also addresses protecting vulnerable groups and so many of the things that we have discussed today, it's included in these instruments. So even though it's a non-binding instrument, it's a very interesting 1 and I'm looking forward to seeing how its implementation and monitoring will be done in the next few years.

00:21:24 Alberto Barrio

And then we, I mean as Vincenzo mentioned, are similar to the field of labor law. We see quite a few instruments in which there is a transfer of funds in order to promote some kind of transitions to new jobs, and sometimes that can be done through some form of social security mechanisms as the server, because it can be for example trading linked to unemployment benefits or changes in active labor market policies, which are the policies requiring people to find new jobs when they are unemployed. But perhaps there are not that many substantive changes into how social security exists.

00:22:01 Alberto Barrio

And especially the gracing of new forms of social security, the new risk I was mentioning before there is in, for example, Spain, there was a figure a year ago the creation of as a

response to climate change events and now when people are unable to attend work because of extreme weather events, for example, that is covered by some form of benefits. So that could be one of the few examples of perhaps new forms, social security addressing new risks. But then you also see what I was mentioning before of transfer of just income.

00:22:39 Alberto Barrio

For example, France Check Energy, which is financial help to for most vulnerable households that may not be able to afford the new energy prices resulting from more taxes to polluting energies and so on. So, I will say that we are at the beginning. Unfortunately, I think that beginnings will have been traveling before, but we are still more or less at the beginning.

00:23:01 Alberto Barrio

And we are moving towards, and we are seeing more and more attempts to create legislation in this sense. So, I'm hopeful.

00:23:11 Beatriz Martinez Romera

And besides reacting to these challenges, do you believe that labor law and social security respectively have a role to play in addressing climate change?

00:23:21 Vincenzo Pietrogiovanni

Yes, I speak for labor law, and I think that labor law has had and will have a huge role in addressing climate change and promoting sustainability. The how to do so there's many examples, and there are many ways of doing this, but I think that since climate change calls for a radical change in the paradigm of our economic and social contract, and I think that there has to be a radical change of paradigm, also within labor law. So, labor law was born in this very romantic idea that needs to be that it was bound to protect human rights at work. But it's not necessarily like that. And it's definitely not like that in the last 25 years of neoliberalism, right where liberal law has been used as a tool to increase competitiveness, to increase accessibility to leave the market and so forth.

00:24:20 Vincenzo Pietrogiovanni

So, the purpose of labor law as it is right now, doesn't necessarily fit the purpose of climate change adaptation and mitigation policy. So, from my perspective, this radical change in the label of paradigm should basically follow the idea of how to really combat climate change and how to mitigate climate change.

00:24:42 Vincenzo Pietrogiovanni

Personally, in my own research I'm trying to gather input from social sciences. So, where is this idea of extractivism right that comes directly from what capitalism in the Anthropocene

has been doing in the last 100 years. So, extract from nature and you know, living these holes in the hearth.

00:25:06 Vincenzo Pietrogiovanni

And we can see that the same patterns have happened also in labor law through this explosion of very flexible, very precarious forms of job, 0-hour contract or temporary agency work. These are all forms of work that extract from workers and the communities where these workers come from much more than what they give back. If we're considering, for instance, the rise in work poverty, so people do work, but nonetheless they can't, they can't achieve a decent salary.

00:25:42 Vincenzo Pietrogiovanni

So, the idea is really to revise from the bottom labor law in order to fight this sort of extractivist form of labor.

00:25:52 Alberto Barrio

So, as has been the case until now, yes, the topic in the field of social security is a bit similar, although perhaps with a few differences.

00:26:02 Alberto Barrio

So, I think that there are two main things that social security as a field should do if we want to contribute to environmental sustainability and to combat climate change, that definitely we should. So, the first, as I mentioned before, conserve financing and the dependent social security systems to growth. That's a huge field that should be explored.

00:26:24 Alberto Barrio

So how we can continue financing our current system without depending on not just on completely increasing economic growth, but also perhaps even demographic growth, an argument that we come here many times that we need more people because we need to pay the pensions, especially in countries like in Spain, in which pensions are paid with the money that keeps coming in, so the system is called 'pay as you go', you need more people if you have inflation. So, of course, benefits need to be raised. You need more people to pay previous benefits, right?

00:27:02 Alberto Barrio

Current benefits are the benefits of people who have paid contributions in the past. So, I think that that requires a change of perspective. Perhaps is the time now to start considering, especially in countries that we call these markets, in which there was a huge link between labor and social insurance, social security, that we need to use more alternative forms of funding for social security that is no longer the case, that that can be paid only with just the

result of labor, that maybe we need to use, for example, taxes to pay for more polluting energies.

00:27:38 Alberto Barrio

Sorry, more polluting industries, or perhaps even access to other kinds of activities that we now are much more important than during the industrial revolution, like for example stock market investments and so on. That's definitely something that we have to consider how we are financing social security and that would be a huge change even the investment of stock, the big yes.

