

Labour and Environmental Sustainability

UK Report

by
**Ania Zbyszewska
Marie Pillon**

agreement!

A Green Mentality for Collective Bargaining

A EU research project led by



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Agreement – A Green Mentality for Collective Bargaining investigates the role of social dialogue and collective bargaining in promoting sustainable development and the *Just Transition* to a low-carbon economy in six countries: France, Hungary, Italy, the Netherlands, Spain and the UK.

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INDEX

Executive Summary	1
1. Introduction.....	3
1.1. Research Questions	5
1.2. Case Study: United Kingdom.....	5
1.3. Structure of the Report	7
2. Literature review	9
3. Institutional Characteristics of Collective Bargaining in the UK.....	13
3.1. Multi- to Single-Employer Bargaining	13
3.2. Official Recognition <i>before</i> Negotiation.....	14
3.3. Bargaining Scope and the Presumption of Non-Bindingness	15
3.4. Facility Time for Union Representatives	16
3.5. Scope for Environmental Matters	17
4. Presentation and Discussion of Data	19
4.1. Methodology	19
4.2. Summary of Findings	20
5. Conclusions and Recommendations	43

Executive Summary

Agreement is a comparative project which aims to examine the extent to which workers and unions across Europe are engaging with socio-ecological questions through the institutional and legal mechanisms available to them, what shape this engagement is taking, and to identify antecedents and barriers to such engagement.

The present case study focused on the United Kingdom (UK). Given that UK unions have a demonstrated track record of engaging with environmental issues at the policy level, we set out to assess whether the structure of British industrial relations, which is highly de-centralized and premised on the notion of voluntarism, tends to support and sustain integration of environmental concerns through mechanisms of collective bargaining and workplace labour-management negotiations.

Based on extensive review of policy documents and qualitative interviews with key informants, our research confirms that UK unions have attempted to seize upon the possibilities inherent in a voluntarist system of industrial relations, in so far as broadening the scope of what are deemed to be union issues or issues that could be negotiated or bargained with management. Not only is environmental sustainability acknowledged as a relevant workplace issue by unions, managers and members of the business community we interviewed tend to agree that engaging workers around this agenda is important and that doing so is of mutual benefit for workers and firms.

However, despite the fact that many workplace initiatives have been reported throughout the UK, relatively few comprehensive agreements on environmental sustainability have been concluded, and environmental issues have been integrated into broader collective bargaining in a more limited way. While our research suggests this is in part related to remaining issues of capacity, awareness and communication, the more significant problem remains that of concrete institutional and legal barriers which stand in a way of a more extensive engagement between the industrial partners. Specifically, the exclusion of environmental issues from statutory scope of collective bargaining, lack of rights for environmental reps, and general sidelining of labour and processes of social dialogue under Conservative governments tend to stand in a way of embedding the labour/environment issues in industrial relations and workplace negotiations (e.g. through incorporation into CBAs).

While the voluntarist model of industrial relations leaves the scope of negotiable issues open-ended and potentially limitless, autonomy offered by voluntarism tends to serve unions well only when they are powerful. As the UK case shows, a parallel statutory model which sets narrow scope for negotiation can effectively constrain the scope of possible collective bargaining even in those contexts where unions are recognized voluntarily.

To rectify this spill-over effect, we propose that a more robust set of legislative rights is necessary to facilitate more widespread take up of environmental issues in workplace negotiations. This includes both, (1) the statutory recognition of environmental union representatives together with rights to facility time and pay (rights that unions have advocated for a long time), as well as (2) expansion of the statutory scope of bargaining to include issues of environmental nature.

Finally, for Just Transition processes to be operationalized in practice, UK unions should have more input in policy development. For this to be possible, (3) social dialogue must be institutionalized in a more meaningful way at the regional and national level.

