

## **SCIENTIFIC ARTICLE**

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Based on the contextual framework of the **CERP**<sup>2</sup> project which refers to its overall objective—improving the experience of industrial relations by analyzing the role of social dialogue and collective bargaining in the promotion, design, and implementation of sustainable development policies at national and European levels and in mechanisms of transformation—we have prepared this article to highlight some aspects related to this objective.

In this context, we will briefly discuss the system of industrial relations established in the European Union, specifically focusing on collective bargaining and social dialogue. We will also try to analyse their impact on the challenges of environmental sustainability, often referred to as *Green Social Dialogue*.

### **The impact of social dialogue and collective bargaining on sustainability challenges**

Social dialogue and collective bargaining between employers and employee representatives are two forms of employee participation. Along with *information and consultation*, they are regulated by *Directive 2002/14/EC* within the framework of the fundamental objectives of European social policy set out in Article 151 of the TFEU. However, a problem in their application in all EU Member States and candidate countries is the lack of standardised minimum rules on how they should be conducted.

Social dialogue is defined by the ILO as: "*Social dialogue is any form of negotiation, consultation or simple exchange of information between representatives of government, employers and workers on economic and social policy issues*" and is one of the four pillars

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<sup>2</sup> The **CERP** project, *Collective bargaining and environmental responsibility: Challenges and perspectives for transport and the public sector* is funded by the European Union and is led by the *Coalición Sindical Independiente de Trabajadores de Madrid*, CSIT UNIÓN PROFESIONAL Spain, with the participation of specialists from prestigious European universities: University of Beograd - Faculty of Philosophy, UB-FF, from Serbia; University of Thessaly, UTH, from Greece; University of Lisbon, NOVA, from Portugal; University of Saints Cyril and Methodius, UKIM, from North Macedonia; and Institute of Public Affairs, IPA, from Poland.



of the Decent Work Agenda. It is recognised as a right and a means of establishing and extending workers' rights.

Within the European Union, social dialogue “*aims to improve European governance by involving the social partners in decision-making and implementation*” and is governed by Articles 151-156 of the *Treaty on the Functioning of the European Union* (TFEU). These articles stipulate that the *Commission should consult the social partners* before adopting social policy measures and that the social partners may decide to negotiate an agreement between themselves to replace these measures within nine months (Article 154). Meanwhile, Article 153 TFEU allows Member States to entrust the social partners with the implementation of Council decisions on collective agreements concluded at European level<sup>3</sup>.

Collective bargaining, along with freedom of association, which the ILO established in 1919, is its core demand. These concepts were developed in Conventions 151 and 154 as procedures for resolving labour disputes and include “*any negotiation between an employer and a trade union organization*”.

On the other hand, it does not play a decisive role in the European Union as a whole, where it is recognised as a right in Article 28 of the *EU Charter of Fundamental Rights*. This article lays down rules for its implementation, respect for collective autonomy and freedom of association. **However, there is no legal framework to regulate and promote collective bargaining.**

This deficit in the global implementation of collective bargaining contrasts with the establishment of collective bargaining as a right in some countries. In Spain, for example, collective bargaining is a right recognised in the Spanish Constitution. In Spain, for example, collective bargaining is recognised as a right in the Constitution, which states that “*the law guarantees the right to collective bargaining between workers' and employers' representatives and the binding nature of collective agreements*”, developed through the *Workers' Statute*, which results in a *collective agreement that is binding on the parties*.

As there are no specific provisions for national collective bargaining in the EU, it is clear that there is also no specific framework for transnational collective bargaining, except for the

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<sup>3</sup> Several communications advocate this social dialogue scenario and the empowerment of the social partners and respect for their autonomy, including the *Juncker Commission* with its conference in March 2015 and the quadrilateral agreement signed in June 2016; the 2017 *European Pillar of Social Rights* and its 2021 roadmap; and the *Von der Leyen Commission*, which has repeatedly reaffirmed its commitment to social dialogue in communications such as the *European Green Deal*; a Strong Europe for a Just Transition; the Annual Sustainable Growth Strategy and country-specific recommendations; and the goals of the Reconstruction and Resilience Mechanism.



existence of *European Works Councils*, which have been given the power to inform and consult, **but not to bargain collectively**.

