

**DEBATE/DISCUSSION:** THE CIRCULAR ECONOMY FROM A LEGAL PERSPECTIVE. THE TAX SYSTEM AND LABOUR REGULATION IN THE CONTEXT OF ENVIRONMENTAL SUSTAINABILITY/  
LA ECONOMÍA CIRCULAR EN PERSPECTIVA JURÍDICA. SISTEMA TRIBUTARIO Y REGULACIÓN LABORAL ANTE LA SOSTENIBILIDAD AMBIENTAL

# Labour Regulation of Environmental Protection in Spain: The Role of the Law and Collective Bargaining

La regulación laboral de la protección del medio ambiente en España: el papel de la ley y de la negociación colectiva

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## ABSTRACT

The aim of this paper is to analyse how labour law addresses the challenges of environmental protection, a just ecological transition and the circular economy. In this regard, it analyses the provisions of the Workers' Statute—the fundamental labour law framework—that relate to environmental matters on the one hand, and on the other, the role that collective bargaining can play in this area, given its greater flexibility and adaptability as a source of labour law. With the aim of also providing a practical perspective, over 280 recent collective agreements are evaluated from an environmental standpoint, highlighting their current—albeit very limited—commitment to environmental issues.

**KEYWORDS:** labour law; collective bargaining; environmental protection; just ecological transition; workers' rights; workers' representatives.

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## RESUMEN

El objetivo de este trabajo es analizar cómo se enfrenta el derecho del trabajo a los retos que implican la protección medioambiental, la transición ecológica justa y la economía circular. De este modo, por un lado, se analizan los preceptos que, en el Estatuto de los Trabajadores —norma básica laboral—, se refieren a la materia medioambiental. Y, por otro lado, se lleva a cabo un análisis del papel que el convenio colectivo puede jugar en esta materia, dada su mayor flexibilidad y adaptabilidad como fuente del derecho del trabajo. Con el objetivo de aportar también una visión práctica, se evalúan, desde la perspectiva medioambiental, más de doscientos ochenta convenios colectivos recientes, poniendo de relieve cuál es su compromiso actual —muy escaso— con las cuestiones medioambientales.

**PALABRAS CLAVE:** derecho del trabajo; negociación colectiva; protección del medio ambiente; transición ecológica justa; derechos de los trabajadores; representantes de los trabajadores.

## 1. The legal perspective

For years there has been significant concern regarding the need to protect the environment and combat climate change, reflected in regulatory measures and recommendations from various international organisations and the European Union itself, despite the persistent presence of denialist positions.

In a similar vein, although at a later stage, Spain has adopted numerous regulations at both the national and regional levels—for example, Law 7/2021 of 20 May on Climate Change and Energy Transition; Law 7/2019 of 29 November on the Circular Economy of Castile–La Mancha; and Regional Law 14/2018 of 18 June of Navarre on Waste and its Taxation.

However, within the specific framework of labour relations and labour law, Spanish regulation directly addressing companies' external environmental impact—as opposed to the so-called “working environment” related to occupational risk prevention (regulated under the Law on the Prevention of Occupational Risks—is both scarce and, moreover, dated rather than recent.

Thus, Article 64.7(c) of Royal Legislative Decree 2/2015 of 23 October, approving the consolidated text of the Workers' Statute (WS), states that workers' representatives have the right to collaborate with company management “to achieve the establishment of any measures aimed at maintaining and increasing productivity as well as the environmental sustainability of the company, if this is agreed in collective agree-

ments”. However, such collaboration depends on whether it is effectively included in the applicable collective agreement, which will also define its specific scope.

Additionally, there is a duty to inform workers’ representatives. Article 64.2(b) of the WS indicates that representatives have the right to receive quarterly updates on the company’s economic situation and the recent and probable evolution of its activities, “including environmental actions that have a direct impact on employment”. This duty of information is framed in rather general terms, which clearly undermines its effectiveness in practice. The legal terminology employed is excessively broad.