1. Introduction

Human activities in a range of economic (extractive, industrial, agricultural, and service) sectors are significant contributors to global emissions and anthropogenic climate change, and challenge all other planetary boundaries that make human life on Earth possible.¹ The scientific consensus – as expressed by the 2018 Special Report of the Intergovernmental Panel on Climate Change (IPCC) – is that maintaining the rise of global temperatures at 1.5°C above pre-industrial levels, a limit above which the ecological, social, political, and economic risks increase exponentially, requires major systemic change.²

As the IPCC Special Report anticipates, much as climate change itself, efforts to meet CO₂ reduction targets and other requirements related to mitigating climate change will have significant impacts on all human systems. Among others, they will disrupt existing modes of energy generation, natural resource extraction, production and service delivery, with major implications for sustainable development, livelihoods, and jobs.³ While fossil fuel-dependent industries and communities will be most immediately affected, International Labour Organization (ILO) research suggests that inaction will also have, and is already having, massive consequences for a wide range of economic sectors and workers since all jobs rely on a healthy and stable environment.⁴

The ILO sees the advancement of environmental sustainability as desirable for the world of work, and necessary for social justice so long as it aligns with its decent work agenda and principles of social dialogue.⁵ For this reason, the Paris Agreement⁶ has recognized that decent work and ‘Just Transition’ – a process

¹ Scientists at the Stockholm Resilience Centre (Stockholm University) identify climate change as one of nine natural processes that regulate the stability and resilience of life on the Earth system. They have proposed nine planetary boundaries within which humanity can continue to develop and thrive. See W. STEFFEN ET AL., *Planetary Boundaries: Guiding Human Development on a Changing Planet*, in *Science*, 2015, vol. 347, n. 6233.

² INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, *Special Report: Global Warming of 1.5C*, 2018.

³ *Ibid.*

⁴ ILO, *World Employment Social Outlook 2018: Greening with Jobs*. Geneva, 2018.

⁵ *Ibid.*

⁶ UNITED NATIONS, *Paris Agreement*, 2015, Preamble.

whereby decarbonization and ecologically sustainable economies and renewable energy systems are pursued with the view to minimizing the associated impacts on workers and communities' means of survival – must be integral components of any necessary shift.⁷ Along with the adoption of the ILO Guidelines⁸ (2015) and the Silesia Declaration on Solidarity and Just Transition⁹ at the COP 24 (2018), the ILO Global Forum on Just Transition established in 2017 provides an important international framework for the realization of these policy aspirations and commitments. Ultimately, however, operationalizing Just Transition at different (local, regional, national, global) levels is something that will require meaningful institutionalization. For locally appropriate solutions, the latter should emerge out of broad consultation and participation of all affected stakeholders, with unions and workers key amongst them. Crucially, ensuring long-term sustainability that encompasses socio-ecological and economic interests necessitates that these mechanisms and processes be facilitated and continue *post* transition.

Agreement: A Green Mentality for Collective Bargaining is a comparative research project funded by the European Commission, which engages with the question of labour's role in the transition to and in bringing about more long-term sustainable economies and socio-ecological relations. The project encompasses six current and former European Union (EU) countries: France, Hungary, Italy, Netherlands, Spain, and United Kingdom (UK).¹⁰ Contra the notion that interests inherent in job security and environmental protection are always oppositional, the project's overarching premise is that workers and unions have the capacity to be important environmental actors, whose buy-in and know-how are necessary for transformation of our economic models, including the manner of producing and distributing goods and services. Relatedly, the processes of collective bargaining and negotiation – be it at workplace, sectoral or national level – could be key in operationalizing any transitional justice measures, and under the right conditions,

⁷ ILO, *Global Forum on Just Transition: Climate Change, Decent Work and Sustainable Development. Final Report of the 1st Global Forum on Just Transition*, Geneva, 2018.

⁸ ILO, *Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All*, Geneva, 2015.

⁹ *Solidarity and Just Transition Silesia Declaration*. COP 24, Katowice, 2018.

¹⁰ These countries were selected with the view to anecdotal and academic evidence of labour-environment activism as well as the differences in institutional characteristics, especially in relation to systems of industrial relations and how these are regulated. When the project commenced in 2018, the UK was still an EU member state.

reconciling multiple interests and facilitating the emergence and stabilization of more sustainable economic models.¹¹

1.1. Research Questions

To scrutinize these premises, our project aims to examine the extent to which workers and unions are already engaging with socio-ecological questions through the mechanisms available to them, what shape this engagement is taking, and to identify antecedents and barriers to such engagement.

