



## Labor's Role in Crafting a Sustainable Future

**Charles Szymanski**

*University of Białystok, Poland*

[cb.szymanski@uwb.edu.pl](mailto:cb.szymanski@uwb.edu.pl)

ORCID [0000-0002-7767-0913](https://orcid.org/0000-0002-7767-0913)

**Abstract.** The concept of sustainability is everywhere. We feel it in the direct effects of climate change and the sense that something must be done to ensure a sustainable future, i.e., one in which the environment is not destroyed beyond repair and humanity can continue to develop. There is a perceived tension, however, between protecting the environment and economic development. On one hand, there will be no jobs on a scorched, desertified Earth. On the other, however, a future where only an elite few enjoy protected biospheres and the remainder are condemned to a lifetime of unemployment is equally unsustainable. This article contends that labor unions (and employees acting collectively) have a unique role in both crafting and ensuring a future where both the environment is protected and the economy develops and guarantees decent and sustainable work for most people.

**Keywords:** sustainable development, labor unions, unemployment, job training, collective bargaining

**JEL Classification:** K31, K32.

**Citation:** Szymanski, Ch. (2023). Labor's Role in Crafting a Sustainable Future. *Eastern European Journal of Transnational Relations*, 7(3), 97-115.

<https://doi.org/10.15290/ejtr.2023.07.03.08>.

**Academic Editor(s):** Anna Drabarz & Lucja Kobroń-Gąsiorowska

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## I. INTRODUCTION

It is apparent that the earth is at a tipping point in terms of climate change. 2023 will go down as the hottest year since reliable weather records have been kept (Enochs, 2023<sup>1</sup>; Masters, 2023<sup>2</sup>). If this trend is not reversed, and soon, we face a future of melting ice caps, rising oceans, flooding, unstable and violent weather, scorching heat, and the aridification of our farmland (Pamplona & Pires, 2023).<sup>3</sup> Fortunately, most states are not oblivious to this reality, and are working at both the international and domestic levels in an attempt to ensure that humanity has a sustainable future. Mostly these efforts are designed to reduce and eventually eliminate emissions from carbon based fuels, and

<sup>1</sup> "July 2023 was the hottest month on record."

<sup>2</sup> "2023 virtually certain to be Earth's warmest year on record."

<sup>3</sup> "Climate change presents a threat not only to human rights but also to human existence."

shift to a green economy (Meyer, 2022<sup>4</sup>; Stein et al, 2023<sup>5</sup>). These efforts are laudable and what is more, absolutely necessary. However, in making this rather dramatic shift<sup>6</sup>, it is equally vital to ensure that labor – workers and organizations, such as trade unions, that represent their interests – participates in and helps shape the move to a green and sustainable future.

Labor rights and environmental protection are not in opposition. Rather, they are synergistic, and both are necessary to ensure effective sustainable development. To take the concept to its extremes, there will be no jobs if the earth is transformed into an uninhabitable desert, and so it is shortsighted and ultimately pointless for labor to try to block the shift to a non-carbon, green economy (Tomasetti, 2018).<sup>7</sup> At the same time, if the new, green world being built amounts to protected oasis-like biospheres for a few elites, and mass unemployment or underemployment and oppression for the rest of humanity, this likewise is not a desirable goal and ultimately will be unsustainable for everyone. Therefore, sustainability must encompass the protection of both workers and the environment.

This may be accomplished through the attainment of two, broad goals: 1) Making sure new, green work is decent and itself sustainable (Rombouts & Zekić, 2020), and 2) guaranteeing a just transition to help those workers and communities left behind through the dismantling of the old, carbon based economy (Kennedy, 2022). Simply labeling new jobs as “green” in no way guarantees that they will be better than or even comparable to the blue collar jobs they are replacing. Rather, these new jobs must be substantively decent. “Decent work” is a general term, but at a minimum it means work which contains a sufficient level of basic rights to enable a person to live at a reasonable level of comfort and to develop. These basic rights should include those core principles identified by the International Labor Organization (ILO) in its 1998 Declaration (as amended in 2022)- the right to join a trade union and collectively bargain, the right to safety and health at work, no forced labor, no child labor, and no discrimination (International Labor Organization, ILO Declaration on Fundamental Principles and Rights at Work). In addition, they must encompass the right to receive a living wage.

At some level “decent work” is also *ipso facto* “sustainable work.” With a decent green job, as defined herein, a person could meet their (and their family’s) needs, with room for further personal development. They would not necessarily be trapped in a cycle a debt, homelessness, depression and poverty that would preclude their having any sort of a future. In contrast, an economy which encourages an unrestrained race to the bottom, where multinationals seek lower and lower wages and working conditions to produce their products, is – in contrast - unsustainable. Sustainable work may also be gauged by different indices, however. It may be measured against the 17 Sustainable Development Goals (SDGs) set by the United Nations (UN) Global Compact (The UN Global Compact, SDGs Explained for Business). Decent work itself should also have a positive impact on the environment in order to be broadly sustainable.

Some jobs, such as those in the fossil fuel industry, will no longer have a place in the new green economy. Therefore, it is also necessary to design a just transition for those who have lost their employment or have been otherwise displaced as a result of this transformation. This should include job training, compensation, and help for the communities in which the workers live, recognizing that many of them are “one factory” towns that were totally reliant on one company for their sustenance (Kennedy, 2022).

Workers themselves, acting collectively, need to ensure that any new green economy encompasses decent and sustainable work and provides for a just transition. This is not such a simple task. Most obviously, this could be done through the work of labor unions, which historically have represented their interests. However, since unions

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<sup>4</sup> “Renewable energy is key to facilitating an economy-wide shift to green energy.”

<sup>5</sup> “The global transition to a carbon-neutral economy will bring profound shifts to diverse economic sectors, including energy, transportation, manufacturing, and housing.”

<sup>6</sup> Which has been referred to as the Green New Deal in the United States, or simply the Green Deal in the European Union (EU), echoing the massive and largely successful public works program in the U.S. in the 1930s, known as the New Deal (White, 2019, “The Green New Deal draws its name from President Franklin D. Roosevelt’s 1930s New Deal initiative.”).

<sup>7</sup> “The International Trade Union Confederation is clear that “there are no jobs on a dead planet.”

have been greatly weakened in modern times, even in their historic strongholds of Europe and North America, they need to engage in coalition building with communities and local organizations, minority groups, as well as environmentalists, to amplify their effectiveness (Drury, 2004; Elmore, 2021).

More specifically, unions, as part of such a coalition, should lobby for legislation that would effectuate the twin goals of decent and sustainable work and a just transition. Potentially helpful legislation would be varied, but should include protections in Green New Deal-type plans, whereby procurement rules ensure new, green infrastructure projects are paid at prevailing wage and use union labor (Donnelly, 2023), and provisions are made for a just transition (job training, compensation for displacement); labor law (Abkar, 2023<sup>8</sup>), especially changes that provide for worker safety in a hotter environment, more power for unions to represent workers in green industries and services, and enhanced anti-discrimination protections; and finally, improving free trade agreements to protect labor and environmental sustainability at the global level.

