
Collective Bargaining in the Energy-Oil and Chemical-Pharmaceutical Sectors in the Context of Ecological Transition.

Sara Prosdocimi*

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Abstract

The contribution presents an analysis of the potential role of industrial relations in the ecological transition, with a specific focus on collective bargaining within the energy-oil and chemical-pharmaceutical sectors. It highlights the importance of mandatory regulations, particularly in establishing and for an increased recognition of entities such as observatories, commissions, bilateral bodies, funds, and professional training organizations. The study aims to elucidate, through an examination of the national collective bargaining in two sectors heavily impacted by transition processes, the methodologies applied by the social partners to promote participatory and dialogic models of industrial relations, therefore supporting, expediting, and facilitating production and labour transitions.

Keywords: Ecological transition; Collective bargaining; Industrial relations; Energy-oil sector; Chemical-pharmaceutical sector.

1. Introduction: collective agreements in the energy-oil and chemical-pharmaceutical industries in the context of the ecological transition. Research objective and methodology.

The controversial relationship between labour and the environment has been widely discussed;¹ while increasing attention is paid to this issue and a number of institutional documents acknowledge the need for the ecological transition² to address potential negative

* Ph.D. candidate in *Apprendimento e innovazione nei contesti sociali e di lavoro* at the University of Siena. This essay has been submitted to a double-blind peer review.

¹ See Del Punta R., *Tutela della sicurezza sul lavoro e questione ambientale*, in *Diritto delle Relazioni Industriali*, 2, 1999, 151-160.

² The concept of a *just transition*, subsequently adapted at the European level, was initially defined and implemented on an international scale. See ILO, *Just Transition towards environmentally sustainable economies and*

implications,³ little is known about the actions taken by the social partners⁴ (i.e., industrial relations⁵ and collective bargaining actors).⁶

Since the main objective of the ecological transition is a shift towards a climate-neutral economy, it is undeniable that such transition should take place in a way that integrates social interests and social issues. This is crucial to identify the tools for protecting citizens, workers, and particularly vulnerable groups, ensuring that *no one is left behind*⁷ in transformation processes, especially in those sectors that are the most exposed to change.

Traditionally, environmental protection has not been dealt with by collective bargaining. However, the new concepts of ‘sustainable development’ and a ‘just’ or ‘green’ transition – based on the assumption that “there are no jobs on a dead planet”⁸ – have led social partners to count on cooperation actions.⁹

societies for all, ILO Actrav Policies Brief, 2018; ILO, *Guidelines for a Just Transition towards environmentally sustainable economies and societies for all*, 2015, 14-15. Within scholarships, it is worth mentioning the contribution of Doorey D.J., *A Law of Just Transition? Putting Labor Law to Work on Climate Change*, in *Osgoode Hall Law School Legal Studies Research Paper No. 35*, 12, 7, 2016.

³ Especially see Doorey D. J., *ibid.* Concerning institutional texts see European Commission, *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions – The European Green Deal*, COM (2019) 640 final, 2019.

⁴ Especially see Tomassetti P., *Diritto del lavoro e ambiente*, ADAPT University Press, 2020, to which it should be added the monographic issue of *Rivista Giuridica del Lavoro*, 4, 2022; and ILO, *Greening with jobs – World Employment and Social Outlook*, 2018.

⁵ The case of the joint resolution by Federmeccanica, Fim-CISL, Fiom-CGIL, UILm-UIL, *Automotive Industry: an Italian heritage facing transitions*, 2022, stands out. In this resolution, social partners proposed to jointly address opportunities and challenges of transitions from various sources, including institutions and other economic and social actors. Similarly, see Confindustria Energia, Filctem-CGIL, Femca-CISL, Uiltec-UIL, with the support of the Ministry Of Ecological Transition, *A Manifesto - Work and Energy for a sustainable transition*, 2021, in which institutions, unions, and employers’ associations shared concrete, collaborative, and participatory proposals to improve work, employment, and national production chains, for an attentive sustainability in terms of the needs of all social components, especially the most vulnerable ones. On the relationship between labour and environmental sustainability, scholars have written about the creation of sustainable work systems. For instance, Ehnert I., Harry W., Zink K.J. (eds.), *Sustainability and human resource management*, Springer, Berlin, 2014; Vitols S., Kluge N. (eds.), *The Sustainable Company: a new approach to corporate governance*, ETUI, Bruxelles, 2011; Docherty P., Kira M., Rami Shani A.B. (eds.), *Creating sustainable work systems*, Routledge, London, 2009.