We are specifically interested in learning whether 1) issues that fall under the broad umbrella of environmental sustainability¹² are being integrated into collective bargaining agreements (CBAs) and other workplace policies or norms negotiated by workers and unions with management; and if so, 2) what types of clauses and policies are being negotiated. Relatedly, we were interested in ascertaining 3) the role of legal regulation and collective bargaining institutions, especially the extent to which existing legal frameworks encourage and enable or impede this process of integrating environmental sustainability concerns into labour relations and workplace regulation.

1.2. Case Study: United Kingdom

Despite being at the cusp of ending its EU membership, the UK was selected as one of the project case studies due to the fact that British unions have a demonstrated tradition of engaging with environmental protection and sustainability issues, at least at the policy and political level.¹³ The Trades Unions Congress (TUC) has been promoting union engagement around this agenda since

¹¹ In our view, collective bargaining or akin negotiating processes have the potential to amalgamate labour and environmental sustainability concerns while ensuring that rights of workers and broader social and ecological considerations are balanced against each other, and against economic imperatives, in a manner consistent with values of redistribution, equity and socio-ecological justice.

¹² These could include energy efficiency and other forms of adaptation to carbon-reduction targets or climate change, just transition, green jobs and reskilling, etc.

¹³ See section 2 for a summary of literature on trade union engagement in environmental sustainability issues.

1980s, beginning with its Charter for the Environment¹⁴ and its early calls for union reps to have statutory rights for inspection, information, and training on environmental, pollution, and climate issues¹⁵. More recently, the TUC has produced a significant body of material on sustainability, climate adaptation, and Just Transition.¹⁶ This material ranges from policy briefs and campaign resources setting out their stance on key sustainability issues, to educational and training manuals aimed at building capacity among workers and trade union reps and at preparing them for collective bargaining on these issues. Many of the TUC's constitutive unions have followed suit to develop their own policies, campaigns, and training modules, which led to some often-cited examples of workplace initiatives and agreements pertaining to environment/labour nexus seeing light of day over the past 15 years.¹⁷

At the same time, the UK case also raises the question of whether the structure of British industrial relations, which is highly de-centralized and premised on the notion of voluntarism,¹⁸ is more or less capable of supporting and sustaining integration of environmental concerns through collective bargaining and workplace labour-management negotiations at a broader scale. On the one hand, the scope of what employers and workers can negotiate on when bargaining does take place is, at least in principle, unconstrained in a voluntarist system. This tends to open the possibility of union engagement with a diverse set of issues, including those that are not deemed traditional but which emerge as significant over time. On the other hand, union and collective bargaining coverage in the UK have been in decline since the late 1970s, while the existing statutory framework – a product of progressive erosion of rights ongoing since the detrimental policies of the Thatcher-era – is challenging for unions and workers and defines quite

¹⁴ P. HAMPTON, *Trade unions and climate politics: prisoners of neoliberalism or swords of climate justice?*, in *Globalizations*, 2018, vol. 15, n. 4, at 473.

¹⁵ See *ibid.*, 474. The TUC still had the same demands 21 years later (see TUC, *Trade Unions and the Transition to a Low Carbon Economy*, 2012).

¹⁶ P. HAMPTON, *Workers and Trade Unions for Climate Solidarity: Tackling Climate Change in A Neoliberal World*, Routledge 2015, and P. HAMPTON *Trade unions and climate politics: prisoners of neoliberalism or swords of climate justice?*, *cit.*, reviews some of these initiatives in detail. Also, see LRD reports *Unions and Climate Change – The Case for Union Environmental Reps* (London, 2009) and *Green Unions at Work 2012* (London, 2012). An update of these reports was scheduled to be published by LRD in late 2019. An unpublished draft of this report is on file with the authors.

¹⁷ *Ibid.*

¹⁸ See section 3 for more detailed discussion of union membership rates and collective bargaining coverage.

narrowly the scope of bargaining issues. The recent amendments to the Trade Union and Labour Relations (Consolidation) Act 1992 brought about by the 2016 Trade Union Act have further constrained power of unions through restrictions on, among others, the right to strike¹⁹ and the law on picketing²⁰ and unfavourable changes to the statutory recognition procedure.²¹ Given these institutional and political dynamics, how much scope do unions and workers in the UK really have to take advantage of the possibilities that voluntarism offers? And under what conditions can these possibilities be maximized?