Outside of lobbying or demonstrating for legal reforms, labor unions also have the capacity to directly create or shape decent, sustainable work. They can do so by negotiating environmentally friendly provisions in collective bargaining agreements; by harnessing the power of their members as consumers, so as to push employers and businesses into sustainable behavior; and promoting employee-owned businesses which would have a greater concern for the environment (Chacartegui, 2018<sup>9</sup>; Tomasetti, 2018).

Viewing things in an optimistic light, faced with the existential choice of saving the planet from environmental destruction, or not, presumably humanity will opt for a green transition as an act of self-preservation. It is less clear if this green “New Deal” will be a fair one for workers. Past global economic transitions, such as the industrial revolution, have not treated workers so kindly, particularly in their first stages. Consequently, labor unions and allied groups need to take action to make sure that green work will be decent and sustainable work, and those displaced by the move to a green economy will be provided and cared for, in the manner outlined in this article. An era of radical change and transformation is naturally unsettling. However, workers are not mere flotsam and jetsam in this process, helplessly being carried away by the tides. Instead, if a sustainable future is to be achieved, they must have a major role in crafting what that future looks like.

## **II. LABOR AND ENVIRONMENTAL RIGHTS ARE BOTH ESSENTIAL COMPONENTS OF SUSTAINABILITY**

### **A. LABOR STANDARDS AND SUSTAINABILITY**

It is much easier to conceptualize how safeguarding environmental rights and standards is connected to sustainable development, than to draw the same connection with labor rights. When companies and governments pollute and produce excessive emissions at the local or national level, the effects are eventually noticeable by the local population. They can no longer swim or fish in contaminated lakes, rivers and seas, they breathe in smog, and see the blue haze of pollution. Wealthier societies can outsource some of these problems, where companies move production abroad to less developed countries, with less stringent and more often non-existent levels of environmental regulation. Ultimately, this is only a temporary solution, since the destruction of the environment in one corner of the globe eventually will affect the entire planet. This is especially the case through the production of emissions which produce climate change, and associated climate-related catastrophes, like flooding and severe weather (Gates, 2013<sup>10</sup>; Grossman, 2003<sup>11</sup>). The phenomenon of microplastics is likewise global, with plastic

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<sup>8</sup> “It may seem curious to champion a bill designed to facilitate labor organizing in relation to climate legislation. But the DSA argues their prioritization as necessary for building the kind of power required “to take on the bosses” and to win “a bold transformative plan to avert the climate crisis.”

<sup>9</sup> Advocating for more employee ownership and workers’ cooperatives.

<sup>10</sup> Reciting causes of global warming.

<sup>11</sup> Summarizing global effects of climate change.

production in one place leads to the presence of microplastics in the food chain and water supply of other places (Diógenes et al, 2020<sup>12</sup>). These effects are finally, and easily, noticeable by people everywhere.

At that stage, it is generally understood that exporting environmentally problematic industries and waste is not a solution. While there may be a temporary phase of a race to the bottom, where companies move polluting industries from country to country, searching for the lowest level of environmental regulation, in the end this is not sustainable (Harms, 2020<sup>13</sup>). It still results in the destruction of the climate and potentially of the earth itself. The only sustainable path forward for economic development is the move from a carbon, fossil fuel based economy to a green one, without harmful emissions and much lower levels of pollution.

Environmental sustainability, then, is quite logical and comprehensible. Climate change and other environmental problems are almost universally felt, cutting across geographical and class lines. The solution – changing to a green economy - is also relatively clear for most people to see.

Labor rights are also intrinsically connected to sustainable development, though in a less immediately obvious way.

Perhaps the best way to visualize this connection is through the race to the bottom example, given above. As corporations in richer countries face more and more labor regulations, increasing employee wages and providing them with greater benefits and protections, where possible they seek to relocate their production to other parts of the world with lower levels of labor regulation. Less developed states compete with one another to attract such companies, each promising ever decreasing labor standards. Once rock bottom has been reached, the effects on the world economy become apparent. The highly economically developed world has lost a segment of jobs to the global south. Less economically developed countries have lowered their labor standards to such depths that workers barely receive enough wages to survive. Destitute, these workers do not have the means to buy Western products. This, in turn, impacts the remaining high wage jobs in the West that were based on exports. In the end, the race to the bottom to find the worst labor standards, like the race to find the lowest environmental standards, is not sustainable (Regan, 2010<sup>14</sup>).

Henry Ford was the first among the barons of the industrial age to recognize this problem. No friend of socialism, he recognized that it would be better for his profits – and the sustainability of his business – if he paid his automobile workers a generous wage (for the time) as opposed to the sustenance wage most other industrialist were paying. This would lead to an increase in wages in the entire industrial sector (as companies would need to pay more to compete with Ford for workers), and most important for Ford, the ability of a broad segment of the population to purchase his new mass-produce automobile, the Model T (Vargas, 2020; Morrissey, 2016<sup>15</sup>).

Starving workers cannot buy new automobiles, nor can they buy new computers, mobile phones or other such products. Moreover, they generally cannot attain a higher education, and lack the opportunity to become entrepreneurs, scientists, doctors, engineers, or lawyers. The world may lose what otherwise would have been the developer of a new technology, a new medical treatment, or a profound idea. This, too, is not sustainable (Kolben,

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<sup>12</sup> “Plastic marine pollution is acknowledged as a global phenomenon of transnational proportions and diffuse character.”

<sup>13</sup> Noting the role foreign investment has played “in environmental degradation particularly in developing countries, where governments engage in “race to the bottom” policymaking to attract investors to extractive industries.”

<sup>14</sup> Outlining the problem and concluding “the dual nature of labor rights improves the rights of workers while also serving as a tool for economic development”.

<sup>15</sup> Linking the example of Henry Ford raising wages to the concept of sustainability, though attributing to Ford a wider motive to help the community as well.

2010<sup>16</sup>; Olguín-Torres, 2022<sup>17</sup>). The solution is to provide decent work with a fair wage for the global economy to effectively and sustainably develop.

## **B. THE INTERRELATIONSHIP BETWEEN ENVIRONMENTAL AND LABOR SUSTAINABILITY**

In order to achieve a sustainable future, both environmental and labor rights must be protected. This was recognized by the EU, whose foundational treaty connects sustainable development with “full employment and social progress, and a high level of protection and improvement of the quality of the environment.” (Tomassetti, 2018<sup>18</sup>). In this sense they are a tandem, and one cannot exist without the other (Goodwin, 2023<sup>19</sup>). The future of work in a scorched earth is quite grim, and a green planet with mass poverty and unemployment is likewise more of a nightmare than a dream. Moreover, not only are both concepts necessary pillars of sustainable development, but they interact with each other in various ways.

Currently, it appears that most key states recognize the immediate danger of global climate change, and are in the process of changing their economies to become more environmentally sustainable. This shift to environmental sustainability has created a dramatic change in employment conditions. In this green transition, many jobs in ecologically damaging fields will be lost, and hopefully more green jobs will eventually replace them (Kennedy, 2022). The move to a green economy should solve the climate change crisis and ultimately ensure environmentally sustainable growth, but in and of itself does not ensure that growth will be sustainable from a labor standards perspective. Child laborers extract cobalt from mines to help maintain green batteries, but in so doing they sacrifice their - and our - future (Meiners & Morriss, 2022<sup>20</sup>; Tomassetti, 2023<sup>21</sup>). Additional action must be taken, precisely at this moment, to ensure that this new, green work is decent work, so that full sustainable development – with both its labor and environmental components – will be attained (Regan, 2010). Moreover, care must be taken to provide for those workers displaced by a green economy, as a matter of fairness but also to avoid popular resistance to making this necessary transition. Indeed, workers should be made an ally, rather than an opponent, to these changes, as they have much to contribute to a green future.