Therefore, as mentioned above, legal regulation is limited in scope and generic in content, which detracts from its effectiveness. One way to resolve this issue would be to have labour regulations—and, in particular, the WS—that focus more on environmental issues by updating (and expanding on) not only the provisions of Articles 64.2(b) and 64.7, but also by introducing new sections that clearly support a just ecological transition and the protection of the external environment as obligations incumbent on both companies and workers. This development appears to have already begun, albeit as a “defensive measure” and with a more general scope, with the recent inclusion in Article 37.3(g) of the WS of a leave of absence of up to four days for workers who are unable to access the workplace or travel along the necessary routes to reach it, as a result of recommendations, restrictions or prohibitions on movement imposed by the competent authorities, as well as in situations involving serious and imminent risk, including those arising from disasters or adverse weather events. After the initial four days, the leave may be extended until the circumstances that justified it no longer apply, without prejudice to the company’s right to temporarily suspend the employment contract or reduce the working hours due to force majeure, in accordance with the provisions of Article 47.6 of the WS. Where the nature of the work and the available communication infrastructure make teleworking feasible, the company may opt to allow it, provided that all formal and material obligations set out in Law 10/2021 of 9 July on Remote Work are met—particularly with regard to the provision of appropriate means, equipment and tools. This new paid leave was introduced in response to the catastrophe caused by the meteorological phenomenon known as DANA in the Valencian Community at the end of October 2024, which many have associated with climate change.

However, it should be borne in mind that, although labour regulations in this area are in clear need of improvement, concerns about the ecological transition and climate change have been more actively reflected within the framework of collective bargaining, particularly in recent years. Collective bargaining, moreover, constitutes a source of labour law, as established in Article 3 of the WS, with the resulting collective agreement carrying normative force. In short, it has legal value for both the companies and workers involved.

## 2. The relevant role of collective bargaining in environmental matters

First and foremost, it should be noted that, in light of the wording of Article 85.1 of the WS—which outlines the matters that may be included in the content of a collective agreement—it is entirely feasible for a collective agreement, regardless of its functional scope (whether at company or sectoral level), to address issues related to environmental protection and a just ecological transition, provided such regulation is agreed upon by the legitimate negotiating parties, as established in Article 87 of the WS. The aforementioned Article 85.1 merely states that, subject to legal provisions, collective agreements may govern

matters of an economic, labour and trade union nature and, in general, any other issues affecting the conditions of employment and the scope of relations between workers and their representative organisations and the employer and employer's associations. This includes procedures for resolving disagreements arising during the consultation periods referred to in Articles 40, 41, 47 and 51 [...].

Likewise, there is no doubt that the incorporation of an environmental commitment through collective bargaining—whether more or less extensive—will have a positive impact on the working and health conditions of the workers concerned, as well as on the wider community in which the company operates. It will also be beneficial from a business standpoint, potentially offering both economic and reputational advantages (in practice, environmental commitment is associated with corporate social responsibility). However, such commitment may entail certain economic costs, which, depending on the circumstances, can be significant. For worker representatives involved in negotiating collective agreements on behalf of workers—whether through unitary or trade union representation—it also means aligning with the objectives set out in the 5th Employment and Collective Bargaining Agreement for 2023–2025 (V AENC). This agreement makes several references to the challenges posed by the ecological transition, while also linking it to the technological and digital transitions.

However, this does not mean that collective agreements must necessarily contain provisions on environmental protection, a just ecological transition or the promotion of the circular economy—very few currently do—as it is up to the corresponding negotiating parties to determine their content. In fact, as stated in the second paragraph of Article 85.1 of the WS, negotiating parties are currently only obligated to negotiate measures aimed at promoting equal treatment and opportunities between women and men in the workplace and, where applicable, equality plans (in companies with 50 or more workers), in accordance with the provisions of Organic Law 3/2007 of 22 March for the Effective Equality of Women and Men.

Secondly, in our view, collective bargaining is a highly effective tool for integrating environmental commitment into labour relations in Spain, due to its significant capacity for influence, flexibility and adaptability to the specific circumstances of the functional area in which it is applied.