In conclusion, we find ourselves in a situation, common to most European countries, of the need to use the instrument of collective bargaining (and in many cases also social dialogue, although the latter is more developed) on all issues relating to the employment conditions of workers, as well as any attempt to establish a just transition on environmental and sustainability issues.

### **Sustainable development and sustainability policies**

Working for sustainable development means taking a holistic and collaborative approach to meeting current and future needs to ensure social, economic and environmental well-being. The concept encompasses the notion of sustainability (meeting the needs of the present without compromising the ability of future generations to meet their own needs) and stems from a growing awareness of the need to halt the negative impacts of development<sup>4</sup>.

One of the key principles of sustainable development is the acceptance and recognition that the planet and nature do not have an inexhaustible energy resource that can be used continuously without concern for its protection.

Sustainability is reflected in the business world in the form of *corporate sustainability* (the transformation of companies to enable the emergence of sustainable business opportunities) and is based on **Agenda 2030** (adopted by the UN on 25 September 2015), a roadmap to 2030 that includes 17 Sustainable Development Goals (SDGs), such as decent work, quality education, gender equality, health and well-being, sustainable cities, etc., due to their greater involvement in collective bargaining, and 169 tasks that can only be achieved with the global involvement of governments, the private sector and civil society.

However, according to the *Sustainable Development Solutions Network's latest Sustainable Development 2023 report*, at the halfway point of the 2030 Agenda, none of the SDGs are close to being achieved due to the lack of progress in their implementation since the outbreak of the pandemic in 2020 and other concurrent crises.

The report highlights that the world is moving at two speeds, with high- and low-income countries growing further apart, creating a widening gap. Limited progress is being made on the environmental goals (SDG12, SDG13 and SDG14), while on the other side are the goals related to hunger, sustainable food and health (SDG 2 and SDG 3), biodiversity (SDG 15), air pollution and plastics (SDG 11 and SDG 12) and peace and strong institutions (SDG 16).

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<sup>4</sup> Former Norwegian Prime Minister Gro Harlem Brundtland defined it in a 1987 report by the World Commission on Environment and Development as “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*”.



There are several types of sustainability that can be applied to different areas, from environmental sustainability to economic and social sustainability. Of these, **environmental sustainability** is one of the most important, as it focuses on the protection and preservation of the environment, which is the main objective of the **CERP** project to which we are referring.

Nowadays, the concern for environmental sustainability is becoming increasingly relevant as human activities have a negative impact on the planet and its ecosystems. It is important to emphasise that to promote environmental sustainability, it is not enough to be ethically and socially responsible, but we must also be aware of our ecological footprint to take action to ensure a sustainable future for future generations.

Examples of environmental sustainability in business could include implementing energy efficiency practices, such as using solar panels to generate their own energy, reducing reliance on the grid, or optimising the use of lighting in facilities, using energy efficient LED lamps and motion sensors to reduce energy waste.

However, much remains to be done, and consequently **major challenges must be faced, especially in the area of environmental sustainability, to meet international sustainability commitments.**

### **A just transformation: green social dialogue (collective bargaining)**

A just transition in any process means involving workers in those changes. Not for nothing was the term just transition coined in the 1990s by trade unions in Canada and the United States for two purposes: to develop tools to protect employment in the face of changes brought about by the environmental and energy crises, and to propose changes in mechanisms to protect workers (and territories). The term *just transition* is used by various international organisations: the ILO in its *Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All*, and the *2015 Paris Agreement on climate change*, to name a few.