Pursuing labor sustainability likewise cannot ignore environmental considerations. The creation of more high-paying jobs may be desirable for achieving sustainable labor standards, but would be harmful to the environment to extent these new jobs were connected to the fossil fuel industry or the use of such fuels. Consequently, the types of good jobs being generated, and whether or not they are environmentally friendly, will be a key consideration. The manner in which employees work may also negatively impact the environment, for example, in terms of their hours and amount travel to and from their worksite (Chacartegui, 2018<sup>22</sup>).

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<sup>16</sup> Summarizing the key tenets of development theory, referencing Amartya Sen’s definition that “development must be understood to be the process of increasing people’s freedoms--or capabilities--to achieve a given set of “functionings” and to lead the lives that they desire.”

<sup>17</sup> Explaining aspects of the “human right of personal development in a sustainable environment”; in the Mexican Constitution “the encouragement of the economic growth and the use of a more just distribution of income and wealth, allows the full exercise of liberty and dignity of the individuals, groups and social classes which the security this Constitution protects.”

<sup>18</sup> *Citing* Article 3, Paragraph 3, of the Treaty on European Union.

<sup>19</sup> “Environmental issues are labor issues and labor issues are environmental issues.”

<sup>20</sup> “Artisanal cobalt mining means that “[c]hildren from 6 years-old spend the entire day in the cobalt mines of Congo bent over, digging with a small shovel or bare hands to gather cobalt-containing heterogenite stones.”

<sup>21</sup> “[T]hese new jobs will not necessarily be sustainable in a life-cycle perspective. They could heavily depend on other ‘invisible’ jobs in industrial operations that are far less decent and green, such as those in the mining industry, to extract the so-called ‘rare earth elements’ or the other critical natural resources needed to feed the parallel technological and ecological transitions of industrial capitalism.”

<sup>22</sup> A reduction of working hours benefits the environment.

### C. ACHIEVING HIGH LABOR AND ENVIRONMENTAL STANDARDS ARE COMPLIMENTARY, RATHER THAN CONTRADICTORY, GOALS FOR UNIONS

A perception exists that labor unions, acting on behalf of workers, are somewhat reactionary when it comes to environmental sustainability (Cummings, 2022<sup>23</sup>). Unions care about the here and now, and focus on their members retaining and obtaining good paying jobs, whether it be with an oil company or an organic food store. The bottom line is work, and not on how that work effects the environment. Of course, on the surface there is some truth to this argument. A number of unions have opposed government support for electric cars, as manufacturing those cars is less labor intensive and is mostly carried about by non-union companies (Drury, 2004; Bomey et al, 2023; Ruhl & Salzman, 2020<sup>24</sup>). Miner's unions fought to continue the production of coal (Scislowka, 2021), and various construction unions favored massive gas and oil pipeline projects that had a dubious effect on wildlife and the environment in general (Sanicola & Williams, 2021). Part of this behavior is attributable to the democratic structure of unions. Union officers are elected and responsive mainly to the current membership. The members want to keep their jobs, and the positions of their leaders reflect that desire (Cha, 2017b). Unfortunately, at times union officers may be less concerned with what might affect future members in 5-10 years, let alone what non-member environmental activists may think.

From a wider perspective, however, this perception is not accurate (Drury, 2004<sup>25</sup>; Goodwin, 2023<sup>26</sup>). Historically, there is a strong record of cooperation between the labor and environmental movements. Famously the AFL-CIO (the main federation of labor unions in the U.S.) was the largest financial contributor to the first Earth Day in 1970 (Drury, 2004). It is important to remember that apart from wages and job stability, unions also place a high priority on the health and safety on their members (Goodwin, 2023<sup>27</sup>; Morantz, 2017<sup>28</sup>). The Oil, Chemical and Atomic Workers (OCAW) union took an early lead in trying to protect the safety of the membership, who worked with dangerous chemicals and other materials. In so doing, OCAW formed alliances with environmental and community groups to put pressure on companies to remove environmental hazards from their respective workplaces. The President of OCAW ultimately came to the realization that his members' work was *too* dangerous. He continued to make efforts to ensure their work were as safe as possible so long as it existed, but at the same time began efforts make sure they had job retraining and unemployment compensation when the day came when their jobs were phased out (Kennedy, 2022). This was an early precursor to the concept of a just transition to a green economy. Another union leader, Ed Sadlowski, who ran for president of the United Steel Workers (USW), shared this belief, arguing that certain jobs in the steel mills were very dangerous and difficult, and it would be better if workers could find more fulfilling employment (Koltowiz, 2018<sup>29</sup>). More recently the United Mine Workers of America (UMWA) conceded that coal mining was no longer sustainable. The UMWA shifted its emphasis from keeping the mines open to obtaining new green jobs for its members and more support for them in the transition (Daly, 2021).

On other occasions, unions and environmentalists acted together to fight for common interests. In the port of Los Angeles/Long Beach, California, they cooperated to push the port to hire short-haul drivers as employees, rather than independent contractors, and at the same time provide the drivers with more environmentally friendly trucks which generated less pollution (Dyal-Chand, 2021; Cummings, 2022).

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<sup>23</sup> "The prospect of bringing together the labor and environmental movements has long been plagued by a jobs-versus-environment frame that influences union thinking and has impeded labor-environmental collaboration."

<sup>24</sup> Noting union opposition to aspects of the Green New Deal that prioritized electric cars.

<sup>25</sup> Stating that the "jobs-vs-environment" conflict is largely a myth, but conceding that unions have sometimes been taken in by it.

<sup>26</sup> "In many ways, labor unions and industrial workers seem like natural allies of the environmental movement."

<sup>27</sup> Pointing out that large numbers of workers die or become sick through exposure to toxic chemicals.

<sup>28</sup> Unions place an emphasis on ensuing safer workplaces.

<sup>29</sup> Working 40 hours a week in a steel mill drains the lifeblood of a man," [Sادلowski] said. "There are workers there right now who are full of poisons and doctors who are operating cranes. We've run the workers into the ground."

In any event, with types of green New Deals being passed in the U.S. and the EU, for unions, the future is now. Jobs in old, polluting industries are being reduced and are being replaced with new, green jobs. Rearguard actions to preserve these jobs are no longer practical. In this reality, unions – including the USW – have become more active in forging so-called blue-green alliances with environmental groups (Goodwin, 2023<sup>30</sup>; Drury, 2004). It is vital for unions to ensure that the new jobs being created have high wages and ultimately become filled by union members, and that there will be a just transition in the meantime.