This ability has been highlighted in several documents by the International Labour Organization (ILO) (see, among others ILO: *Working towards sustainable development: Opportunities for decent work and social inclusion in a green economy*) and the European Union (Laabbas–El–Guennouni, 2023). By way of example, the Opinion of the European Economic and Social Committee on green collective bargaining: good practices and future prospects (2023) states that:

[...] The EESC notes that studies on collective bargaining in EU countries conclude that inclusion of environmental issues in collective agreements is poor. The EESC calls on the EU and the Member States to further support actions and initiatives that will incentivise employers and workers to adapt to the green transition, taking into account practices of workplace information and consultation. [...] In this participatory governance model, collective bargaining is a tool for adapting the world of work to the new challenge of a fully sustainable production model. This is because of its ability to respond immediately, its closeness to sectoral realities and its potential to provide tailored solutions, including the protection of jobs and businesses. [...] The EESC encourages the social partners to include green transition processes in collective agreements, in line with their cross-industry and sectoral priorities, as appropriate. It goes on to say: [...] Collective bargaining is a good vehicle for facilitating the adaptation of organisations and employment, as well as working conditions, to the effects of climate change, and it makes it possible to assess and present companies' investment costs in order to maintain them and adapt them to the requirements of fair competitiveness (pp. 5–6).

Furthermore, at the national level, the aforementioned V AENC includes several recommendations—though not binding—on the just ecological transition, directed specifically at the parties negotiating collective agreements. The V AENC has been signed by the Spanish Confederation of Business Organizations (CEOE) and the Spanish Confederation of Small and Medium Enterprises (CEPYME), as well as the Workers' Commissions (CCOO) and General Union of Workers (UGT) trade unions. Thus:

1. The preamble of this agreement states that the usual challenges are joined by “the need to confront the major structural transformations—digital, ecological, demographic, caretaking—profoundly disruptive transformations also in employment and the functioning of companies, which the pandemic and the subsequent crises have accelerated.” It goes on to say that:

“We are firmly committed to the agile functioning of participatory mechanisms to face the major challenges posed by the major technological, digital and ecological transformations, and the disruptive consequences they have on companies and their activity and, therefore, on employment and its conditions. This should allow for a just transition to a reality that is not yet written, via anticipation, lifelong learning and re-skilling, addressing the various gaps so that no one is left behind.”

2. More specifically, Chapter XVI, entitled “Technological, digital and ecological transition”, and in particular its Section 4, “Ecological transition”, establishes that:
  - a. The ecological transition, energy decarbonisation and the circular economy, together with digitalisation, may alter production processes, affecting jobs, tasks and skills performed by workers. Indeed, new occupations may emerge at the same time as others disappear or are transformed.
  - b. These transitions, which are interrelated and mutually reinforcing, must be addressed early and effectively through collective bargaining, in the framework of participatory processes with workers’ representatives, in order to raise awareness and identify solutions that may be adapted to the specificities of the different sectors and raise key issues.
  - c. Within this framework, it is essential to identify new qualification needs and improve the skills, redesign jobs, organise transitions between jobs and improve the organisation of work. In order to achieve this objective, it is a priority to promote lines of training and information for workers to ensure their involvement in the adoption of measures required by climate change.
  - d. Likewise, in order to guarantee the reduction of emissions and the efficiency of the measures that, if applicable, are applied, both for the benefit of companies and workers, sustainable mobility plans will be promoted, encouraging collective transport through geographical areas, industrial estates or areas with a high concentration of workers.

Therefore, this document clearly sets out the objectives to be pursued in this area through collective bargaining, while emphasising the interconnection between the digital and ecological transitions; whether these objectives are actually being achieved in recent bargaining practice is another matter.

