
The greening of active labour market policies.

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1. Foreword. 2. The Economist(s) *vs.* Labour lawyers. 3. The promotion of labour policies as vehicles of social reform. 4. The role and effectiveness of active labour market policies. 5. The greening of active labour market policies. 6. Conclusion.

Abstract

This paper explores the link between environmental transitions and labour market policies. The essay investigates problems and solutions to mix worker-focused and social transformation-oriented approaches and observes the evolution and consolidation of the European framework. On this basis, the paper focuses on models and concrete programs in Italy and beyond.

Keywords: Green Jobs; Green Transition; Labour Market; Active Labour Market Policies; Public Employment Services.

1. Foreword.

This paper aims to address the topic of vulnerabilities and the green transition, but the focus is not going to be on green jobs. One thing I have to say in advance. I'm quite skeptical about this definition – green jobs – made up of two superficial words and all in-between. That's why the focus of this paper is going to be more precisely on regulatory instruments for the environmental transition in labour markets and the role of *policy makers* regarding this evolution.

When I started writing my contribution to this Issue, I was thinking about the ambiguity over recent years of the debate on green jobs, taking into consideration the opportunity to discuss my topic in relation to the current economic and social situation whether in the context of the post-pandemic globalization backlash and the return to protectionist approaches or the crisis of the European Union within and outside its borders, the fragmentation of the political unity of the State, or the return of anti-systemic movements and so on.

As a result, I convinced myself that it should be underlined that a strong connection exists between labour markets, income and spending power and economic and social exclusion.

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The pandemic has sharpened the effects visible on the labour market and has made worse the need to put in place solutions to protect people from new risks and sources of vulnerability. The latest economic crisis has exposed the inseparable nature of finance, political economy, labour markets, salary levels and the cost of living, and welfare systems on the lives of people regardless of their classification as citizens, consumers, employees, self-employed workers, or else. Arguably, market access and financial inclusion go together with social inclusion and the deterrence of degradation.

Transitions be they the outcome of a gradual evolution or an unforeseen shock spread their effects at macro and at micro level also, affecting individuals in all aspects of their lives, including any kind of work relationships. In the current situation, both the people within the labour force and the people outside it may face different forms of changes throughout life: from paid to unpaid or social work or to unemployment, between different jobs and tasks within the same company, between different employment statuses and so on. In brief, and to highlight the point: protecting vulnerabilities and balancing the environmental dimensions is going to be more than crucial and the greening of the labour market is expected to have an impact on all the above-mentioned conditions and situations. This very aspect is the focus of the present paper.

The environmental or green transition is one the defining challenges of our time. For sure, climate change will have profound impacts on ecosystems, civil society and the economy. Many countries and legal systems have started to respond putting public policies, collective action and large-scale strategies in place. Such a transition can pose significant risk on labour force and the people outside it and would require substantial investment and intervention in every sector of the economy. While the exact outcome is uncertain, it is foreseeable that some combination of these trends will occur, and this balance is a critical challenge for every country and legal system.

2. The Economist(s) vs. Labour Lawyers.

As lawyers we have to remember firstly the fundamental aims of the European Union within its borders laid out in Article 3 of the Lisbon Treaty. And among others, three relevant aims are: to achieve sustainable development based on balanced economic growth and price stability and a highly competitive market economy with full employment and social progress; to combat social exclusion and discrimination and to promote social justice and protection and to protect and improve the quality of the environment.

In other words, the idea of balancing the environmental dimensions with the protection of vulnerabilities is simply at the root of European integration. This said, we must not ignore economists' views and perspectives. Months ago, a provocative editorial published in *The Economist* discussed the topic under the title *The false promise of green jobs*.¹ I quote from that editorial: "politicians across the rich world agree that industrial policy — wheezes which aim

¹ See *The Economist*, *The false promise of green jobs*, November 14th, 2023.

to alter the structure of the economy by boosting particular sectors— deserves to make a comeback. Just about all agree that it should focus on climate change. But is there actually any logic to combining the two? Industrial policy seeks prosperity in the form of economic growth and jobs; climate policy seeks lower emissions and the prevention of global warming. Marrying two aims often means neither is done well. As politicians pour trillions of dollars into green industrial policy, they will increasingly have to choose between the two objectives. To a certain degree, the most efficient climate-change policy— taxing carbon and supporting research —is unselfish or altruistic”. As the economist Dani Rodrik has noted, not only is the social return from investing in green research higher than the private one, so is the international return higher than the national one — meaning that both companies and governments tend to underinvest in it.² The greenest policies may therefore not create many jobs. By contrast, greenish policies that create jobs may at least have the merit of making climate action acceptable to voters reluctant to spend on things that benefit other countries.