### **III. ESSENTIAL LABOR STANDARDS THAT MUST BE IMPLEMENTED DURING A GREEN TRANSITION**

#### **A. DECENT AND SUSTAINABLE WORK**

The right to work has long been a foundational principle of both labor law and international human rights law. It is found in the Universal Declaration of Human Rights (Article 23, Universal Declaration of Human Rights), and later was codified in Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (The Michigan Guidelines on the Right to Work, 2010<sup>31</sup>). Subsequently an advisory committee charged with interpreting the ICESCR defined “work” within the meaning of Article 6 as “decent work.” (Rombouts & Zekić, 2020). More recently the ILO, in the wake of climate change and increased environmental awareness, clarified in its Decent Work Agenda that decent and sustainable work was a prerequisite for a sustainable future. Completing the circle, in the UN 2030 Agenda for Sustainable Development, the ILO’s formulation was adopted as part and parcel of the UN’s own formula for sustainability (Rombouts & Zekić, 2020; Tomassetti, 2018).

It is clear, then, that decent and sustainable work must be an essential component of a green transition. But for this pronouncement to be meaningful, these terms must be defined. At least at this stage of history, perhaps unfortunately, it is impossible to say that decent work means ideal work, or work with a broader social purpose. Instead, we must start with the minimum conditions that make work personally and economically fulfilling (Rombouts & Zekić, 2020). Decent and sustainable work certainly must encompass the 5 core labor standards promulgated by the ILO: the right to join a union and collectively bargain, no child labor, no forced labor, no discrimination, and the right to health and safety at work (Rombouts & Zekić, 2020<sup>32</sup>). Rights connected with joining a labor union allows a worker to join with other workers to achieve a higher level of bargaining power vis-à-vis their employer, with the potential to continually improve their working conditions through negotiations. The prohibition of child labor ensures that children’s lives and opportunities will not be mortgaged, and that they will have the chance to pursue education and other meaningful work in the future. Banning forced labor ensures that people will be paid for their work and will have the freedom to choose what (if any) employment they wish to pursue. Removing discrimination from work both ensures opportunity for all employees as well as a safe and secure workplace.

Guaranteeing safety at work has a special correlation with sustainability in the context of a green transition (Goodwin, 2023). At a universal level, an unsafe work environment may result in injury, illness, disability and death. Even when these harms do not occur, the fear of them happening will cause a high level of anxiety. This is not conducive to a sustainable future; apart from the personal devastation suffered by individual workers, their societies will be burdened with the high cost of caring for legions of sick and disabled workers. In an age where economies are shifting to cleaner industries, the process of ensuring worker safety takes on an additional dimension. Some of the most unsafe jobs involve work for employers with high carbon footprints and high levels of pollution. This includes work in the oil, chemical and nuclear industries, among others. Strict safety standards for workers would have the effect of either 1) making these industries cleaner, at least to the extent possible, or 2) if the industries

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<sup>30</sup> The BlueGreen Alliance founded by United Steelworkers and the Sierra Club in 2006 was a notable and early example.

<sup>31</sup> Surveying the right to work in international law.

<sup>32</sup> Linking decent work to four (4) core ILO standards, since the fifth, worker health and safety, was added in 2022, after the date of publication of that article.

themselves were inherently destructive to worker health and the environment, and impossible to make safe, they should be shut down (with allowances for job retraining and compensation in the context of a just transition, outlined below).

To these core ILO standards, the right to a living wage must be added. Workers must have a basic level of income security in order to support themselves and their families. Without this, all their work, and all their efforts, become unsustainable. They will become, at best, trapped in debt and placed on a spiral towards destitution. There is no hope for personal development, no hope for progress for their children, and no means to purchase extra goods and services (Gillen, 2000<sup>33</sup>). Importantly, a living wage is on a sliding scale, and may be different in different places. It may be much less in absolute terms in Bangladesh than it would be in Luxembourg, because of the large difference in the cost of living in these countries (Bose, 2008<sup>34</sup>).

When all these standards are satisfied, work meets a minimum standard of decency and is sustainable for the future. In the case of worker safety, these standards may even directly accelerate the transition to environmental sustainability.

This connection has been recognized in the UN's own sustainable development goals (SDGs). SDG 8, entitled "Decent work and economic growth", expressly states the goal to "promote sustained, inclusive and sustainable economic growth, full and productive employment and *decent work* for all." (UN Global Compact). Likewise, many of the other SDGs are also strongly connected to decent work. SDGs 1-3 - No poverty, zero hunger, and good health and well-being – presuppose that good, safe work is available that pays a living wage. SDG 4, with the goal of quality education, is linked to the prohibition of child labor, so that children can attend school, and also workers having the economic capacity to support their children while they seek an education. SDGs 5 and 10, which seek to ensure gender equality and otherwise reduce all inequalities, similarly go to the core labor standard of no discrimination (Rombouts & Zekić, 2020).

Likewise, the "Green New Deal" proposed by left-leaning democratic politicians in the U.S. drew a direct link between decent work and the overall objective of creating a green economy. This plan called for millions of new green jobs paying living wages, an increased role for unions, no discrimination, and high levels of worker health and safety (Cummings, 2022; Akbar, 2023). While the Green New Deal had no chance of passing at the federal level in the U.S., it received a lot of attention and is instructive here for its prioritization of decent work as a component of environmental sustainability.

## B. A JUST TRANSITION

There have been many economic changes and transitions in human history, many of which have displaced certain kinds of workers and severely harmed the communities in which they lived. Globalization led to the shift of many industries from Europe and North America to countries with less developed, or "emerging" economies. Industrialization itself radically changed agrarian life, where many people left the countryside and sought work in factories located in major urban areas. Automation, today encompassing the use of artificial intelligence, displaced many manual and now even intellectual workers. In the former Soviet dominated sphere, including Eastern Europe, the communist economic and political system was replaced by capitalism, sometimes in a brutal manner called "shock therapy." (Seidman et al, 1995<sup>35</sup>). In all these cases, there was a transition period, in which some workers and communities suffered, and others benefited.

The losers in these transitions received varying degrees of help from the states in which they lived, ranging from almost nothing to a moderate amount of assistance. The transition of the Ruhr industrial area in Germany, phasing out heavy industry in that region, is often labeled as a relative success story. Workers there received financial

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<sup>33</sup> "A factory may be clean, well-organized and monitored, but unless the workers are paid a sustainable living wage, it is still a sweatshop."

<sup>34</sup> Showing how an anti-sweatshop organization calculated living wages on a relative basis in different developing countries.

<sup>35</sup> Reviewing the problems of a shock therapy transition to capitalism.



and other assistance, while their communities were able to retool and establish a more diverse economic base (Kennedy, 2022; Carper, 2022). In the majority of cases, however, workers on the wrong end of the transition were given only symbolic or no assistance, and were left to sink or swim. Many simply sank (Segall, 2021<sup>36</sup>). A heartless analyst might argue that the transitions at issue were inevitable, and would be made irrespective of whether workers were provided any assistance or not. In that case, why help them?

Apart from the fact that is the right and ethical thing to do, failing to mitigate the suffering of those harmed by a transition ultimately creates a backlash. The backlash will probably not stop a given transition, but it may delay it, and cause other harm in unintended ways. The workers and their families who lost in this transition may fall sway to various conspiracy theories and nationalist propaganda, and take their frustrations out on vulnerable third parties, such as immigrants and minorities (Segall, 2021<sup>37</sup>).