⁶ In this sense, reference should be made to the studies aimed at reflecting on the hybridization between studies in the field of labour law and environmental law studies, so as to systematically conceptualize the theoretical coordinates for the definition of new disciplinary areas. Among all, in this research we should mention studies in *Environmental Labour Studies*, *La Ecología del Trabajo*, *Pedagogia dell’ambiente*, and *Just Transitions Law*. See Tomassetti P., nt. (4), 49.

⁷ “Leave No One Behind” is the central motto and guiding policy of the 2030 Agenda for Sustainable Development and the implementation of its associated goals (SDGs). While it is undeniable to assert that actions to counteract climate change are now imperative, it is equally important to recognize and act upon the close link between ecological transition and socio-economic transition. The European Union has similarly embraced this programmatic principle, in its commitment to achieve sustainable development goals internally and internationally through its new European Consensus on Development, supporting worldwide partners in this accomplishment. See UN Sustainable Development Group, *Universal Values - Principle Two: Leave No One Behind*, 2015; European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, A Strong Social Europe for Just Transitions*, 2020; European Parliament, *The implementation of the 2030 Agenda’s principles of ‘leaving-no-one-behind’ and ‘addressing the needs of those furthest behind first’ in the EU’s development policy*, Study Requested by the DEVE Committee, 2022.

⁸ ITUC, *Climate Justice: There are no jobs on a dead planet*, 2015.

⁹ See ADAPT, *VI Rapporto ADAPT sulla contrattazione collettiva in Italia 2019, Sezione I. Contrattazione collettiva e sostenibilità ambientale*, ADAPT University Press, 2020, 183 ff.

This paper aims to investigate this new issue considering the actions of social partners, focusing on two specific sectors identified as “hard to abate”,¹⁰ hence more exposed to transformation and requalification processes (both in terms of production and employment). The goal is to identify the role and the areas and methods of intervention of social partners in environmental matters, with a specific focus on work-related implications. In this perspective, the intention is to examine, through the analysis of collective bargaining practices, the extent and modalities of the collaboration among social partners in promoting sustainable development.¹¹

2. National collective bargaining: between labour and environment.

The promotion of sustainable development has long been implemented through unilateral processes, i.e., through corporate ethical codes.¹² However, to address a just and ecological transition, social partners at the international, community, and national levels have included in their statutes,¹³ as well as in collective bargaining, tools for the co-design, implementation, and monitoring to promote and support measures to convert production; simultaneously, the focus is on safeguarding employment and employability in the context of climate change.¹⁴ It is not possible to examine here how industrial relations developed to support the complex processes of environmental conversion and reconversion in workplaces and in production.¹⁵ The intention is rather to address the issue at the sectoral level, analysing the

¹⁰ According to the International Energy Agency (IEA) report, the hardest-to-abate sub-sectors include, in particular, the cement, steel and iron sectors, and the chemical sector, alongside the broader energy sector. International Energy Agency, *Transforming Industry through CCUS*, Technology report, May 2019.

¹¹ The concept of sustainable development has its roots in the 1987 Brundtland Report and the 1992 Rio Declaration. The objective was to establish “a new and fair global partnership through the creation of new levels of cooperation between states, key sectors of societies, and individuals”, aiming to improve the relationship between the environment and productivity by materializing sustainable development. United Nations, *Report of the United Nations Conference on Environmental and Development – Annex I*, 1992, 1. In the renewed interest in environmental issues, strengthened after the 2012 Rio Conference, the concept of sustainability has further expanded to encompass the idea of solidarity, summarized with the goal of a just transition for all. Consequently, institutions and scholars have broadened the concept of sustainability in an institutional context, meaning the ability to ensure conditions of stability, democracy, participation, information, training, and justice, and develop forms of coordination and cooperation capable of building shared programs and binding commitments. Cagnin V., *Diritto del lavoro e sviluppo sostenibile*, Cedam, Padova, 2018, 15; United Nations, *United Nations Conference on Environment and Development – Rio de Janeiro 1992 – Agenda 21*, 1992, 64.