Before we proceed, an important caveat. The original project design anticipated collection and comprehensive analysis of collective bargaining agreements (CBAs) in each participating country study, with the view to ascertaining the prevalence and type of sustainability clauses that might be present to learn about the sorts of actions that unions are taking across Europe, and to consider the importance of institutional settings for actions of this type. However, as we explain in our methodological discussion (section 4), in our UK study we encountered significant challenges in obtaining a representative sample of CBAs to analyse, not least due to the fact that there are no comprehensive and publicly accessible databases of such agreements in the UK. In order to overcome this ‘obstacle’, our research team expanded the number of qualitative interviews (with unionists and managers) and used this data alongside extensive review of union policy outputs to learn about how integrating sustainability with labour issues is perceived by industrial actors, whether bargaining or negotiation on these issues is taking place at the workplace level, and what facilitates or stands in a way of such negotiation. We discuss these findings in detail in section 4.

1.3. Structure of the Report

The structure of this report is as follows. In section 2, we briefly review relevant literature on unions and workers’ engagement at the labour/environment nexus. To contextualize our study next (section 3) we focus on a brief summary of UK industrial relations system and key institutional characteristics, including the legal framework, relevant to the issues of labour-environmental character, and highlight

¹⁹ Sections 2 and 3, Trade Union Act, available [here](#).

²⁰ Section 10, Trade Union Act, available [here](#).

²¹ Namely, sections 16 to 21, Trade Union Act, available [here](#) give wider powers to the Certification Officer.

some examples of policy outputs and advocacy that UK unions have engaged to address limitations of this framework²². Following a short discussion of our methodology, section 4 presents results of our research, focusing on findings and discussion of key themes related to possibilities of engaging and negotiating on issues of environmental sustainability that emerged in our policy review and qualitative interviews with key informants. We conclude with a brief summary of these results, and with a number of recommendations in section 5.

²² For a more thorough discussion and overview see LRD 2009 and LRD 2012, *supra* (n 16).

2. Literature review

While some scholars maintain that unions tend to prioritise their own, jobs-related interests in a manner that propels the “treadmill of production” regardless of ecological implications²³, many recognise that unions are capable of and well positioned to integrate labour and environmental concerns. Indeed, as some have posited, beyond being necessary for successful transitions and climate change adaptation efforts, unions can gain much from these sorts of engagements, with union renewal and reinstatement of their broader social relevance being cited as key benefits²⁴.

Nonetheless, there is a wide range of possible positionalities that organized labour can take with respect to environmental concerns (such as climate change, for example), or the types of coalitions that unions (could or already do) forge with environmental activists, not least due to the fact that the two movements have distinct lineages, functions, and commitments.

To better understand unions’ existing and possible environmental politics and positionalities, scholars have found useful Hyman’s 2001 typology of unions

²³ B.K. OBACH, *Labor and the environmental movement. The quest for common ground*, MIT Press, 2004.

²⁴ M. MASON, N. MORTER, *Trade unions as environmental actors: The UK transport and general workers’ union*, in *Capitalism Nature Socialism*, 1998, vol. 9, n. 2; D. SNELL, P. FAIRBROTHER, AND A. HART, *Blue-green alliances: Union capacities and prospects as environmental actors*, in S. LOCKIE ET AL. (eds.) *The Future of Sociology*, Canberra, Australia, 2009, 1-13; N. RÄTHZEL, D. UZZELL (eds.), *Trade unions in the green economy: Working for the environment*, Routledge, 2013; C. LIPSIG-MUMME (ed.), *Work in a Warming World*. McGill-Queens University Press, 2015; L. SAVAGE, D. SORON, *Organized Labor and the Politics of Nuclear Energy: The Case of the Canadian Nuclear Workers Council*, in *Capitalism Nature Socialism*, 2011, vol. 22, n. 3, 8-29; J. BELLAMY FOSTER, *Marx’ Ecology in Historical Perspective* in *International Socialism Journal*, 2002, n. 96; J. BELLAMY FOSTER, *Marx’ Ecology: Materialism and Nature*. NYU Press, 2000; D. SORON, *John Bellamy Foster: Ecology, Capitalism and the Socialization of Nature - An Interview with John Bellamy Foster* in *Aurora Online*, issue 2004; V. SILVERMAN, *Green unions in a grey world: Labor environmentalism and international relations*, in *Organization and Environment* 2006, vol. 19, n. 2, at 193; A. HAYDEN, *Sharing the work, sparing the planet: Work time, consumption, & ecology*. Toronto: Zed Books, 1999; A. SCHNAIBERG, *The environment: From surplus to scarcity*. New York: Oxford University Press, 1980; B.K. OBACH, *op. cit.*; see also P. HAMPTON, *Workers and Trade Unions for Climate Solidarity*, cit.