### 3. Analysis of recent collective bargaining: clauses on environmental protection and the just ecological transition

From a practical perspective, it is worth examining how interest in environmental protection is being reflected in collective agreements. To this end, 283 collective, sectoral and company agreements published in the *Official State Gazette* (OSG) between 1 September 2022 and 30 June 2024 have been analysed, providing a sufficiently representative sample. The following observations can be drawn from this analysis:

- 1.<sup>a</sup> Interest in the matter is low, as only 69 of the agreements analysed (24.38% of the total) make any reference to environmental protection and, of these, the vast majority (73.91%) are company or group-level collective agreements. It is also worth noting, however, that environmental content has been incorporated into these agreements, unlike in the past (Chacartegui Jávega, 2018, p. 87).
- 2.<sup>a</sup> On the other hand, it should be noted that these agreements span a diverse range of sectors. Many are concentrated in industries where the nature of the activity, products used or waste generated contribute significantly to pollution. These include transport and auxiliary companies, energy and oil and auxiliary services, food and beverages, retail and supermarkets, construction and related materials, home appliances, lifts, tyres, the chemical sector and industrial gases, leather and cork, technology, parcel delivery, paper and cardboard, travel agencies, fertilisers, and the automotive and waste management sectors. But there are also collective agreements with environmental content in sectors with a lower environmental impact, such as the insurance sector, certification and inspection, marketing, trade unions, occupational risk prevention services, social intervention or integration management and advertising. This is encouraging news, and hopefully it will be consolidated and expanded in the coming years.
- 3.<sup>a</sup> In many cases, environmental issues are connected to the company's obligation to ensure a safe working environment for its employees (the internal environment). This means they are often linked to occupational risk prevention—for example, both topics may be addressed within the same section or article of the agreement, with environmental responsibilities assigned to the health and safety committee and/or the prevention representatives established under the Occupational Risk Prevention Law.
- 4.<sup>a</sup> Although environmental clauses in an agreement logically apply mainly to the company, there are also instances where the workers themselves are bound by them—after all, it is regarded as a joint commitment aimed at protecting the interests of society as a whole. Moreover, many agreements assign a significant role to workers' representation. And, finally, in very few cases, the obligation extends beyond these to include suppliers (such as in the Collective Agreement of BSH Electrodomésticos España, SA, published in the OSG on 27 May 2024), and customers and subcontractor companies (both included in the Collective Agreement of Eurodepot España, SA, published in the OSG on 27 September 2023).

Some agreements explicitly call on the entire workforce to act proactively, stating that “all group employees shall be involved in environmental aspects through continuous improvement, promoting and encouraging en-

vironmental protection and conservation” (2nd Collective Agreement of Nortegas, published in the OSG on 1 February 2024). However, unlike with other agreements, no specific labour violation is stipulated in the event of non-compliance.

Alternatively, some agreements impose specific environmental obligations on workers, such as complying with environmental regulations and ensuring the monitoring of indicators that measure compliance with quality and environmental standards, which must be designed by the company’s management (the 4th Collective Agreement of Mediapost Spain, SL, published in the OSG on 28 December 2023), while others establish that all workers must respect legal and company environmental regulations and promote its protection in business activities (the Collective Agreement of Al Air Liquide España, SA and Air Liquide Ibérica de Gases, SLU, OSG of 5 December 2023). Furthermore, in some cases, workers are required to take into account the environmental impact of their actions and actively collaborate with customers and suppliers to prevent or reduce waste and emissions deriving from business operations (the 3rd Collective Agreement of KONE Elevadores, SA, OSG of 25 October 2023).

Finally, from another perspective, some agreements permit the application of corporate disciplinary measures when workers engage in conduct that may harm the company’s external environment. To this end, it is worth highlighting agreements that classify as minor violations the neglect or non-compliance with environmental protection measures when disposing of waste, residue and rubbish (the 8th State Sectoral Collective Agreement for Convenience Store Chains, OSG of 1 June 2024), or the failure to observe the environmental protection measures established in the agreement (the Collective Agreement of Eurodepot España, SA, OSG of 27 September 2023). And then there are agreements which, when assessing the severity of a violation, take into account, among other factors, whether the worker has caused economic damage or harm to the company’s image or to the environment (2nd Collective Agreement of the Parcial CEPESA Group, OSG of 28 February 2024).