¹² Tomassetti P., nt. (4), 204.

¹³ Reference is made to IndustriALL Global Union, *Action Plan 2021-2025*, which outlines, among various strategic objectives of IndustriALL Global Union, the commitment to build and support strong industrial policies aimed at renewing processes of social, economic, and environmental sustainability. Similar initiatives are undertaken by IndustriALL Europe, in its *Strategic Plan 2021-2023*, and by ETUC with their *Action Programme 2019-2023*.

¹⁴ The shared governance, as defined in the programmatic document for a new industrial relations system by CGIL, CISL, and UIL, is considered as significant. It is viewed as “a strategic area for economically and socially responsible choices and related investments, directed towards sustainable development through the necessary ecological conversion of products and production systems, inclusive of and providing employment for new generations, closely linked to institutional training”. CGIL, CISL, UIL, *Un moderno sistema di relazioni industriali. Per un modello di sviluppo fondato sull'innovazione e la qualità del lavoro*, January 14, 2016, 17.

¹⁵ An outstanding example is the Joint Notice by Confindustria, CGIL, CISL, UIL, *Efficienza energetica, opportunità di crescita per il Paese* (Energy efficiency, a growth opportunity for the country), December 21, 2011. In this

renewals of national collective agreements in the energy-oil and chemical-pharmaceutical sectors¹⁶ in Italy.

The energy-oil and chemical-pharmaceutical sectors are particularly interesting for reflecting on the implementation of participation and shared governance in the challenging processes of the transition. These sectors are energy-intensive, utilize specific raw materials, and report a considerable dependency on high-emission energy sources. Consequently, they are called upon to respond to significant challenges regarding adaptation and conversion processes and face high levels of job mobility.

3. Observatories.

Observatories are effective tools to govern the transformation in production and employment. Sector-specific agreements in the energy-oil and chemical-pharmaceutical sectors emphasize the presence of sectoral observatories that are responsible for analysing, verifying, and comparing the challenges faced by social partners during such changes.

In particular, the national collective agreement in the energy-oil sector assigns the joint observatory¹⁷ the responsibility of investigating issues in this sector, e.g., the liberalisation of energy markets, occupational structures, labour market trends, changes in social security systems, health, safety, environment, training, equal opportunities, labour and energy policy legislation, European Works Councils, and management roles.¹⁸

The urgency of the activities of observatories, as regulated by collective agreements, is evident in its integration with the scheduling of on-site meetings. They focus on the economic and energy scenarios, organizational/structural changes, employment trends,

document, the partners jointly acknowledge the need for a “comprehensive and structural medium-to-long-term approach” to address the issue of energy efficiency in a rapidly transforming market sector. They also propose a collaborative discussion table with the government.

¹⁶ As per the energy-oil sector, reference is made to the following national collective agreements: Confindustria Energia, Filctem CGIL, Femca CISL, Uiltec UIL, *Contratto collettivo nazionale di lavoro per gli addetti all'industria di ricerca, di estrazione, di raffinazione, di cogenerazione, di lavorazione o alla distribuzione di prodotti petroliferi (escluse la ricerca, l'estrazione, ecc. delle rocce asfaltiche e bituminose) e per gli addetti del settore energia ENI*, September 19, 2019; Confindustria Energia, Filctem CGIL, Femca CISL, Uiltec UIL, *Ipotesi di Accordo CCNL Energia e Petrolio*, July 21, 2022. For the chemical-pharmaceutical sector: Federchimica, Farindustria, Associazione cerai d'Italia, Filctem CGIL, Femca CISL, Uiltec UIL, *Contratto collettivo nazionale di lavoro per gli addetti all'industria chimica, chimico-farmaceutica, delle fibre chimiche e dei settori abrasivi, lubrificanti e GPL*, July 19, 2018; Federchimica, Farindustria, Filctem CGIL, Femca CISL, Uiltec UIL, *Ipotesi Accordi di rinnovo CCNL per gli addetti dell'industria chimica, chimico-farmaceutica, delle fibre chimiche e dei settori abrasivi, lubrificanti e gpl*, June 13, 2022.