For these reasons, the green transition must take care of those it leaves in its wake, i.e., displaced workers and the places in which they live (Eisenberg, 2019). It is the moral choice, and quite consistent with the idea of a green future as a positive, fair, and ethical future (Eisenberg, 2021<sup>38</sup>). Practically, it would engender more support and buy ins from the workers and their families – they, too, would seem themselves as part of a new, green society, rather than as its victims. Instead of marching on a path of reaction, workers would help contribute to a speedy green transition, which benefits society as a whole. In the context of climate change, the speed of the green transition is essential, perhaps distinguishing it from other transitions. If climate change is not halted and reversed soon, the earth may be irreversibly damaged. Bringing displaced workers aboard as stakeholders would avoid these kinds of harmful delays. Not least, the ancillary negative effects of reaction – nationalism, hostility to vulnerable groups – might be avoided.

Consequently, there must be a just transition to the green economy. There are varying definitions of this term, but at its core it means providing: 1) job training, 2) compensation and 3) community support (Kennedy, 2022; Eisenberg, 2019<sup>39</sup>; Goodwin, 2023<sup>40</sup>; Cummings, 2022<sup>41</sup>). The idea of a just transition is not new. Labor visionaries such as Ed Sadlowski and Tony Mazzocchi were urging for similar help to be provided to their membership as early as the 1970s (Eisenberg, 2019). But its time has now come with urgency.

Providing job training (or retraining) as part of a just transition is based on the premise that as old industrial jobs are phased out, new, different green jobs will take their place. There are different estimates, in part dependent on what exactly is considered to be a green job, but some sources claim that there will be more green jobs created than those that will be lost (Kennedy, 2022<sup>42</sup>; Drury, 2004). As oil refineries and platforms are decommissioned, as are factories producing automobiles with combustible engines, new green manufacturers have (and will) emerge. These will produce solar panels, windmills, and electric batteries and cars. Other related work such as retrofitting buildings and other structures, to make them more environmentally friendly, will also emerge. While these jobs would ordinarily be filled by the normal operation of the labor market, it is vital that displaced workers are provided with the capacity and opportunity to take at portion of these jobs. Special attention should be placed on employees

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<sup>36</sup> Noting generally the lack of success of government action to help workers in past transitions).

<sup>37</sup> “Put in bare terms, if communities and workers are abandoned in the shift away from fossil fuels, some of them will resist that shift... without just support for change, change will be even harder and may result in alliances with existing economic actors.”

<sup>38</sup> Speaking to fairness, noting that “when those workers lose their jobs in the interest of collective progress... those workers deserve some form of mitigation or compensation for their losses.”

<sup>39</sup> Listing “direct payments for a period of time, education benefits, and job retraining.”

<sup>40</sup> “Including wage replacement, alternative and comparable employment, health insurance coverage, relocation support, childcare, and pension and retirement contributions.”

<sup>41</sup> “The general outlines of just transition include: (1) providing income, relocation, and retraining support for workers facing job loss due to clean energy transition, (2) guaranteeing pensions for workers in impacted industries, and (3) mounting effective transition programs for what are now communities reliant on fossil fuels.”

<sup>42</sup> Projecting a “global net gain of 18 million jobs.”

from old industries who are middle-aged or even more senior, and cannot easily adjust and find alternative work (be it green or otherwise) (Taylor, 2011<sup>43</sup>).

Even with the best job training programs, workers who have lost their jobs in fossil fuel and related fields will not immediately be able to start work for new green employers. Training takes some time and also outreach. Green job training programs must be created and staffed, unemployed workers must be made aware of the existence of such programs and the advantages of participating in them, and the training itself must be completed, which may last months or even longer. In some instances - again, even despite best efforts – a number of workers may not enroll in these programs, drop out early, or face long periods without any income while they complete a particular course of training.

In these cases, workers need to be provided with adequate compensation. This compensation need not exactly match their previous salaries or incomes, but should approach them and be more generous than standard unemployment compensation schemes. Some of the Covid-19 unemployment schemes could serve as a model in this regard. Both in the U.S. and Europe, workers were generously provided with supplemental income or even the continuation of their wages during the period of unemployment caused by the state's closure of certain businesses. In the U.S., some workers even wound up receiving more take home income under these programs than they did from their jobs before the Covid crisis (McMahon, 2021<sup>44</sup>; Hendricks, 2022<sup>45</sup>).

There are important differences for the rationale of providing benefits during the Covid era. Most importantly, without such quick social support there was a risk of a general economic collapse, and not just a difficult period of transition. But there are also some similarities to the circumstances of green transition. There was an overarching sense of fairness with providing generous income replacement in Covid times. Workers would have lost their jobs or income through no fault of their own, but through the actions of governments trying to protect their citizens from the hazards of the virus. Moreover, not all workers in all fields lost their jobs- it was predominantly those in restaurant, entertainment, fitness and other fields which may have posed a public health danger by staying open. Finally, there was a strong capitalistic argument that no support should be given to these businesses and their workers- let these businesses fail, and new ones- with online or home delivery services – will ultimately take their place (Kumar, et al, 2020). Yet, this argument was largely rejected. Likewise, in the green transition, the state is taking urgent action to promote green businesses and restrict or close polluting employers, for the greater societal good of saving the planet from environmental destruction. While fossil fuel employers are to blame for running environmentally unsustainable businesses with no exit strategy, their employees by and large are innocent victims. As with the Covid crisis, not all workers will lose their jobs, and even as some old industries close, new sustainable ones will take their place. This fact does not justify a failure to assist those workers who are injured (Kennedy, 2022).

Compensation should be provided for affected workers during two periods of time. First, during the period they are undergoing job training or retraining. Indeed, as an incentive, full or maximum compensation could even be linked to a worker enrolling in and completing a green job training program. Second, for an additional reasonable period for workers, who, notwithstanding receiving training, have become permanently displaced because of the green transition. Special consideration should be given to older workers in this category who are nearing retirement age. In these cases, a reasonable period may mean until these workers become eligible for state or employer sponsored retirement benefits (Cha, 2017a<sup>46</sup>).

It is convenient to say that the fossil fuel employers largely responsible for climate change, such as the large multinational oil or energy companies, should ultimately pay the costs of paying this compensation (White, 2022). Hopefully, and eventually, this may be the case. There are already signs these companies may be held accountable

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<sup>43</sup> Outlining the types of new green jobs, but urging that minorities be given a fair opportunity to fill these positions.

<sup>44</sup> "In part because of unemployment insurance benefits and federal transfers to households, disposable personal income from April through the end of 2020 exceeded the pre-pandemic January through March amounts despite significant job losses."

<sup>45</sup> "Some business owners have been unable to pay their employees enough to compete with generous unemployment benefits offered through the pandemic."

<sup>46</sup> Urging that a just transition should encompass "'bridge to retirement' funding for workers near retirement age."

through, for example, through climate change litigation (White, 2022; Dua, 2019<sup>47</sup>). Realistically, however, this will be a long process, and the green transition has already begun. Until that day occurs, states will mostly likely have to bear the cost of compensating these workers. It will be a high cost, but at the same time a necessary and worthwhile investment in a sustainable future.

### C. COMMUNITY SUPPORT

Job loss in the green transition will not occur in a vacuum. Fossil fuel industries are often concentrated in certain geographic regions. Massive job losses in those industries will also affect related suppliers and services in those areas, creating a domino effect of increasing unemployment. Moreover, there is no guarantee that the expected future green employers and jobs will arise precisely in these same areas; indeed, they may be located in another corner of the country or even continent (Eisenberg, 2019<sup>48</sup>; Shapiro & Verchick, 2018<sup>49</sup>).