To be quick and to the point: I partially disagree with *The Economist* and partially with Dani Rodrik too. I’ll try to explain why.

3. The promotion of labour policies as vehicles of social reform.

How can labour policies cope with emerging new weaknesses, and with situations of a persistent crisis of resources and effectiveness in terms of achieved results? What are the possible institutional perspectives and the policy options arising from the environmental transition and the corresponding problems? Which are the most urgent issues that need to be resolved at national and supranational level?

From a legal perspective, the problem remains the same: to ask ourselves if there is a need to change the scope of labour law. My answer is no. Labour law is a way of regulating life. Life of people, life of companies, life of public institutions and life of trade unions. Is there now and in the future a concrete risk for regulation of being poor or useless in relation to the needs of any kind of workers? And here my answer is yes. This is evident in the field of the labour market, where laws and policy interventions are also at risk of being rigid and poor, sort of like *sludge*.³

But critical approaches are to be conjoined to designs for reform and reconstruction, because – unlike the Economist(s) – we have no doubt that law is indispensable. This is also to say we probably should try to fruitfully re-conceptualize old ideas for the new world. Innovations make headway thanks to the reaffirmation of a certain continuity with what has gone before. From this point of view, the promotion of labour policies as vehicles for social reform is a point of no return for the history of law. And this is to say that social law is

² Rodrik D., *Green Industrial Policy*, in *Oxford Review of Economic Policy*, 30, 3, 2014, 469 ff.

³ Sunstein C.R., *Sludge. What stops us from getting things done and what to do about it*, MIT Press, Cambridge, 2022, 1 ff.

unequal law.⁴ It favors the weak over the strong. It contradicts the abstract ideal of equality of purely liberal legal thought to balance out material inequality. Then, we must reject the idea of the characterization of the economy as private and defend the legitimacy of public involvement and intervention in the regulation of the economic sphere of interests.⁵

These reaffirmations are essential indications of the importance to build a post pandemic human-centered system of law, at European Union level and at any national level all around Europe.⁶ The crucial point is to redesign labour markets and welfare institutions in such a way as to support opportunities and challenges for the future and, at the same time, to protect peoples from risks linked to transitions. To this end we must pay particular attention to the role played by “law” in the evolution of “society” in this field. And if we give the right weight to labour laws, labour market policies and welfare institutions, also the conflicts between environmental transitions and the industrial policies tend to vanish (or at least reduce significantly).

The pandemic and the subsequent crisis have underlined even further and deeper the need to support changes to tackle segmentations and fragilities of the labour market; such segmentations and fragilities currently exacerbate the risks of relentlessly embracing a condition of structural mismatch between demand and supply of skills and employment. A system of labour and welfare policies capable of effectively facilitating transitions and protecting vulnerable individuals and groups would instead require a strong and renewed incentive, in terms of resources, and therefore of corresponding project planning. And this is required in the current historical phase, that is, in a moment when new dimensions of weaknesses, fragilities and disadvantages are emerging and consolidating.

The crises of the last twenty years have repeatedly challenged labour markets and welfare systems, certainly throughout the whole Europe, albeit with different quantitative and qualitative undertones. What is more, the pandemic has made the need to support institutional innovation processes more urgent, and especially for European countries, to address misalignments and segmentations of the labour market.

Whitin this scenario, the concept of sustainability should play a key role. From a European perspective, it stands at the core of the “Recovery and Resilience Facility” (RRF). Established by Regulation 241/2021, the measure represents the main instrument of the EU-wide investment plan known as “Next Generation EU”, which aims at supporting and steering the national initiatives towards a recovery process aligned with the objectives of economic, territorial, and social cohesion. Among the matters addressed by the RRF, several are directly inherent to the labour market laws and policies, namely: fighting poverty, tackling

⁴ Sinzheimer U., *Grundzüge des Arbeitsrechts*, Fischer, Frankfurt, 1921, 1 ff.