¹⁷ The Observatory is divided into four permanent joint commissions composed of twelve members, equally divided among social partners, on the topics of energy industrial policies, labour policies, health - safety - environment, and training. Part I, Section A, *Industrial Relations*.

¹⁸ More and more EWCs, for example, include pro-environment clauses, considering the environmental factor in their provisions. An example in the chemical sector is the 2021 agreement establishing the EWC of the American Aptar group, which, in addition to the ordinary topics of information and consultation, provides for the extension of the EWC's competence to two specific topics: health and safety, for the first two-year term of office, and sustainable development and environment, for the following two years. Similarly, the Solvay group's new EWC agreement, 2019, provides for the Committee's competence to be informed and consulted also on the group's environmental policies.

training, and investment plans. This approach aims for comprehensive information-sharing and consultation among social partners on environmental issues.

The renewal concluded in July 2022 explicitly emphasizes the need to enhance the scopes of the observatories involving all union levels, starting from the trade union representative (in Italy, the RSU),¹⁹ in order to ensure dialogue. In the renewal it is recognized that “the contents of contractual norms will increasingly require room for adaptation to organizational and digital settings. Appropriate adjustments must be made in response to evolving circumstances”.²⁰ Notably, the renewal underscores the social partners’ need for an Observatory on industrial energy policies as a privileged channel to cooperate with the Ministry of Economic Development, which means broadening and co-managing the transition through new and more extensive industrial relations models.

Similarly, the collective agreement for the chemical-pharmaceutical sector reaffirms the effectiveness of the national Observatory,²¹ organised into four subsections – health, safety, and the environment;²² the labour market; research; and small and medium-sized enterprises (SMEs) – and is complemented by the pharmaceutical Observatory, focussed on assessing sector-specific aspects. The June 2022 renewal entrusts the national Observatory with the task of verifying skills, new profiles, and training needs, “also in light of changes in the world of work determined by ecological transition, energy transition, and digitization”. This implies establishing a mechanism within joint bodies to develop and certify specific skills.

A notable aspect is the attention given to the industrial relations system at the site level. The 2018 renewal introduced the company-level Observatory for companies with at least 50 employees, serving as a non-negotiable body for information and consultation between the parties regarding the company’s economic and employment trends, organisational changes, the impact of new technologies and restructuring on the workforce, among other topics.

The interconnection of various bargaining levels is evident in Chapter XI, Article 47, under which “the plan of social responsibility and agreed initiatives (agreed at the company level) must be transmitted by the social partners to the national observatory to allow for appropriate monitoring and the promotion of best practices”. An interesting aspect is the proposal, in the collective agreement, to reconsider the roles of the social partners and the company itself in terms of social responsibility; the promotion of social responsibility is not merely voluntary, but it is the result of joint-regulation and joint governance.

¹⁹ The RSU (*Rappresentanze Sindacali Unitarie*, Unified Union Representatives) are organizations of workers’ representatives operating within the company, comprised of a minimum of three individuals. In contrast to the RSAs (*Rappresentanze Sindacali Aziendali*, Company Union Representatives), regulated by Article 19 of the Italian Workers’ Statute, which are elected by union members and do not engage in company bargaining, RSUs are elected by all employees and actively participate in company negotiations, representing all workers without distinction, therefore regardless of union membership.

²⁰ Confindustria Energia, Filctem CGIL, Femca CISL, Uiltec UIL, *Ipotesi di Accordo CCNL Energia e Petrolio*, July 21, 2022. Note that all the translations of the NCLAs in this research are made by the author.

²¹ Federchimica, Farmindustria, Associazione cerai d’Italia, Filctem CGIL, Femca CISL, Uiltec UIL, *Contratto collettivo nazionale di lavoro per gli addetti all’industria chimica, chimico-farmaceutica, delle fibre chimiche e dei settori abrasivi, lubrificanti e GPL*, July 19, 2018, specifically the reference is to Part II, *Industrial Relations - Corporate Bargaining - Trade Union Institutes*, Chapter X, *Industrial Relations*.