- 5.<sup>a</sup>As for the environmental content included in collective agreements, as will be examined in more detail below, some agreements merely make general statements on the subject, others refer to it while incorporating a specific obligation and, finally, some include only a concrete obligation without broader commentary. It should also be noted that, in some agreements, corporate obligations can be inferred indirectly from the company’s duties of information and cooperation with worker representatives. However, as the wording of the agreements is often vague, it is not always clear whether the measures envisaged are binding or merely proposals or



recommendations. And, finally, it is noteworthy that explicit references to the circular economy are almost non-existent—with an exception being the Collective Agreement of the AXA Group, published in the OSG on 21 December 2023.

Therefore, it is clear that the inclusion of environmental issues in collective bargaining processes—so-called “green collective bargaining”—remains in its early stages, as evidenced by the limited number of such agreements, their concentration in specific sectors and the generally vague nature of their content. It will be interesting to observe how this trend develops in the future.

Taking the above into consideration, the following types of content can be distinguished:

- a. As indicated above, some agreements contain only broad statements about the existence of a company’s environmental commitment, such as “The parties signing this collective agreement consider it necessary for companies and their workers to act responsibly and respectfully with the environment, paying attention to its defence and protection in accordance with the interests and concerns of society” (8th State Sectoral Collective Agreement for Convenience Store Chains, OSG of 1 June 2024), or “The protection of the environment is a priority and beneficial for the effective development of our activities, for the communities in which the company is present and for workers” (Collective Agreement of Al Air Liquide España, SA and Air Liquide Ibérica de Gases, SLU, OSG of 5 December 2023).

Or, perhaps, a company merely signals that it will work “to promote the transition to a more sustainable aviation industry, which abandons the use of fossil fuels and strengthens its strategic alliances for the production of eco-fuels, in response to the climate and environmental challenges approved in the European Commission’s European Green Deal and European Climate Pact” (2nd Collective Agreement for cabin crew of Norwegian Air Resources Spain, SL, OSG of 15 November 2023). Some collective agreements—like the 3rd Collective Agreement of Quirón Prevención, SLU, (OSG of 19 July 2023)—frame the pursuit of a cleaner environment within the broader context of corporate social responsibility, often accompanied by general statements.

It is evident that these are commendable commitments, although they lack concrete measures or actions. Therefore, these are mere declarations of intent.

- b. Collective agreements such as that of BSH Electrodomésticos España, SA, (OSG of 27 May 2024) appear to go further by declaring environmental protection a fundamental objective of the company and outlining the

guiding principles of its environmental policy, including: 1) reducing environmental impact to prevent accidents causing harm throughout the production cycle; 2) taking appropriate measures to prevent accidents causing environmental harm or to minimise their effects; 3) ensuring proper management to implement an effective environmental policy; 4) complying with environmental protection laws and standards, including going beyond what is required; 5) encouraging all company members to behave respectfully towards the environment; 6) requiring suppliers to adopt a similar environmental policy; and 7) informing customers about the proper environmental use of products.

This type of regulation goes beyond a generic statement, yet the collective agreement does not specify how these principles should be implemented or include any follow-up mechanisms, making it impossible to assess whether or how they are actually put into practice.

Similarly, though on a smaller scale and expressed more generally, the 3rd Collective Agreement of the ACCIONA Energía Group set out objectives including: i) promoting and achieving responsible environmental action by companies; ii) establishing qualitative and quantitative targets for improvement, and iii) fostering responsible behaviour among the group's companies through the use of good environmental management practices and the communication of the results obtained (OSG of 21 May 2024).

- c. Some agreements place greater emphasis on environmental issues by including specific obligations and/or defining the role of workers' representatives in these matters. As previously mentioned, it is also worth highlighting those agreements that combine both approaches: they set out general commitments and principles or objectives, while also incorporating concrete measures. A notable example is the Collective Agreement for Leather Goods, Embossed Leathers and Other Similar Companies in Madrid, among other municipalities (OSG of 27 March 2024), which introduces the role of an environmental delegate and establishes a set of goals: 1) promote and achieve responsible environmental action by companies, specifying the measures to be implemented to this end; 2) establish both qualitative and quantitative improvement goals in order to communicate progress made towards these targets; 3) demonstrate to society the responsible behaviour of companies, both individually and collectively, through the adoption of sound environmental management practices and the dissemination of the results obtained; and 4) improve the credibility of the industry and build public and institutional trust through tangible actions and concrete figures.