As a result, policies must be put in place to ensure that the communities in which large amounts of displaced workers are from are also ensured a place in the green transition. Mainly these policies should focus giving incentives to new, green industries or services to relocate or start their businesses in these adversely impacted communities. This could be done through grants and the creation of redevelopment boards with expertise in attracting new businesses. Where the communities themselves have become polluted and poisoned through years of environmental abuse, companies and state entities involved in the cleanup should be encouraged to use local employees as well local businesses and services, where possible (Kennedy, 2022; Righetti et al, 2021<sup>50</sup>; Cha, 2017b<sup>51</sup>; Barnes, 2023<sup>52</sup>).

## IV. WHAT UNIONS CAN DO TO HELP ACCOMPLISH THESE GOALS

### A. THE MANNER IN WHICH LABOR UNIONS CAN INFLUENCE POLICY

The left often holds a romanticized view of the power and role of labor unions in society. Perhaps this is because unions are worker controlled entities, which have had a key role in raising living standards for employees throughout the globe. Moreover, so often throughout history, they have stood as one of the final bastions against authoritarianism. Unfortunately, the reality is somewhat different, especially today (Kennedy, 2022<sup>53</sup>) Independent trade unions have generally been in decline throughout North America and Europe over the past 50 years. This is especially so in the U.S., where union membership has dropped to about 10% of the total workforce (U.S. Bureau of Labor Statistics, 2023) . Only in Scandinavia have unions maintained their relatively high density, so that they are able to maintain significant influence over employment policies and practices in their respective countries (Araki, 2007<sup>54</sup>; Inagami, 1999<sup>55</sup>).

This is not to say that unions are no longer relevant, or that they have no influence on labor policy, in places where they are in decline. Collective bargaining agreements that cover even small segments of the workforce tend to influence the wages and terms and conditions of employment offered by non-union employers. Apart from their role in collective bargaining, unions also have an outsized influence in their country's political system, and sometimes

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<sup>47</sup> Noting such the existence of such litigation, and proposing a master settlement agreement would be the best way forward.

<sup>48</sup> "If you're a coal miner in West Virginia, it's not a great comfort that a bunch of guys in Texas are employed doing natural gas."

<sup>49</sup> "[T]he next machinist hired at the Tesla plant in Grand Rapids will almost certainly not come from a strip mine in Appalachia."

<sup>50</sup> Analyzing Colorado's Just Transition Bill, which provides "grants for entities in coal transition communities who want to create "more diversified, equitable, and vibrant economic future[s]."

<sup>51</sup> Examining example in the Ruhr where coal workers were to be retrained to produce solar panels

<sup>52</sup> "The time is long past that we make the necessary investments in clean energy to make this transition in an equitable way, to create jobs in communities that have lost them, and to create jobs in the communities that have been the most impacted by climate change...."

<sup>53</sup> Making the point that given the modern decline of labor unions, there are limitations in what we can expect from them to ensure a green transition.

<sup>54</sup> Developed nations are suffering from declining union density, with some exceptions in Scandinavia.

<sup>55</sup> Union density is declining everywhere except Scandinavia.

have their own political parties. Workers are also voters, and politicians have a stake in paying attention to their needs, as enunciated by their union representatives. In Europe, strikes may have dual economic and political objectives, and are another way unions may impact policy. Indeed, such is the success of unions at the political level in Europe, that a number of American labor law scholars have urged that U.S. labor unions should refocus their efforts from collective bargaining to political agitation, in order to more effectively achieve benefits for workers (Andrias, 2016). This has been described as an “Alt-Labor” model, i.e., an alternative path for unions to develop (Oswalt & Marzán).

Unions should use both their political and collective bargaining powers to influence the shape of the green transition, and ensure that it contains key labor standards outlined above.

## **B. BUILDING COALITIONS AND LOBBYING FOR LEGISLATION**

### **I. THE NECESSITY OF COALITION PARTNERS FOR LABOR**

Labor unions may not be as powerful as they once were, but they still exercise strong political influence. In and of itself, this power may not be enough to counterbalance the competing interests of other more powerful entities, such as multinational corporations, who also have a stake in what shape the green transition will take. Consequently, it is essential that unions form alliances with other groups that share their goals for a sustainable future, in order to increase their political power and have a greater chance of success (Kennedy, 2022<sup>56</sup>). There are at least two potential allies for labor unions, in this regard: environmental groups, and minority rights groups. These would-be alliances have been termed as “blue/green” (labor/environmentalists) and “blue/green/brown” (labor/environmentalists/minorities) (Drury, 2004<sup>57</sup>; Dyal-Chand, 2021<sup>58</sup>; Cummings, 2022<sup>59</sup>).

For a number of reasons, environmentalists would be particularly strong coalition partners in fighting to shape a green transition. They enjoy broad-based support that even cuts across individuals’ own political affiliations. The leading environmental non-governmental organizations (NGOs) have (obviously) wide expertise in environmental sustainability, strong reputations, ample financial resources, and are politically well-connected. The question is whether labor unions and environmentalists can find a common purpose and agenda upon which they can work together, as opposed to pursuing the goal of sustainability on separate (though parallel) paths.

There are some differences that would make working together somewhat problematic. Mainstream environmental organizations tend to focus on individual responsibility, rather than collective action, which is the opposite approach of that taken by organized labor (Goodwin, 2023<sup>60</sup>). A perception also exists that there is a strain of elitism among environmentalists, whose leadership is comprised of upper class whites, and who prioritize protecting recreational areas and natural parks visited by well-off tourists (Drury, 2004). Again, this is a contrast from the blue collar roots of most labor unions. Finally, there is the sense that environmentalists do not value the impact of conservationism on jobs, while labor unions over-emphasize protecting jobs instead of protecting the environment. However, these differences are not insurmountable, and are outweighed by their common interests.

Organized labor has had a long history supporting environmental causes, being the primary sponsor of the original Earth Day in 1970. As explained earlier, unions’ fear of job loss at the expense of protecting the environment should be allayed by making provision for decent green jobs and a just transition. While there is a stereotype of the environmentalist as an individual elitist, this is more something from the past. In modern times, environmentalists have formed more of a mass, collective movement, quite willing to protest and demonstrate to achieve their goals. Moreover, the two groups have worked together, for example to reclassify truck drivers from contractors to employees and to issue them trucks with cleaner engines (Dyal-Chand, 2021). More recently the USW and the Sierra

<sup>56</sup> Unions must “collaborate with other stakeholders to advance a just transition.”

<sup>57</sup> Blue/green/brown.

<sup>58</sup> Blue/green.

<sup>59</sup> Blue/green.

<sup>60</sup> The perception exists that environmentalists are focused more on personal responsibility, rather than wholesale change.

Club entered into a more formal blue/green alliance (Goodwin, 2023). Thus, they should be able to move forward, acting together with a common agenda to forge a sustainable future (Lovvorn, 2016<sup>61</sup>; Makoul, 2022<sup>62</sup>).