²² In the latest contract renewal of June 2022, it is specified that “the contractual choices in this area allow for a response to the shared objective of continuous improvement and sustainable development”.

4. Training.

In the context of solidarity and sustainability – i.e., from a social perspective, therefore focussing on workers dignity and their employability in transition and reconversion – environmental protection is investigated in joint bodies with reference to training. The shared governance of this area is considered as pivotal, for the purposes of economic and socially responsible choices, as well as in relation to investments to be integrated and to reconversion processes, in order to include workers in the transition.

Social partners define training in the energy-oil collective agreement as a “strategic element for the growth and development of human resources, and to maintain the competitiveness of the company and its attitude to change”,²³ therefore complying with the social dimension outlined above.

Consequently, the partners recognise it as an appropriate response to the implementation of participatory models of industrial relations in the sector, praising the work of the joint body. It is recognised that through this body, and by means of a participatory approach, the partners can “carry out a systematic analysis of the companies’ industrial policies and of the main trends of the entire energy sector”, thus adopting the most appropriate policies and strategies. Proposal and management of training plans, at the national, company and inter-company level, is therefore defined through the assessment of training needs, objectives and priorities, scheduling of activities, qualitative/quantitative monitoring, and the assessment of results related to research and development, new technologies, and the updating of the professional mix.²⁴ The effort made by this joint body is further emphasised in the recent contract renewal, particularly in the context of lifelong learning, with reference to procedures, training plans and their financing.²⁵

In the same renewal of the end of July 2022, the partners confirmed that training is “the main instrument for the development of professional skills, for the professional improvement of workers, for responding to and preventing situations of possible unstable employment and for improving the employability of all workers. At the same time, training must meet the expectation of a better working life quality, especially in health, safety and environmental protection, in order to develop collective well-being” (Section B - Training). The joint body has been established to foster employability, particularly on energy transition and digitalisation; alongside the joint commission, it can promote the best practices in the

²³ Confindustria Energia, Filctem CGIL, Femca CISL, Uiltec UIL, *Contratto collettivo nazionale di lavoro per gli addetti all'industria di ricerca, di estrazione, di raffinazione, di cogenerazione, di lavorazione o alla distribuzione di prodotti petroliferi (escluse la ricerca, l'estrazione, ecc. delle rocce asfaltiche e bituminose) e per gli addetti del settore energia ENI*, September 19, 2019, the reference is to Section B, *Training – Training and bilateralism*.

²⁴ The social partners proceed by defining the training relational system on three levels: the national sectoral level, identified with the Joint Training Commission established at the national sectoral Observatory, with the task of strategic planning in the field of continuing training; the company level; and the production unit level. The aim of social partners here is to proceed with bilateral experiences that make the planning objectives dictated at national level increasingly consistent with the specific needs of individual sites.

²⁵ The NCLA Confindustria Energia, Filctem CGIL, Femca CISL, Uiltec UIL, *Ipotesi di Accordo CCNL Energia e Petrolio*, July 21, 2022 explicitly states how “the parties undertake to enhance bilateralism in this training process with the aim of developing consultation between companies and trade unions, for a common understanding of company needs and workers’ expectations”.

sector. The chemical-pharmaceutical renewal itself confirms the trend of constant growth in training forecasts, with a view to fostering the employability of workers and the adaptation of skills to the green transformation and the concomitant technological evolution.

Article 63 of the renewal states how the social partners acknowledge

the commitment to training by companies and workers, aimed at enhancing human resources, improving their employability and professional enrichment, also in relation to technological and organisational innovations, quality, health, safety and environmental objectives, and the need to develop a corporate culture.

To this end, the training body coordinates, supports, monitors, and implements training activities, jointly with the other levels. The environmental issue is dealt with by the permanent joint group, which is responsible for the training modules for the Workers' Health, Safety and Environment Representatives.