⁵ And here I would like to mention Sinzheimer’s key idea of economic constitution: *Wirtschaftsverfassung*. Regarding this matter, the central argument of Dukes R., *The Labour Constitution: The Enduring Idea of Labour Law*, Oxford University Press, Oxford, 2014, 1 ff. is exactly that the labour constitution can be developed to provide an 'enduring idea of labour law', and this is constructed against a critique of modern arguments which favour reorienting labour law to align more closely with the functioning of labour markets.

⁶ See Menegatti E., Salomone R., Senatori I., *Regulatory Instruments and Policies for Sustainable Transitions in the Post-Pandemic Labour Market*, in Addabbo T., Ales E., Curzi I., Fabbri T., Rymkevich O., Senatori I., *Work Beyond the Pandemic. Towards a Human-Centred Recovery*, Palgrave, Bologna, 2024, 13 ff.

unemployment, creating high-quality and stable jobs, including and integrating disadvantaged groups, strengthening social protection and welfare systems. In sum, within this framework, sustainability plays the role of a meta-principle, or, one may say, of a strong connector between economic, social and environmental goals.⁷

4. The role and effectiveness of active labour market policies.

The role of active labour market policies is of particular importance for supporting the transition in Europe.⁸ Active labour market policies are generally complex policies, highly dependent on contextual factors and the quality of their implementation. Lifelong learning, vocational training and job search assistance programs are a key component of these kind of policies, and they traditionally consist of information and assistance services delivered by advisors at employment agencies or job centers. Active labour market policy features traditional programs for the reemployment of job seekers, such as job search assistance and subsidized jobs. These programs are expensive and whether they are effective is a classic question.⁹

However, having effective and sustainable active labour market policies should be a top priority, since public funding for protecting workers cannot compensate, in the medium term, for the increase in new social needs, for instance long-term unemployment, NEETs, poverty and the risks of social exclusion.¹⁰ Clearly also the one size fits all approach is to be avoided because significant cross-country differences in the labour market are evident. For instance, the actual effect of recent crisis on specific categories of workers also depends on the institutional setting in the respective country and on the sectoral or occupational composition of employees and self-employed work. Portugal is different from Italy and Spain is different from Germany or France.

Supporting and counseling the unemployed is a labour-intensive task and the resources of employment agencies and public institutions are limited. But recent findings indicate that low-cost interventions that provide job seekers with basic search tools to engage more effectively with employers, such as a user-friendly website with limited but important resources, can significantly contribute to the speed of exit from unemployment, particularly

⁷ Menegatti E., Salomone R., Senatori I., nt. (6), 15-16.

⁸ See Treu T., *Impresa sostenibile: implicazioni per il diritto del lavoro*, in WP CSDLE “Massimo D’Antona”.IT, 483, 2024, 5 ff.; Salomone R., *Rischi e opportunità nelle riforme del mercato del lavoro al tempo del PNRR*, in *Lavoro e diritto*, 2, 2023, 193 ff.

⁹ See Bertrand M., Crépon B., Marguerie A., Premand P., *Do Workfare Programs Live Up to Their Promises? Experimental Evidence from Cote D’Ivoire*, National Bureau of Economic Research - Working Paper 28664, 2021; Crepon B., Duflo E., Gurgand M., Rathelot R., Zamora P., *Do labor market policies have displacement effects? Evidence from a clustered randomized experiment*, in *The Quarterly Journal of Economics*, 128, 2, 2013, 531 ff.

¹⁰ European institutions have long recognised the urgency of promoting alternative sources of active policies for the labour market and for welfare funding, supporting schemes aimed at connecting the public, the private and the third sector. For further insights on this matter, please refer to Rossi M.C., Salomone R., Torricelli C., *Finanza sostenibile per il lavoro e per il welfare*, Il Mulino, Bologna, 2023, 1 ff.

for prime-age individuals – who may be more motivated to find a job quickly – and women.¹¹ Some job seekers could be directed to receiving assistance online by default before accessing intensive counseling at a job center. This would also free up resources of frontline staff to provide closer assistance to less digitally savvy job seekers.

Experimental evaluations of incentive-based programs aimed at speeding up reemployment of job seekers at risk of long-term joblessness show that they are effective for different types of individuals and that they may be more cost-effective than traditional job-search assistance. The effectiveness of certain policies for certain groups of job seekers quite clearly suggest that targeting would improve active labour market policies cost-effectiveness.¹² The potential gains to matching specific profiles to specific types of programs are emphasized, for example, by the Nobel Prize David Card.¹³

My point here, more modestly, is that it seems overly pessimistic to conclude that active labour market policies are largely ineffective.