A just transition must first and foremost put in place measures to maintain and guarantee quality employment, provide adequate training for workers and ensure social protection for the most vulnerable workers. Therefore, it can be said that a just transition must promote worker participation, defend decent and quality work, and do so through good practices in collective bargaining and/or social dialogue. Moreover, we must not forget that social dialogue is an indispensable tool for making transitions and agreements more democratic, more legitimate, more effective and more sustainable, while guaranteeing social peace.

### **The European Union and the objectives of the European Green Deal**

In recent months, representatives of the European Trade Union Confederation (ETUC) and the employers' organisation BusinessEurope have focused on defending compliance with the climate objectives of the *European Green Deal*: "*we need to decarbonise **without deindustrialising the EU***", called for "*a more ambitious investment policy*" and, in the case





of the ETUC, stressed that this investment *"should not go to companies unless they support good jobs and training rights"*. The employers' organisation BusinessEurope, on the other hand, focuses more on defending the competitiveness of companies and calls for *"less and smarter regulation"*.

In this sense, the European Union, at various levels (from the President of the Council to the European Commissioner for Employment), is committed to combining competitiveness and social justice<sup>5</sup>.

Moreover, during the last six months of 2023, in which Spain held the *European Presidency*, the *EU Employment and Social Policy Council* (EPSCO) focused on three main elements: social dialogue<sup>6</sup>, decent work<sup>7</sup> and the social economy<sup>8</sup>.

In short, the green transformation towards a more sustainable economic system must be a shared task in which the participation of society is essential. This is particularly true of businesses, given their transcendent functions in the system in which we live. It is also necessary to involve **workers**, as important actors in the production process within

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<sup>5</sup> Faced with a debate on how labour shortages and industrial and energy policies affect the quality of employment and economic growth, the President of the European Council stressed the need for the green transition promoted by the European Union *"to be fair to our citizens"*, indicating that discussions are taking place with the social partners on what the EU can do to ensure that no one is left out of this transition.

<sup>6</sup> On social dialogue, an informal paper was presented so that the tripartite summits could strengthen the social dialogue with the European social partners in defining and implementing economic, social and employment policies. In addition, the EPSCO Council adopted the first conclusions on workplace democracy and green collective bargaining to encourage workers' participation in the enterprise and to strengthen the rights to information, participation and consultation of workers' legal representatives in enterprises.

<sup>7</sup> *Decent work*, the second axis of EPSCO's work and an instrument of green collective bargaining, must guarantee the protection of workers' rights and promote a safe and healthy working environment, supporting effective and real equality between men and women in the workplace. Within this framework and following an agreement with the European Parliament, on 11 March 2024, *EU Labour Ministers* (with the exception of Germany and France, which abstained) approved a Directive on working on digital platforms, inspired by the so-called Spanish Rider Law, which provides for the improvement of working conditions and social protection for those working on these platforms, as well as their rights in relation to algorithms affecting their work performance.

<sup>8</sup> Finally, the third axis of EPSCO's work, relating to the social economy, which is promoted by companies and entities that prioritise social benefits and workers over personal or business profit, endorsed a *Council recommendation on a framework for the development of the social economy*, calling on EU governments to promote the development of this way of understanding business.



enterprise, who must be **committed to improving the environment in their workplaces**. To this end, it is necessary to promote the necessary advances in the field of industrial relations that duly respond to this need, **incorporating social dialogue and green collective bargaining as fundamental instruments of these systems**.

The delay in recognising workers' rights to be involved in addressing environmental issues hinders the prospects for job creation and improved working conditions that are opened by the implementation of good environmental management measures in the workplace.

Workers, their workplace legal representatives and trade union organisations must continue to fight for the recognition of environmental rights in the workplace, both through collective bargaining and through their inclusion in the regulatory framework, while also seeking their participation in company environmental management spaces and instruments.

We are convinced that the **CERP** project can make progress in this direction and, through the exchange of information and experiences between the partners involved, develop *recommendations and proposals to improve the theory and practice of collective bargaining and environmental responsibility*.

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