Adding minority rights groups to this coalition in many ways is a natural fit. In the U.S., companies would locate toxic industrial sites in cities and towns heavily populated by minorities. When these industries collapse, the local communities are left with unusable properties, massive cleanup costs, and a legacy of health problems for their residents. There could be some residual tension and lack of trust between minorities and environmentalists and labor unions, given the past racist conduct of some of the latter two groups' leaders, but they should be able to get past it. Their common goal of protecting their constituents from unsafe environmental conditions and ensuring a sustainable future is enough to bind them together. In fact, the main issue might be not whether to include minority rights groups in the coalition, but whether it should be broadened further to include not just minority communities, but any local community that has suffered environmental destruction. A blue/green/brown-*local* alliance would have the advantage of being a more universal model, applicable in countries without large minority populations. It might also be perceived as a more center-left, rather than hard left, coalition, which could lead to more leverage in political negotiations (Elmore, 2021<sup>63</sup>).

## II. LOBBYING OBJECTIVES

The goal of a blue/green, or blue/green/brown-local coalition would be to force states to take action to make a more sustainable – in the labor and environmental senses of that word – future. This could be accomplished in the form of traditional lobbying, convincing government actors to pass laws that would create a sustainable green transition. It could also be done through mass, popular protests and demonstrations, coupled with political pressure. The *MeToo*# movement in the U.S. took this path and was remarkably successful, moving the normally gridlocked Congress to pass legislation that prohibited agreements that forced women with sexual harassment claims to go through a secretive and confidential arbitration process (Molis, 2021<sup>64</sup>; Asta, 2023<sup>65</sup>). Whatever the method used, unions should try to obtain the following key legislative changes to help protect labor standards in the green transition. These changes include: 1) new procurement rules for government expenditures connected to funding the green transition, 2) labor law reform, including additional safeguards for worker health and safety, and 3) strengthening protections for labor and the environment in free trade agreements.

Procurement rules offer the most direct way in which government investment in the green transition can be tied to improved labor standards (Cummings, 2022; Donnelly, 2023; Zbyszewska, 2018a<sup>66</sup>). The U.S. and EU have already begun huge investment programs to transition their economies to a sustainable, green model with fewer emissions. It is important for unions, as part of a coalition, to ensure that such spending is conditional on two points: first, that any jobs created as a result of this investment meet the standard of decent work, and second, rules are put in place for a just transition (job training, compensation, and community support) for those workers whose jobs will be eliminated as a result.

The Green New Deal proposed by the left-leaning elements of the Democratic party in the U.S. did explicitly provide for decent work and a just transition (Akbar, 2023; Cummings, 2022), but that was a utopian document with no chance of being passed by Congress. More realistic models of what might be achieved are the found in the U.S. Infrastructure Investment and Jobs Act and Build America, Buy America Act. Taken together these acts funded green infrastructure projects, but gave a priority to American companies bidding for these contracts, using predominantly American components, and guaranteed that work on these projects would be paid at a “prevailing

<sup>61</sup> Arguing that climate change is an existential threat, warranting collective action on the part of environmentalists in alliance with other stakeholders.

<sup>62</sup> Collective action is necessary to solve the environmental crisis.

<sup>63</sup> Reviewing benefits of unions forming alliances with local communities.

<sup>64</sup> Describing #MeToo protests against mandatory arbitration of sexual harassment claims.

<sup>65</sup> Commenting on passage of Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021.

<sup>66</sup> Noting prospect of EU procurement rules advancing sustainability and labor rights.

wage.” In so doing, these laws aim “to reinvest tax dollars in companies and processes using the highest labor and environmental standards in the world,” an objective in line with President Biden's campaign promise to orient procurement to stimulate domestic, green industry.” (Donnelly, 2023) The prevailing wage guarantee is designed to ensure that work on green infrastructure will at least meet the level of wages currently paid for the same type of work in the same locality. In reality, this means the prevailing wage rate will be set at the rate found in locally applicable collective bargaining agreements. This, in turn, creates a strong incentive to use unionized labor on these projects. Unionized employers will not suffer any competitive disadvantage with non-union employers when they bid for work on the projects, since both will have to pay the same wages and benefits (Hermanson, 1996<sup>67</sup>). As unionized labor receives high wages and a host of other benefits and protections, this goes a long way towards making sure green work is decent and sustainable work.

American labor unions have complained about some gaps in these laws, however. Electric battery plants are largely not unionized in the U.S. So when these battery manufacturers, often located in the Southern U.S., receive financial support through these Acts, the prevailing wage is not set at a collectively bargained rate. Moreover, even where funds are allocated to electric vehicle manufacturers where a collectively bargained wage and benefit rate might apply, the process of producing electric vehicles is far less labor intensive than that required to produce autos with gasoline or diesel powered engines. Therefore, by subsidizing electric vehicle manufacturing (often non-union), and not conventional automobile production (largely union), there will be a net loss of both union jobs and automotive jobs in general over the long run (Bomey et al, 2023).

These and related concerns could be addressed by strong just transition provisions contained in green infrastructure and other relevant legislation. Currently, these are lacking in the Infrastructure Investment and Jobs Act and Build America, Buy America Act. They do appear, however, in a number of “mini Green New Deals” found in state legislation. The example of Colorado is informative. The state passed a just transition law that created a fund for displaced coal workers, and helped impacted communities, especially minority ones. In general, there are fewer legislative headwinds in enacting job retraining legislation. There are less interest groups with a stake in opposing more education and training, which are popular concepts among the general public (Cummings, 2022<sup>68</sup>). The greater danger is that future just transition laws will either be grossly underfunded or more bureaucratic than practical, i.e., establishing various boards and subcommittees to look at the problem, without ever taking any action.

Lobbying for major or targeted labor law reform also would go towards protecting decent work and a just transition. There are a wide range of ideas for labor law reform that could help make the green transition more sustainable. The most radical of these proposals would totally restructure the basic precepts of labor law so as to remove the artificial barrier that has arisen over time between work and nature. All work, including work related to child care and maintaining a household, should be encompassed by labor law, rather than just paid work, and employers should be required to be more connected with and responsive to the community and environment around them (Zbyszewska, 2018b). Slightly less radical ideas would simply make it easier for unions to obtain a dominant position in the economy. This has been described as a true “reformist reform” (as opposed to a cosmetic reform), that would lead to structural change in adequately protecting workers’ interests in the new green economic transformation. It explains why the proponents of the Green New Deal prioritized this sort of labor law reform even over the environmental aspects of their platform (Akbar, 2023). That being said, these ideas are better viewed as a polestar, something to aspire to in the future, rather than realistically implement today.

More narrow, targeted labor law reforms, however, would be in the range of possibility. Specially, they could 1) provide additional protection to climate change-related health and safety hazards, 2) ensure that unions have the

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<sup>67</sup> Recognizing that “prevailing wage laws have detrimental effects on non-union companies, since prevailing wages and benefits are often determined by examining the union wage in a certain locality”).

<sup>68</sup> “[U]nlike higher labor standards, which provoke industry resistance, education and training programs have wide political appeal and generally lack strong, identifiable opponents.”).

right to negotiate over and influence environmental issues in their collective bargaining agreements, and 3) enhance discrimination protections related to dislocated employees seeking work in different regions and countries.

Additional safety legislation is needed to protect employees from working in extreme heat caused by climate change.