The 2nd Collective Agreement of Nortegas (OSG of 1 February 2024), on the other hand, formally established the position of senior sustainability technician and lists the objectives of the company's environmental policy: a) create value for society by integrating environmental respect and protection and social responsibility into economic decision-making; b) comply with applicable environmental laws and regulations; c) set environmental goals and targets aligned with the continuous improvement commitment; d) require that suppliers comply with environmental requirements; e) provide appropriate channels for employee training, awareness and communication on environmental issues; and f) communicate the company's environmental commitment to the broader public. Finally, the Collective Agreement of Michelin Portugal España, SA (OSG of 30 October 2023) is also interesting as it references the company's "All Sustainable" strategy, which details its commitments in several key areas: direct action on climate change, the environmental impact of raw materials, indirect contribution to climate change, sustainable supplies and responsible supplier relationships. In addition, the agreement calls for the publication of an annual "Sustainable Development and Mobility Report", as well as concrete measures such as the drafting of an environmental management plan for each workplace and the appointment of an environmental delegate.

- 6.<sup>a</sup> From another perspective, some agreements express the need for the environmental actions undertaken to be communicated to, and duly recognised by, both society and the relevant public administrations (Collective Agreement of Saint-Gobain Cristalería, SL, OSG of 2 October 2023), or explicitly aim to inform society as a whole of the company's commitment to environmental protection (2nd Collective Agreement of Nortegas, OSG of 1 February 2024).

This reflects the company's desire to project a positive environmental image to a society that is increasingly aware and concerned about these issues. Of course, what truly matters is the effectiveness of the measures themselves, rather than the publicity surrounding them.

- 7.<sup>a</sup> Shifting our focus to matters where collective agreements include specific obligations or references—covering various aspects—it is worth highlighting the following:
- a. From the perspective of waste and emissions management, some provide measures for adequately managing waste, residues and rubbish disposal (8th State Sectoral Collective Agreement for Convenience Store Chains, OSG of 1 June 2024), while others merely mention the existence of a waste management plan (Collective Agreement of TK Elevadores España, SLU for Madrid and Valencia, OSG of 20 May 2024). There are obligations in certain agreements that compel workers to actively collaborate with customers and suppliers to prevent or reduce waste and emissions deriving from business

operations, as is the case in the 3rd Collective Agreement of KONE Elevadores, SA, published in the OSG on 25 October 2023. The Collective Agreement of the AXA Group (OSG of 21 December 2023), for example, declares that workers' IT equipment must be renewed according to sustainability criteria in order to reduce waste.

- b. An emphasis is placed on sustainable design, requiring that company facilities and equipment be properly designed, constructed, used and maintained in order to prevent them from becoming an environmental risk factor (for example, 3rd Collective Agreement of the Naturgy Group, OSG of 24 February 2023).
- c. The Collective Agreement for the Travel Agency Sector, which was published in the OSG on 2 September 2023, mentions voluntary adherence to the EU's Eco-Management and Audit Scheme (EMAS), established under the EMAS regulation, as well as the promotion of renewable energies, responsible tourism, sustainable mobility and the implementation of environmental management and energy-efficiency systems, while also including a commitment to complying with current environmental legislation.
- d. On the other hand, the Collective Agreement of Fundación Telefónica (OSG of 31 July 2023) promotes the recycling of electronic and electrical equipment, aligning purchasing processes with environmental standards to involve suppliers in reducing the environmental footprint, with both employees and suppliers being encouraged to adopt responsible environmental behaviour.
- e. From a broader corporate perspective—and undoubtedly representing a step forwards from previous approaches—some collective agreements refer to the adoption of an environmental management system based on company-defined standards (Collective Agreement of Mahou, SA, OSG of 18 April 2024). Others facilitate the continued implementation of such a system in the coming years across various areas of the company, aiming to promote natural resource conservation and improve energy efficiency, creating an environmental management team responsible for raising awareness, fostering communication and ensuring the internal dissemination of environmental matters (3rd Collective Agreement of Telefónica de España, SAU, Telefónica Móviles España, SAU and Telefónica Soluciones de Informática y Comunicaciones, SAU, OSG of 28 February 2024). This team will include six worker representatives, designated according to their representativeness among the signatory parties, and will meet quarterly.