00:28:01 Alberto Barrio

Stock investment funds in Nordic countries that have an enorm amount of power, and where do they decide to invest? That's definitely another factor that we have to take into account, but perhaps a less talked way in which we can combat climate change and social security is the benefits that social security and the incentive that social security systems create. So perhaps it's also time to consider more or a combination of service benefits.

00:28:31 Alberto Barrio

So, for example providing more help instead of just income, of course, income is always necessary, but may perhaps there are other forms of benefits that are not necessarily just linked to economic growth, even perhaps supporting forms of work that are more about creating communities.

00:28:48 Alberto Barrio

So, for example, care work, work working within your own communities and so on. So, it's a focus on what we are contributing to do as a system and that's definitely something that we have to we have to consider. Thank you.

00:29:07 Beatriz Martinez Romera

Looking ahead, what do you consider the most urgent area for research and maybe policy development at the intersection of climate change and labor law and then climate change and social security? What should be prioritized basically.

00:29:21 Vincenzo Pietrogiovanni

Well, as a natural consequences of what we've been saying so far, I would say that health and safety is definitely one of the most urgent areas, new hazards, new risks needs to be taken into consideration by legislation, but also by the process through which these risks are assessed and evaluated at work.

00:29:45 Vincenzo Pietrogiovanni

And I also want to go back also to the idea of working time that it's an health and safety issue, but it's also a way to redistribute the burden the, let's say, more the social burden of these transitions by letting people more free to take care of their community and not just keep on producing and polluting.

00:30:06 Vincenzo Pietrogiovanni

And then the second area is migration. We know already that directly or less directly with the climate change pressures there is an increase in people moving from inhabitable areas of the world. And this of course will have an impact on the existing framework when it comes to migration, that is not necessarily friendly to migrants, but will be even more pressure than from that perspective. So, I think that another area of investigation is to exactly address how climate change mitigation and policy and adaptation policy will impact on the existing legal framework for migration, because I already can tell that it's not fitting at all.

00:30:57 Alberto Barrio

I think in the field of social security, especially from a legal perspective, there is fortunately or unfortunately a lot to do yet on research on this topic. These are actually some of the things that we are trying to address as part of our research project Express2 and Eastern Europe project that tries to analyze how social contract is currently challenged?

00:31:20 Alberto Barrio

And which policy approaches could address these challenges to the social contract in Europe, and we are specifically focusing on the interconnection between climate change and these stressors to the social contract. So, I think that these kinds of resources are very much necessary. So what is the role of social security and other forms of social policy in order to address these challenges, which adaptations may require everything, actually that we have discussed and that unfortunately is perhaps not as present in our field yet, although we are very much hopeful that it will become in the future, and I think that more specifically.

00:32:00 Alberto Barrio

And as I was saying before, I think we need more analysis on exactly how we can find new forms of financing for social security and what they will look like, which kind of system we need to promote through social security benefits, how to create these new incentives.

00:32:20 Alberto Barrio

Even so, we promote for example, through active labor market policies, forms of unproductive work, I mean at least unproductive economically but very much productive in a social sense. So, these kinds of questions, I think, are very much important to be addressed. And yeah, I think that's mostly.

00:32:38 Beatriz Martinez Romera

Thank you very much. It's been a fantastic episode. Before we wrap up, is there anything else that you would like to raise that we haven't talked about?

00:32:49 Vincenzo Pietrogiovanni

I think that considering the huge and articulate forms of challenge that climate change is posing to humanity at large.

00:33:02 Vincenzo Pietrogiovanni

Being a labor lawyer or a social law I speak now also for Alberto, it makes you feel a bit powerless, and that's as a consequence, what we need to pursue is the fact that we need to accept that labor law by itself or social security by itself, are not enough. And if that works on a general level from an academic perspective, my reaction would be let's pursue more holistic forms of collaborations, more interdisciplinarity in our research, because only through interdisciplinarity and more realistic approach, we can grasp the reality of the tasks that we are given to.

00:33:47 Alberto Barrio

I agree but also have to continue the discussion. I think that on the other hand, we do have to approach this in an interdisciplinary way, but on the other hand, we do have to call into attention the big role that labor law and social security can have in these kinds of policies and that perhaps haven't had the opportunity to have for a while because it wasn't that much present in the discussions, we are seeing kind of like in a different field.

00:34:15 Alberto Barrio

So yes, definitely interdisciplinarity, but we want to be part of it. I mean this it has to be labor laws or social security need to be part of this discussion, especially in order to protect the muscle and our groups.

00:34:30 Beatriz Martinez Romera

Vincenzo, Alberto, thank you for sharing your insights on this important topic with us. Looking forward to continuing collaborating with you too. Thank you very, very much.

00:34:33 Alberto Barrio

Thank you.

00:34:40 Vincenzo Pietrogiovanni

Thanks again, it's been lovely.

00:34:41 Alberto Barrio

Yeah. Thank you very much for having us.

00:34:47 Linnéa Nordlander

Thank you for listening to this episode of the Climate Show. If you'd like to learn more about the work of our guests and the Express2 project, you can find the relevant links in the show notes. Stay tuned for more.