5. The health-safety-environment system.

The convergence of collective interest and general interest in environmental protection is also highlighted by the implementation of the so-called 'health-safety-environment' system. The energy-oil²⁶ sector collective agreement requires the social partners to implement a shared strategy for sustainable development. This goal can only be achieved "with the full involvement of all stakeholders, working on the interactions of people, systems, workplaces, local communities and institutions". The partners agree that a "modern system of industrial relations based on participation and decision-making transparency is a prerequisite for improving relations between the company and workers on health, safety and environmental protection". In the context of the agreed system of relations, trade unions and employers' associations acknowledge the work of the national observatory commission for health, safety and environment, recognising and enhancing its local and company scope.

Companies contribute to environmental strategies focussed on an eco-sustainable industrial development model based on "respecting the environment", taking account of "social acceptability and the protection of employment" and operating "in a balanced manner with the financial, economic and production needs of the companies". They also undertake to "use and develop the model to prepare a health-safety-environment integrated management system (IMS)". The topics are not only the subject of information and training initiatives by the HSE Energy and Oil Joint National Body, but also of corporate governance policies, which have the task of adapting the model to their specific organisational and production system.²⁷ This translates into a commitment to "foster a culture of environmental

²⁶ Confindustria Energia, Filctem CGIL, Femca CISL, Uiltec UIL, *Contratto collettivo nazionale di lavoro per gli addetti all'industria di ricerca, di estrazione, di raffinazione, di cogenerazione, di lavorazione o alla distribuzione di prodotti petroliferi (escluse la ricerca, l'estrazione, ecc. delle rocce asfaltiche e bituminose) e per gli addetti del settore energia ENI*, September 19, 2019, specifically, Section C, *Health - Safety - Environment*.

²⁷ As set out in the *Oil Energy Collective Labour Agreement*, July 21, 2021, specifically Section C, *Health Safety Environment*.

sustainability in every workplace, raising awareness in each employee and using appropriate environmental management systems, operating procedures, and staff training programmes”. To this end, the collective agreement requires company managements to hold annual meetings with workers’ representatives in order to define shared actions aimed at environmental improvement.²⁸

Similarly, in order to promote “health and safety in the workplace and environmental protection through a preventive and systemic management of risk factors”, trade unions and employers’ associations in the chemical-pharmaceutical sector also recognise participation as the primary channel for combining “the needs of health and safety at work, and respect for the environment, employment, development of innovation and competitiveness of companies”.²⁹ The issues of safety, health at work and protection of the environment, referred to in Chapter XIV, are dealt with through multiple instruments shared by the social partners, including the Responsible Care programme³⁰ for the promotion of sustainable development, conceived through the voluntary participation of companies to the programme of the global chemical industry for the promotion of a sustainable behaviour. This includes a balanced and dynamic integration of the principles of economic growth, environmental protection and social equity. In addition to the already implemented provisions, the latest renewal integrates a project aimed at facilitating the application of contractual choices regarding the dissemination of the culture of industrial relations on sustainable development. In particular, social partners agree upon and prepare the implementation of joint initiatives “in order to contribute to the dissemination of a participative industrial relations culture, which supports and develops productivity, competitiveness, employment and employability, sustainable development and continuous improvement of SES issues”.

6. Workers’ safety and environment representative.

A growing attention to environmental issues is shown by the figure of the Workers’ Health, Safety and Environment Representative (RLSA or RLSSA in the Italian national system), no longer limited, as provided for by Legislative Decree No. 81/2008, to the role of representative for health and safety issues.

²⁸ While respecting reciprocal autonomy and responsibilities, the agreement stipulates that the annual meeting must cover a series of topics including: investments in prevention, safety and environmental protection; energy saving and polluting emissions reduction programmes and those relating to other significant environmental aspects (resources used, waste management, purification of effluents); training programmes on health, safety and environmental protection for all workers; possible collaborations with local joint training bodies.

²⁹ Within the several company agreements, it is common to find clauses that, although not strictly specific to environmental issues, confirm the centrality of health, safety and environmental issues. Particularly interesting are the IVAS and Bracco company agreements, which recall the importance of pursuing objectives on the aforementioned issues according to a participatory spirit of all those involved.