5. The greening of active labour market policies.

Put side by side the green transition and active labour market policies may appear futuristic or *naïve*. But the current reciprocal relationship within the above-mentioned European Union framework allows us to consider concrete trends, both in critical and constructive terms.¹⁴

Within the concept of green transition different issues come together, all linked to the idea of reorienting economic development in a direction that is more respectful of ecosystems. Let's be clear: interpretations of the green transition that insist on the change of ethical or legal paradigms must remain outside our discussion. In fact, they are abstract theories very far from practical problems of labour markets regulation. Furthermore, lots of green issues now concern public institutions, economic actors and social partners, and workers, here, in the real world, and a significant part of these issues is strongly connected to the very heart of market economy and capitalist society.

Thanks to trade unions, international organizations, and supranational institutions, the term *Just Transition* has become a mindful and evocative term.¹⁵ National states, in turn, have in various ways made this idea concrete and tangible via new policies. If we think about entrepreneurial initiatives, we are now talking about green transition, to give examples, with

¹¹ See Belot M., Kircher P., and Muller P., *Providing Advice to Jobseekers at Low Cost: An Experimental Study on Online Advice*, in *The Review of Economic Studies*, 86, 4, 2019, 1411 ff.; Briscese G., Zanella G., Quinn V., *Providing government assistance online: A field experiment with the unemployed*, in *Journal of Policy Analysis and Management*, 41, 2, 2022, 579 ff.

¹² See Van der Klaauw B., Van Ours J.C., *Carrot and stick: How re-employment bonuses and benefit sanctions affect exit rates from welfare*, in *Journal of Applied Econometrics*, 28, 2, 2013, 275 ff.

¹³ See Card D., Hyslop D. R., *Estimating the effects of a time-limited earnings subsidy for welfare-leavers*, in *Econometrica* 73, 6, 2005, 1723 ff.; Card D., Kluve J., Weber A., *What Works? A Meta Analysis of Recent Active Labor Market Program Evaluations*, in *Journal of the European Economic Association*, 16, 3, 2018, 894 ff.

¹⁴ See Bohnenberger K., *Greening work: labor market policies for the environment*, in *Empirica*, 49, 2022, 347 ff.

¹⁵ See Centamore G., *Una just transition per il diritto del lavoro*, in *Lavoro e Diritto*, 36, 1, 2022, 129 ff.

reference to mechanics, electronics, chemistry, construction, automation, automotive, agri-food, packaging, home, textiles and fashion, tourism. More generally, green transition is discussed in relation to scientific research on decarbonisation, energy resources, pollution, circular economy, biodiversity, and many other areas. And the same applies if we think about the people side: the markets or sectors in which people work as employees or autonomous workers are potentially all affected by the transition, in quantitative and qualitative terms.

The universality of the ecological theme and the consequent broadening of the analytical horizon support less polarization between work and the environment. This allows us to overcome misleading aspects of the conflicts between one and the other. The problem of green transitions that we are dealing with today is not limited to companies operating in the fossil fuel sector. It is a problem of the entire market and, therefore, of the society.

The effects of what has been observed can be seen in the analysis of the environmental impacts caused by companies, in the economic sectors or in the individual markets in which the companies operate. These environmental impacts, from being a space of social conflict and potential defensive negotiation, become a space for convergence between collective and general interests. And this is also to say, of course, we must invest more and more energies in all the institutions of work: on the one hand the collective social organizations and on the other the public administrations dedicated to the employment services and to workers' education and training.¹⁶

Even from the perspective of active labour market policies we can discuss this process in terms of innovative theories and models.¹⁷ But it remains essential to start from what already exists: from policy strategies¹⁸ and European regulations, from practical situations and exemplary practices, when they exist (see the case of Just Transition Fund).¹⁹ Otherwise, there is the risk of emphasizing suggestive hypotheses over real processes which are often, at least in Southern Europe, as far as I know, not yet ripe. However, such a refocusing perspective allows us to observe and keep together, for example, in a substantially unitary discourse, labor policies and training policies, business policies and socio-economic development policies. In the ecological transition, one can be designed and built for the other, in a logic of integration and mutual support.