based on their market-society-class affinities.²⁵ Looking at the transnational level, Rätzzel and Uzzell, have found that contemporary union climate politics indeed tend to be articulated in accordance with the perception of the degree of change necessary to achieve more sustainable work and economic practices (technological fix or social transformation), and the breadth of interests (beyond labour) they think should be balanced in this process (mutual interest or social movement)²⁶. Similarly, Hampton proposed three distinct approaches – neoliberal, ecological modernization and social transformation – that unions could (and do) adopt, depending on what assumptions they make about the required balancing of interests and the actors or institutions (market, state, society) they deem best placed to respond to the problem (of climate change, for example), and thus ones that unions should engage with²⁷.

In applying his typology to the UK where unions have a long (if not uncomplicated²⁸) history of engagement on ecological issues,²⁹ Hampton noted

²⁵ R. HYMAN, *Understanding European Trade Unionism: Between Market, Class & Society*. London, Sage, 2001.

²⁶ Rätzzel and Uzzell offer a synthesis of the conceptual or discursive frames that international unions (e.g. ITUC) use to articulate their climate politics. These are: technological fix, social transformation, mutual interest and social movement. While the first two frames are distinguished from each other by the *extent of change* they deem necessary for sustainability (technological change, or more substantial social transformational), the latter two vary as to *the breadth of interests* that have to be considered and balanced in context of possible adaptation (those of workers and those of broader society): N. RÄTHZEL, D. UZZELL, *Trade Unions and Climate Change: The Jobs versus Environment Dilemma*, in *Global Environmental Change* 2001, vol. 21, n. 4, 1215-1223.

²⁷ Hampton suggests that unions that adopt the business unionism (market) approach are more likely to subscribe to *neoliberal climate change discourse* and view climate change as a market issue (and one of competitiveness, profitability and employment), which can be resolved through market measures (e.g. emissions trading). These unions will tend to prioritize jobs and accommodate the needs of firms vis-à-vis sustainability concerns. By contrast, unions that gravitate towards the social integrationist approach are more likely to embrace the discourse of *ecological modernization*, with pursuit of co-benefits for social partners but also with concern for wider social justice impacts of climate change and adaptation (e.g. higher fuel costs). They are more likely to look to the state for solutions (and accommodate the state) such as active industrial policy that promotes low-carbon technologies and new green jobs. Finally, unions that take a more explicitly class-conscious approach are likely to be most critical to the existing neoliberal or modernization approaches to climate change adaptation and instead propose *more radical and transformative alternatives*, often in alliance with other social movements (and with no trust in states or markets). P. HAMPTON, *Workers and Trade Unions for Climate Solidarity*, cit.

²⁸ N. RÄTHZEL, D. UZZELL, *Mending the breach between labor and nature: a case for environmental labor studies*, in N. RÄTHZEL, D. UZZELL (eds.), *Trade Unions in the Green*

presence of some elements of the transformative approach but overall concluded that the neoliberal and eco-modernization perspectives have been dominant in the UK, with unions there placing stock in either the market and employers or in the state as actors with which to work towards solutions.³⁰ Lewis and Juravle³¹ reported similar findings in their study of the discursive framings offered by climate champions,³² who in the UK are employees given voluntary, unpaid but semi-official climate watchdog role by the employer. When questioned how climate change ought to be addressed, these champions offered either that free markets will solve the problem, that the government intervention is needed, or concluded that given inherently competing interests there are no easy resolutions.

