



Agreement

A Green Mentality for Collective Bargaining

Summary of the French report

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Can social dialogue actors, and more particularly those involved in collective bargaining, take on their social mission from a perspective that takes account of environmental issues? The aim is to study how and why collective bargaining in France has been able to integrate, at this stage of its development, even in infinitesimal doses, the principle of environmental sustainability into labour relations. The postulate consists in overcoming the contradictions (real or supposed) between environmental protection and the functions of labour law. These exist; they cannot be denied (job preservation, strictly professional interests, competitiveness, cultural and technical brakes, etc.). But the observation is clear: no sector can no longer escape the question of the environmental footprint of productive activity. Employees are necessarily associated with it. It is therefore natural for labour law to take ownership of this questioning. This is all the more remarkable since the question goes beyond the framework of activities regulated by the environmental or energy code (classified installations).

Like a living doctrine, social ecology is also spreading more widely in collective bargaining spaces. Trade union organisations are gradually deploying their policies and practices on the subject, no doubt due to the influence of other civil society actors. Current events are prompting them to no longer dissociate social and environmental issues (cf. the Power to Live Pact)¹. It is true that companies did not wait long to develop CSR programmes, with a lot of publicity, involving employee representatives at several levels. The new generations of working people, who make up the rising cohort of workers, are now accustomed to the risks of environmental disturbances (of which global warming is - alas - only one of the most salient aspects). They are sensitive to this; they will change the company and the labour relations that are being built up in it. This is self-evident. Will they succeed? This is another question based on individual and collective responsibilities.

As far as the analysis of the social dialogue is concerned, the environmental progress can be considered timid. However, by delving into the numerous collective agreements, explicit references to environmental protection have emerged - like nuggets. Admittedly, it is imperative to be wary of the magnifying effect of this study, which covers more than 300 agreements. Strictly speaking, there is no groundswell of collective bargaining on the subject. It remains centred on the classic problems specific to the company (jobs, working conditions, wages, classification, etc.). The agreements are never exclusively dedicated to the environmental issue. At best, they approach the subject from the more evasive or cross-sectoral angle of CSR or occupational health. So we had to dig deep (and hard) to find these nuggets. But they do exist. Their number is not negligible. The study thus provides a

¹ <https://www.pactedupouvoirvivre.fr/le-pacte-en-bref/>.

synoptic overview from which it will be possible to draw future conclusions. Can it help to accompany this growing awareness?

The topics of collective bargaining with an environmental sounding (more or less proven) are varied. There are the classic ones relating to health, safety and the environment, especially in high-risk companies. But there are also awareness-raising and promotional actions in favour of eco-responsible behaviour or aid for the transformation of sectors that are moving towards energy transition (green jobs, qualifications, bio-waste, virtuous mobility, reduction of the carbon footprint, remuneration policies, etc.). It is interesting to note that the work of the Citizen's Convention for the Climate (June 2020)² highlighted the challenges of transforming the production apparatus and trades. Many companies will see their activity disappear. Adaptation becomes vital. It is crucial to support companies and employees in this transition. In terms of the environment, innovation can only be technical; it must also be social, and therefore cultural. Social dialogue at all levels (cross-industry, branch, group, company) deserves to play a driving role in accompanying the societal change that future generations will be facing. The 21st century can no longer be satisfied with opposing capital and labour in a sterile and dogmatic manner. It must bring them together to meet a planetary challenge in which everyone must play their part in order to rethink how productive (and consuming) activity can temper its aggressiveness towards living environments (what economists call "negative externalities").

The social partners are beginning to move in this direction, as evidenced by the reform of certain statutes of major confederations. The road is still long and full of pitfalls, even if, at regional level, the European Commission has tried to draw up a very ambitious roadmap (see the Green deal or Green Pact for Europe)³. The Covid 19 pandemic has cut the momentum. However, this pandemic can also be approached from an environmental angle (density of urban areas, conquest of natural space, disturbance of wild habitats, awareness of the circulation of viruses and other harmful particles, etc.). But in the immediate future, the economic crisis will focus minds on reviving activity by rethinking the externalities of globalisation. Collective bargaining certainly has a role to play in accompanying this revival. Moreover, the geopolitics of the virus will have had an accelerating effect of less aggressive practices for the environment. Telework is the most visible example of this, even if we must also, for the future, guard against its excesses. Collective bargaining, because it constitutes a force for collective commitment, still deserves to consolidate its place, even if it means widening its field of action towards the environmental (and therefore the societal). In this respect, we can plead in favour of extending the field of negotiation devoted to the quality of life at work (QWL) to that of the quality of life at work in its environment (QWL-E). This is, moreover, somewhat initiated by the mobility orientation law (December 2019) which invites the social partners to negotiate on virtuous mobility within this negotiating block. Let's then invite the social partners to have ambitions on this unifying theme. Some have already paved the way.

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² The citizens' convention was decided by the President of the Republic. Built on a format of discussion groups based on a conception for participatory democracy, it has 150 members, made up of citizens and representatives of civil society. Its purpose is to formalise proposals with a view to the preparation of possible bills : <https://www.conventioncitoyennepourleclimat.fr>.

³ <https://en.europa.eu/info/strategy/priorities-2019-2024/european-green-deal.fr>.