

## Call for Papers 2023/3

**Deadline for article proposals: February 28, 2023**

### Comparative Labour and Social Security Law Journal 2023-3

Thematic Chapter

« The social question in the test of the environment »

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### ARGUMENTATION

It has taken the recent reoccurrence of climate emergencies and crises to finally bring the subject of climate change and the need for an energy transition to the forefront of national and international attention. Awareness has been slow to develop and expert IPCC (Intergovernmental Panel on Climate Change) reports have proven to be ineffective.

In the face of such transformations, labour law is called upon to play an essential role in the adaptation of production organisations. Oil crises, financial crises, the coronavirus crisis... Each of these upheavals has led to changes in labour legislation. Clearly, climate change is no exception. By its scale and nature, the energy transition could involve much more than simple legislative adjustments. Is labour law on the verge of a paradigm shift?

At least two arguments support this hypothesis.

The first argument concerns the nature of the energy transition. This implies a change in the conceptual framework of the aims of the economy. The scale of the efforts involved in decarbonisation requires, to varying degrees, an exit from the productivist economy. This change of model cannot be without consequences for a labour law born with the industrial revolution.

The second argument relates to the ordering of contemporary legal systems into autonomous branches. Environmental law and labour law were conceived as separate fields. For a long time, labour law did not take into account environmental implications and issues. These had to be dealt with by specialised legislation. This compartmentalisation of the branches of law is increasingly being called into question. The energy transition implies the integration of environmental requirements into labour law provisions. Certain mechanisms recently put in place at State and European Union level bear witness to this redrawing of disciplinary boundaries. The draft directive on corporate duty of care is emblematic of this development at European level. It places environmental issues alongside the defence of human rights and the protection of workers. Rather than considering such developments as isolated changes, should we not see them as the harbingers of a paradigm shift? Should we interpret this process as a renewal of the social question driven by environmental issues?

By choosing this subject for the 2023 thematic issue of the *Revue de droit comparé du travail et de la sécurité sociale*,<sup>1</sup> the *Revue*'s management wishes to contribute to the general reflection on the topic, by asking how and under what conditions the increasing consideration of environmental issues in labour law could lead to the emergence of new paradigms for national labour legislation. It is such a hypothesis that we would like to put to the test of comparison.

This investigation should then be carried out from three different perspectives:

**I-** The formulation of socio-environmental problems in labour law.

**II-** The transformation of labour law concepts and principles.

**III-** The hybridisation of labour law mechanisms.

## FRAMEWORK OF THE CALL

Contributions may address, by way of illustration, the following points:

### **I- Socio-environmental problems in labour law**

The fact that global warming is a global phenomenon does not imply that it is approached in the same way in all countries. From one context to another, global warming and the challenges of the energy transition can be addressed in different ways by national labour laws. In order to understand the changes that accompany the climate crisis, it is therefore necessary to move away from a mechanical approach that would see the law adapting to external factors. Instead, the formulation of socio-environmental "problems" is a co-construction.

A first perspective may consist of looking back at the way in which environmental issues have been taken into account to justify certain reforms or developments in labour law:

- For which areas (health, employment, worker representation, etc.) and to what extent have environmental issues become justifications for changes in labour law?
- How have environmental issues been integrated by successive labour law reforms?

A second perspective consists of looking at the cases, disputes or controversies through which the environmental requirements of labour law have been made an issue:

- Which cases, scandals or emergencies have been the drivers of a debate on the environmental dimension of the social question?
- How have they been dealt with legally?
- What were their relays?
- What interests, values and conceptions were confronted? What are the outcomes and reformulations?

### **II- Renewal of the concepts and principles of labour law**

Legal developments always have a complex relationship with existing legal constructions and with the past state of the law. Changes in labour law are no exception to this past dependency. The effects of crises on national labour laws have often been reflected not so much in the introduction of new provisions, but in the adaptation of pre-existing concepts and principles. To what extent are environmental issues likely to involve changes in concepts and principles in national labour laws?

For example, several questions could be considered:

- How is worker representation likely to be affected by the energy transition?

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<sup>1</sup> <https://comptasec.u-bordeaux.fr/revue-de-droit-compare-du-travail-et-de-la-securite-sociale>  
<https://journals.openedition.org/rdctss/>

- Which actors are involved in consideration and implementation (trade unions, NGOs, Institutions for Occupational Retirement Provision -IORPs, communities/citizens, experts, institutions, companies/parent companies, etc.)?
- What are the interests involved (individual, collective, general, entrepreneurial, etc.), the possible conflicts of interest and the methods of regulation?
- What are the changes in the rights and obligations of the parties to the employment relationship and their relationship with the stakeholders?
- What is the potential impact on occupational health? What are the challenges of bringing together environmental, health and social risks within the same organisation?
- What changed are occurring to the historical purpose of labour law to protect the worker?

### III- Hybridisation of labour law systems

The gradual specialisation of national legal systems over the course of the 20th century led to an increasing autonomy of the various branches of law. Each branch seemed to have a corresponding area of state regulation: companies, competition, consumption, the environment, labour, etc. This same fragmentation of regulation can be seen at international level in the specialisation of international organisations, such as the WTO, the ILO and the WHO.

Corporate social responsibility at the international and European levels may have seemed to be a fertile field of experimentation for such hybridisations, between the defence of human rights, labour law and environmental law. Today, we are witnessing a growing integration of mechanisms inspired by these forms of self-regulation into national labour laws. The influence of European Union law is not unrelated to this. Several directives have thus integrated CSR measures. As a result they are leading to a growing role for the hybridisation of regulatory methods combining social and environmental requirements.

- Is the energy transition likely to call into question this compartmentalisation of the branches of law?
- Could it be at the origin of hybridisation processes between branches of law or types of standards (legal, managerial, accounting, reporting)?
- How does this hybridisation manifest itself in national laws?
- What difficulties does their integration into labour law pose?
- Do they appear to be part of a wider evolution of labour regulation under the influence of environmental concerns?

## GUIDELINES FOR AUTHORS

### Format of expected contributions

The expected contributions will be in French, English or Spanish, with a maximum volume of **40,000 characters** including spaces.

In addition, manuscripts must be accompanied by:

- The title of the article;
- 5 keywords to identify the content;
- An abstract of 400 characters;
- The author's institution, title, postal and e-mail addresses;
- The research topics and two bibliographical references of the author (your choice).

### Calendar

- Deadline for paper proposals (500 words abstract + title): **February 28, 2023**
- À : [jerome.porta@u-bordeaux.fr](mailto:jerome.porta@u-bordeaux.fr) - Copy to: [revue.comptrasec@u-bordeaux.fr](mailto:revue.comptrasec@u-bordeaux.fr)
- Deadline for response to authors: **March 10, 2023**
- Deadline for submission of papers: **June 30, 2023**

*Nota Bene:* The Comparative Labour and Social Security Law Journal publishes original texts submitted to an anonymous evaluation by two experts.