Some agreements also provide for the development of an environmental management plan at each workplace, addressing issues such as waste storage and treatment, emissions and discharges into the environment, water purification and the gradual replacement of energy sources and materials

with cleaner alternatives (see, for example, the Collective Agreement of Michelin España Portugal, SA, OSG of 30 October 2023) In other cases, details on the potential implementation of environmental management systems are simply mentioned (including in the 7th Collective Agreement for Scrap Industries, OSG of 16 February 2024), but it is not always clear whether it is referring to a proposal or an obligation to implement such a system (Collective Agreement of Lufthansa, OSG of 12 January 2024).

- f. On the other hand, some agreements already include categories or groups of professionals directly related to the environment (among others, the 10th Collective Agreement of Danone, SA, OSG of 25 November 2023, and the Collective Agreement of Maxam and its group companies, OSG of 18 April 2024), creating positions such as environmental technician, senior sustainability technician, treatment manager, environmental manager and environmental technician. In other cases, environmental responsibilities are assigned to broader professional categories or groups, such as supervisors, foremen, operational teams, department heads or managers, cross-cutting departments, integrated management system (IMS) managers, and quality and environmental specialists (for example, in the 4th Collective Agreement of Abertis Autopistas España Business Group Companies [UNaAE], OSG of 28 December 2023, and the 4th Collective Agreement of Mediapost Spain, SL, OSG of 28 December 2023). It is likely that these roles and/or professional categories will be further expanded in the future.
- g. It is also important to note that certain agreements address environmental training needs, which undoubtedly contributes to more effective management of these issues. There is no doubt that the ecological transition must be supported by training aimed at both enhancing existing skills and providing re-skilling opportunities, enabling individuals to acquire new knowledge as a means to access and remain in the labour market (Miñarro Yanini, 2022, pp. 10–11).

However, agreements lack specifics regarding the content of training, such as its duration, periodicity and when and where it will be given. It is also worth noting that such training should be more rigorous for roles or functions with a closer connection to environmental matters—including company management—as well as for staff representatives. In this area, a number of different situations can be identified in recent collective bargaining:

1. Agreements that mandate this training for the entire workforce (although it is not always clear whether this training has already been implemented) (for example, the 1st Collective Agreement for Baking Flour and Semolina Sector Companies, OSG of 3 May 2024). This is the most appropriate option, without this affecting the company's ability to establish even more specialised training for workers' representatives and those in management positions.