³⁰ The programme is also included in Article 66 *Management of occupational safety and health and environmental protection at a company level*, which “bears witness to the chemical industry’s contribution to sustainable development and social responsibility; pursues continuous improvement through the adoption of an integrated management system for safety, health and environmental protection; promotes the participation of workers and their representatives”.

It should be noted that the 2018 energy-oil collective agreement focuses on the training of this figure, stating that it is the “adoption by companies of integrated health, safety and environmental management systems and the complexity of legislation, especially on the environment” that requires a higher qualification of the representatives together with their concrete participation in company policies aimed at risk prevention. This training takes the form of global training for all workers on health, safety and environmental issues,³¹ in addition to sixty-four hours of specific training for the representatives, defined, in terms of content, by the Health-Safety-Environment Commission of each National Observatory; this is completed by the provision of an additional company refresher training module of sixteen hours/year for the duration of the mandate, focusing on environmental issues. The latest renewal also provides that the National Joint Committee has the task of planning and monitoring the basic and refresher training processes of the representatives.

In formalising the common objective of “continuous improvement of health and safety in the workplace and environmental protection through a preventive and systemic management of risk factors”, the partners of the collective agreement for the chemical-pharmaceutical sector further enhance the topic of environment: the Workers’ Representative for Safety, Health and Environment (RLSSA in the Italian system) takes over rights, role and attributions provided for by Legislative Decree No. 81/2008 and previous regulations from the Workers’ Representative for Safety and Health, as stated in Article 65 of the 2018 collective agreement. The social partners (Article 43, Chapter VIII) recognise the representative as the central figure for a company strategy based on sustainability, to be declined through a comparison inspired by criteria of participation, shared objectives and cooperation to achieve them. To this end, the workers’ representative is informed through specific meetings on the improvement of objectives, initiatives, monitoring systems, management system certification, as well as initiatives for the evaluation and management of health, safety and environmental aspects.

The collective agreement provides that representatives shall be adequately supported through the necessary training activities which, in the last contract renewal, were strengthened by a continuing update, in agreement with the territorial level concerned, of the organisational methods and contents of the courses, with the aim of improving the representatives capacity to manage the information and consultation processes, as well as to provide them with the appropriate cognitive elements to address, in a participatory model, the different situations in which they operate.³²

³¹ Confindustria Energia, Filctem CGIL, Femca CISL, Uiltec UIL, *Contratto collettivo nazionale di lavoro per gli addetti all’industria di ricerca, di estrazione, di raffinazione, di cogenerazione, di lavorazione o alla distribuzione di prodotti petroliferi (escluse la ricerca, l’estrazione, ecc. delle rocce asfaltiche e bituminose) e per gli addetti del settore energia ENI*, September 19, 2019, specifically Section C, *Health - Safety – Environment*, letter d), *Workers’ Representative for Health, Safety and Environment*.

³² In fact, the collective agreement provides for adequate information and involvement of all workers on safety, health and environmental issues, in particular for the trade union representative body, so that it can play its negotiating role in the most appropriate manner.

7. Conclusions.

The evidence of the contents analysis on the national collective bargaining agreements renewals of the energy-oil and chemical-pharmaceutical sectors indicate the commitment and intention,³³ as well as an implicit duty deriving from the international and community guidelines on the subject, of the representative associations (whether employers or trade unions) to create policies that take into account production, social and environmental interests and variables, which are increasingly interconnected.

If research has emphasised that this debate is all the more appropriate if

it is brought back to that civil-constitutional concept of the law evaluating the function of contractual institutions in the light of the fundamental requirements of persons protection, to the exclusion of the acts of collective bargaining, 'too long subtracted from a judgement, since they are believed to retain advantages over the system',³⁴

it is therefore clear the need to reflect on the real role and instruments of the social partners in this matter.

A number of evaluations regarding this issue has led to broader reflections on the advisability and perhaps greater potential of a joint approach of social partners in governing the ecological transition, not considering here the ways in which social partners have reconciled the issue of environmental sustainability with the individual working relationship, influencing the balance underlying the exchanges between work and pay.³⁵

The co-participation and the various experiences of bilateralism that was brought to attention, conceived by the social partners regarding the observation, training and management of labour markets in transition, has proven to be a tool for intervention in order to intercede consistently and in solidarity at all stages of the production and employment reconversion processes.