Truck drivers and delivery workers without air conditioning in their vehicles may suffer from heat stroke while working in high temperatures. Likewise, construction or other work involving physical labor may be too dangerous after the thermometer reaches a certain level. Many areas in North America and Europe are not used to sustained, blistering heat, and their worker safety regulations are likewise not sufficient to meet the dangers posed by this new situation. Particular solutions would vary from state to state, but might include mandatory breaks or work stoppages when the temperature reaches a given point; a general reduction in hours during periods of seasonal heat; and providing air conditioning or cooling systems in workplaces and vehicles (Milner, 2022; Chapter One Local Prosecution in the Era of Climate Change, 2022<sup>69</sup>).

Adjustments may also be made to wage and collective bargaining laws that would better allow unions themselves to promote environmental sustainability. The state may give employers tax advantages to compensate employees with a type of green bond or voucher. The voucher itself would only be redeemable to purchase green products, organic foods, or other certified, sustainable products. Belgium has already experimented with the use of such vouchers to good effect (Tomassetti, 2018). It would be advisable for these vouchers to be a product of collective bargaining negotiations, however, than a benefit unilaterally imposed by employers. This is because some employers may try to shift regular compensation to these green vouchers, which have a more limited use. Instead, the vouchers should be more in the nature of a voluntary bonus, negotiated by the union. In states like the U.S., where mandatory collective bargaining is more strictly limited to subjects that effect terms and conditions of employment, the law should also be changed to allow for bargaining on climate change and environmental issues (Kennedy, 2022).

Finally, the concept of employment discrimination should be modified to ensure that climate migrants are protected. One commentator interestingly noted that in a worst case environmental scenario, entire regions will be either under water or become deserts, and this will cause a mass migration of people seeking work in more hospitable parts of their country. These climate migrants will suffer discrimination in employment at the hands of local businesses, who prefer local residents (Rudolph 2023). Indeed, as the author points out, this has already happened in the U.S. in the 1930s, when Oklahoma and surrounding areas became a dustbowl, triggering large scale migration to California. These “Okies” did suffer discrimination at the hands of local Californians, with whom the Okies were now competing for jobs (Rudolph, 2023). Under American anti-discrimination law, however, climate migrants would not be a protected class and could lawfully be discriminated against in employment. The author therefore proposes amendments that would encompass such individuals and protect them (Rudolph, 2023). European labor law protects a wider category of people from discrimination, with EU freedom of movement rules protecting individuals who move from one EU country to another seeking work (Tudor, 2017). It might be a different matter with respect to discrimination against internal climate migrants in one EU state. In any event, these national anti-discrimination laws should be clarified to definitely protect such people.

At the international level, labor unions should also pressure states to include both labor and environmental sustainability protections in any free trade agreements or climate change treaties. While domestic considerations are often the focus of labor unions legislative efforts, the issue of climate change and sustainability is a global one. Free trade agreements can and do have labor and environmental clauses, linking the benefits of free trade to developing economies to meeting certain labor and environmental sustainability standards (Gresser, 2010; Regan, 2010<sup>70</sup>). This,

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<sup>69</sup> Suggesting that “[w]ith respect to climate change, [criminal] charges could follow from, for example, failures to provide workers with adequate protective equipment, shade, or rest during periods of extreme heat.”).

<sup>70</sup> Arguing for labor rights provisions in climate change treaties.

at least in theory, acts as a strong pressure for these countries to improve these standards, which were often either non-existent or not enforced.

### C. DIRECT ACTION BY LABOR UNIONS

Apart from lobbying for labor and environmental sustainability, unions also have the opportunity to take direct action to further these causes. This may be accomplished through collective bargaining, harnessing the power of workers as consumers, and encouraging a shift to employee or community owned enterprises.

It is presumed that unions will try to maximize their members' wages, safety, benefits and job protections through collective bargaining. Going beyond this baseline, they also may take certain steps to do so in a sustainable way. Special bonuses may be negotiated, whereby employees receive a monetary award when the company meets certain predetermined sustainability goals (Tomassetti, 2018). Working time could be compressed to into a shorter work week, to reduce emissions associated with commuting, among other environmental benefits (Chacartegui, 2018). Employees might also agree to act in a sustainable way in the workplace, reducing waste (Tomassetti, 2018).

Just as unions leverage the voting power of their members to obtain greater political influence, they can also similarly leverage their members buying power as consumer. Arrangements can be negotiated with green businesses, giving union members substantial discounts in exchange for their patronage. A flash mob or flash sale model could be used to amplify the message about workers supporting sustainability. In this example, a large group of union members would congregate at a green business in a short period of time to take advantage of a specific promotion (Tomassetti, 2018).

Going back to the original concept that labor and nature act in concert with one another, unions could also promote employee or community owned business, which are viewed as more sustainable entities than traditional employers. In theory employee or community owners would not be as willing to poison the locality in which they live, or fail to provide decent work, for short term profitability. In one example from the Basque Country, community owned businesses are obligated by their charter to provide job training to local youth, and then to provide them with employment after they complete the program. 10% of revenues must be reinvested to support future community development (Chacartegui, 2018). Some special caution must be exercised here, however. There is a risk when employees purchase a business using their own retirement savings, that they may be mortgaging their future if the business fails. Moreover, in some cases, employees turn over management of the business to outside experts and consultants, who then run it in a traditional, profit driven way, losing sight of any original sustainability goals along the way (Anderson, 2009).

### V. CONCLUSION

The negative effects of climate change are impossible to ignore. In order to avoid a global catastrophe, states must take immediate action. This action is not only negative, i.e., restricting emissions and closing polluting industries, but positive as well. It will involve massive government investment with the aim of transitioning from a carbon-based economy to a green and sustainable one. Sustainability should not only be viewed in an environmental sense, however. It also contains an essential labor component. Just as allowing fossil fuel companies to continue to pollute and emit greenhouse gases is not environmentally sustainable, allowing employers to pursue a race to the bottom to destroy workers' social rights and wages is not sustainable from a labor rights' perspective. Destitute and underfed workers cannot purchase new goods and services, nor can they generally attain a higher education and contribute to the world's development with new ideas and innovations. Such a future is not sustainable.

It is precisely at this juncture, the beginning of the green transition, that workers can gain a voice in shaping what a sustainable green future may look like for them. Assuring labor sustainability requires that the new green jobs being created will be decent and sustainable work, and that there will be a just transition that protects negatively impacted employees and communities. While it would be difficult for individual workers to attain these goals, acting collectively through labor unions, it is possible. While unions have seen their power diminish through globalization



and other changes, acting in a coalition of environmentalists, minority rights groups and local activists, they still possess the strength to secure these labor standards. Unions may do so through lobbying for legislative reform, to ensure that any green investment plan guarantees living wages for new green jobs, and job retraining and compensation for those workers and communities left behind; labor law reform protecting worker safety, increasing union rights, and expanding anti-discrimination law to cover climate migrants. They can also press for international climate change and free trade treaties to contain enforceable provisions that protect worker interests. Unions may also deploy direct action, through collective bargaining, channeling worker consumer spending and encouraging employee owned businesses which are inherently more sustainable.

Workers are not passengers on the ride to a green, sustainable future. They deserve to have a major role in crafting it as well.

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