To summarize, if the ecological crisis is exogenous to the economic system, only a unitary vision of society, institutions and economic actors allows us to design policies to support transitions and, where possible, anticipate the future with regulation. If the ecological vision of labor markets broadens, the hypothesis of supporting more complex labor policy instruments as essential elements for restructuring their governance is going to be consolidated. Of course, if the transition goes beyond the perspective of justice in the concrete case, the dimension of the needs of future generations is also incorporated into the paradigm. To give another example, within this scenario it is possible to see education and

¹⁶ See Ding J., Hirvilammi T., *Three pillars of just transition labour market policies*, in *Contemporary Social Science*, 2024.

¹⁷ See Tomassetti P., *Diritto del lavoro e ambiente*, ADAPT University Press, 2018, 1 ff.

¹⁸ See Vandeplas A., Vanyolos I., Vigani M., Vogel L., *The Possible Implications of the Green Transition for the EU Labour Market*, European Commission, Discussion Paper 176, December 2022.

¹⁹ See Reg. no. 1056/2021 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund. See also European Commission, *A Green Deal Industrial Plan for the Net-Zero Age*, COM (2023) 62 final.

training policies in a different light. Once incorporated into the paradigm of the ecological transition, integrations (both with labor policies and with industrial policies and, more generally, with socio-economic development policies) become possible and achievable.

But the experience of the original *Just Transition* should not be forgotten.²⁰

Here's my point: it is more than appropriate to ensure that the emphasis on green transitions opens a renewed reflection on the objectives, structures and concrete instruments of labor market policies, especially if they are functional to supporting effective green strategies. The analytical perspective, however, must first identify the practical factors and specific contexts in which transitions take place. Nor, if we address the topic of today's overall green transition, should we therefore stop considering the risk of incomplete or unsatisfactory transitions. Seductive social transformations-oriented hypothesis must not divert the attention from worker focused policies and interventions. Indeed, it should be recognized, taking advantage of experience, that only a double focus, reactive and proactive at the same time, can make it possible to practically monitor transitions, both in short-term scenarios and in medium-long term horizons. Cases of transitions with important impacts on the people who work generate and will generate instable and complex situations. There will be different claims and multiple objectives. Claims and objectives which usually are not mutually exclusive. The past tells of transitions governed with difficulty, of poorly governed transitions, of failed transitions, of transitions that only partially succeeded in achieving the objectives set. There are no truly excellent results in the simultaneous governance of ecological changes and social impacts.

And more needs to be done to support effective social dialogue particularly in the most critical areas for the protection of unemployed people, workers and welfare systems in different countries and cases: the sectors and enterprises directly affected by the ecological transition. In practical terms we observe situations in which we cannot – and, reasonably, for a long time cannot – ignore the double focus mentioned.

6. Conclusion.

While the green transition is a European and global trend, its labour market impact is inherently place-based. When there is a transition of some relevance and consistency at the local level, policy makers are faced with the simultaneous need to: 1) respond to the reasonable requests to facilitate, for those close to retirement age, the maturation of this right by guaranteeing where the consistency of the contribution amount is possible; 2) respond to the heterogeneity of entrepreneurial cases as well as of the people involved, Isolating and managing critical situations (people who could work only in the quasi-market or in public utility work); 3) offer targeted policies to those who can instead work in the labour market, in relation to age and personal characteristics, isolating and managing situations with immediate new form of employment, if possible, or by offering targeted training courses and therefore leading towards new job opportunities.

²⁰ Burke M., *Post-growth policies for the future of just transitions in an era of uncertainty*, in *Futures*, 136, 2022, 2 ff.

In a nutshell, it is desirable that not only reactive measures such as those under 1) prevail. But it is inappropriate to neglect mixed and job creation measures, such as the latter, which play a very significant role, especially for weaker workers and know-how. Just as it would be difficult to argue that the measures under 3) can take over the entire scenario right now. In short, only a balanced dosage of the three measures implemented in the same policy horizon allows us to hypothesize transitions without trauma, in the necessary and not simple process of mediation between demands, interests at stake and actors in the field.

The greening of the labour market will have several effects on people and firms. Addressing these challenges involves a rethinking and updating of public intervention, active labour market policies and collective action strategies, to enable all kind of workers – and especially the most vulnerable people – to being adequately protected in a changing labour market. But because characteristics of these transitions will also differ, bottom-up and place-based pro-active strategies will be vital.

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