The investigation carried out on collective bargaining in the energy-oil and chemical-pharmaceutical sectors also allows, alongside the insights into the scope of action of the social partners' collaboration, for reflection on the scope of action of the actors on the territory. Both the investigated relational systems refer, in fact, to a first national level of bilateral observation, monitoring, training and intervention experiences, supported by a second level of interventions at a territorial, company and individual site level, so as to root the analysis and subsequent action according to the specific emerging needs. This "primacy" of industrial relations and of collective bargaining, including decentralised bargaining, while

³³ In this sense, *see* ENI supplementary company agreement of August 2021, which affirms "the need to continue to maintain even more effective and participatory relations in order to accompany the transformation processes as important factors for success and competitiveness". ENI, Filctem CGIL, Femca CISL, Uiltec UIL, *Insieme - Modello di relazioni industriali a supporto del percorso di transizione energetica*, in ENI, Filctem CGIL, Femca CISL, Uiltec UIL, *Verbale di Accordo*, July 30, 2021.

³⁴ Tiraboschi M., *Prevenzione e gestione dei disastri naturali (e ambientali): sistemi di welfare, tutele del lavoro, relazioni industriali*, in *Diritto delle Relazioni Industriali*, 3, 2014, 603; Tomassetti P., nt. (4), 207.

³⁵ *See* the study on the conversion of a portion of salary into benefits, services and welfare benefits subject to tax exemption to support the growth of green economy. In this sense, *see* Tomassetti P., nt. (4), 225 ff.

also marking a critical side – or rather the less effective functioning when bargaining proves to be less dynamic and therefore with a lower rate of application of the relevant disciplines – is at the same time the positively characterising factor and the bilateral experience (also) in the experience of ecological transition.³⁶

The results of this empirical research highlight the priority and potentially leading role of joint governance experiences. Mainly promoted by collective bargaining, this approach fosters and accompanies the ecological transition and sustainable development in an increasingly integrative rather than distributive logic, thus oriented towards shared objectives and programs.³⁷

The bilateral, co-planning and co-participation experiences are contractual in nature and origin, and it is the collective autonomy itself that progressively strengthens the structure, source, scope of action, role, and services they provide. Social partners, precisely because they are involved in the labour market and in the industry sector, can look at the needs for productive reconversion, skills and professionalism, knowing the specificities of the territories and production sites in which they operate, and therefore better declining transition policies. The experiences of bilateralism and collaboration tools, precisely because they directly involve social partners and production companies, can stimulate collective bargaining in the modernised requirements of ecological transition to protect the interests of all the parties involved,³⁸ pushing at the same time the previous objectives of social responsibility outside companies' limits, in an increasingly institutional dimension.³⁹

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³⁶ See Bellardi L., *Le istituzioni bilaterali tra legge e contrattazione collettiva: note di sintesi e prospettive*, in Bellardi L., De Santis G. (eds.) *La bilateralità fra tradizione e rinnovamento*, Franco Angeli, Milan, 2011, 28.

³⁷ On integrative bargaining, as a collaborative model distinct from the compromising relational paradigm previously characterising industrial relations, see Walton R.E., McKersie R.B., *A Behavioral Theory of Labor Negotiations. An Analysis of a Social Interaction System*, McGraw-Hill, New York, 1965.

³⁸ “It is equally evident, however, that the relationship between bilateral bodies and collective bargaining is biunivocal, since the functions of the bodies strengthen, in turn, the bargaining system”, Bellardi L, nt. (37), 28.

³⁹ Reference is made to, for example, the training envisaged by the analysed bargaining agreement, which protects the employability, not only the employment of workers. In this sense, considering the role played by collective bargaining and industrial relations in the paradigm of sustainable development, we can refer to indirect institutionalisation, as collective bargaining and industrial relations are entrusted with social relevance. Tullini P., *Socially responsible practices in labour market management*, in Montuschi L., Tullini P. (eds.), *Lavoro e responsabilità sociale dell'impresa*, Zanichelli, Bologna, 2006, 64.

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