2. Agreements that provide for environmental training when required for the performance of a specific role (for example, the Collective Agreement of Fertiberia, SA, OSG of 26 January 2023).
  3. Collective agreements that only require this for workers' representatives: environmental delegates, members of the occupational health and safety committee, and prevention delegates (for example, the 9th State Collective Agreement for the Cork Industry, OSG of 7 September 2023, and the 8th General Collective Agreement for the Cement Derivatives Sector, OSG of 14 July 2023).
  4. Collective agreements where the environmental delegate is expected to collaborate in designing and carrying out environmental training actions (for example, the State Collective Agreement for the Tanning, Belts and Industrial Leathers and Leather Tanning Industries, OSG of 22 March 2023).
- h. Very few collective agreements mention environmental information programmes aimed at the company's employees and collaborators—including customers, suppliers and subcontractors (for example, the Collective Agreement of Eurodepot España, SA, OSG of 27 September 2023). In our view, information also plays a key role in this issue.
- i. It is also worth considering teleworking, which is increasingly promoted as a more socially sustainable and inclusive work organisation model—and, naturally, one that is more respectful of the environment (for example, the 7th Collective Agreement of the Generali España Group, OSG of 18 November 2022). To this end, it should be noted that, as theoretical studies have highlighted, while teleworking reduces the carbon footprint by lowering CO<sub>2</sub> emissions from commuting, it also increases individual energy consumption, resulting in a negative overall impact in “green” terms (Miñarro Yanini, 2021, p. 10). The potential negative impacts of teleworking on employees are also notable, including social isolation, effects on career progression and work–life balance, and a blurring of boundaries between personal and professional spaces.
- j. Regarding sustainable mobility, the Collective Agreement of Lufthansa (OSG of 12 January 2024) establishes a sustainable mobility plan aimed at decreasing accidents during commutes and lowering polluting emissions (see Martínez Barroso, 2020, pp. 707 et seq.), while the Collective Agreement of Telefónica's Global Units in Spain, (OSG of 9 June 2023) also promotes sustainable mobility. More specifically, the 3rd Collective Agreement of the Naturgy Group (OSG of 24 February 2023) indicates that company employees can request a repayable advance of 8,000 euros in order to purchase a

sustainable vehicle—whether eco or zero-emission—or a loan of 20,000 euros for an electric or hybrid vehicle, as is the case in the 7th Collective Agreement of the Generali España Group, (OSG of 18 November 2022).

- k. Finally, it is quite common for collective agreements to assign a significant role to worker representation in environmental matters, providing for positions such as environmental delegate, sustainability delegate and the health, safety and environment committee. In other cases, responsibilities in this area are assigned to prevention delegates, the health and safety committee, the inter-centre committee or the standing committee of the agreement; alternatively, specific committees or working groups are established. This goes well beyond the stipulations of Article 64.7(c) of the WS, which we analysed above.

It is also interesting to note that some agreements require companies to appoint an environmental manager to promote collaboration and coordination with worker representatives in all environmental actions (for example, the State Collective Agreement for the Tanning, Belts and Industrial Leathers and Leather Tanning Industries, OSG of 22 March 2023), or stipulate that companies must designate a person responsible for dialogue with the environmental delegate from among the representatives on the health and safety committee (Collective Agreement for Leather Goods, Embossed Leathers and Other Similar Companies in Madrid, Castile-La Mancha, La Rioja, Cantabria, Burgos, Soria, Segovia, Ávila, Valladolid and Palencia, OSG of 27 March 2024).

## 4. Concluding thoughts

Unlike other disciplines—both legal and non-legal—labour and social security law has, until now, paid little attention to the challenges involved in protecting the environment, the just ecological transition and the circular economy. This is despite being one of the areas directly affected by these issues, both from the perspective of companies and from the point of view of workers and their representatives. There is no doubt that the external environment of companies limits or conditions the way workers provide services and imposes new obligations and responsibilities, mainly on companies, but also on workers and their representatives.

This is not to say that nothing has been done. There are some references in the Workers' Statute to the environmental intervention of workers' representatives in companies, and recently a new paid leave was introduced for workers unable to attend work due to extreme weather events, such as the DANA that affected the Valencian Community a few months ago. However, there is still a long way to go, especially from the perspective of internal flexibility measures and the organisation of working time and leave.



On a positive note, recent collective bargaining has begun to regulate aspects related to environmental protection, although the number of collective agreements addressing these issues remains very limited. This is an important step, but as we have seen, these interventions often consist of generic references without specific or wide-ranging obligations. Equally encouraging is the fact that some agreements have introduced specific roles, such as the environmental delegate, whose responsibility is, among other things, to ensure that companies comply with their environmental obligations.

In our view, collective bargaining is a highly useful instrument for advancing environmental matters—perhaps even more so than legislation—but it remains far from being a common or frequent element of collective agreements. The economic and organisational costs to companies of implementing environmental and just ecological transition policies are likely major obstacles to wider adoption. But we must be optimistic.

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