Economy. Routledge, 2013, 1-12.

²⁹ Literature cites several historical and contemporary examples of environmentally-informed labour activism in the UK. These include pro-ecological proposals incorporated into workers' plans in response to employer restructuring (in 1970s, i.e. the Lucas Aerospace Corporate Plan), union activism and commitments to combat pollution and contamination, lobbying for new environmental regulations, and redefining health and safety in ecological fashion (1980 and 1990s). More recent policy and capacity building efforts (conferences, climate and environment networks, newsletters, training) by the TUC and individual unions in relation to climate change adaptation and energy transition continue this trend. However, scholars also point out that British trade unions have done this work against significant constraints, given the post 1979 climate of anti-union policies: P. HAMPTON, *Workers and Trade Unions for Climate Solidarity*, cit. P. HAMPTON, *Trade unions and climate politics: prisoners of neoliberalism or swords of climate justice?*, cit; M. MASON, N. MORTER, *op. cit.*

³⁰ See also M. MASON, N. MORTER, *op. cit.* These UK findings appear largely consistent with the approach adopted by mainstream policy and unions across the EU and at the international level, where the ecological modernization approach is dominant. Barca, for example, notes that this approach is preferred by organized labour at the EU-level, as represented by the European Trade Unions Confederation (ETUC) and social democrat groups active within the European Parliament. In her view, the Just Transition approach adopted at the international level also falls into this, although it does incorporate the social justice dimension by focusing on interests of workers but also the communities to which they belong: S. BARCA, *Labour and the ecological crisis: The eco-modernist dilemma in western Marxism(s) (1970s-2000s)*, in *Geoforum*, 2017. Similarly, in Canada, trade unions have been shown to prefer "ecoliberalism" and "green new dealism" in responding to climate change: J.P. NUGENT, *Changing the Climate: Ecoliberalism, Green New Dealism, and the Struggle over Green Jobs in Canada*, in *Labor Studies Journal*, 2011, vol. 36 n.1, 58-82, cited in R. FELLI, *op. cit.*

³¹ A. LEWIS, C. JURAVLE, *Morals, Markets and Sustainable Investments: A Qualitative Study of "Champions"*, in *Journal of Business Ethics*, 2010, vol. 93, n. 3, 483-94, cited in P. HAMPTON, *Workers and Trade Unions for Climate Solidarity*, cit.

³² This is a position distinct from 'green reps', who are union-appointed representatives charged with overseeing environmental aspects of union-management relations, or unions' own environmental commitments. As is discussed in section 3, the green rep function is not statutorily recognized or protected in the UK.

Similarly, Swaffield and Bell's³³ study of climate champions found that they consistently failed to challenge limits that neoliberalism imposes on how we tackle problem of climate change.

In principle, these more mainstream (rather than transformational) positionalities do not foreclose opportunities for collective action and bargaining on issues at the labour/environmental sustainability nexus, although they would likely influence the strategies adopted and the content of agreements reached as a result of negotiation. Next, we consider the broader institutional and legal context which delineates what industrial action is theoretically possible in relation to that nexus.

³³ J. SWAFFIELD, D. BELL, *Can 'climate champions' save the planet? A critical reflection on neoliberal social change*, in *Environmental Politics*, 2012, vol. 21, n. 2, 248-267.

3. Institutional Characteristics of Collective Bargaining in the UK

The regulation and practice of industrial relations in the UK have substantially changed in the past few decades. Closely associated with this change has been the fall in union membership, which has halved since 1979³⁴ and dropped to 23.2% of the workforce in 2017³⁵ – although with important differences between the private (13.5%) and public (51.8%) sectors³⁶. Following a similar trend, the percentage of employees covered by a collective agreement fell from 65%³⁷ to 26%³⁸ between 1968 and 2017 – although, again, this is an average estimate, since coverage in the public sector is 57.6% and 15.2% in the private sector³⁹.

This section briefly outlines the historical evolution and current state of the UK's collective bargaining system, and the potential scope for bargaining over environmental issues.

3.1. Multi- to Single-Employer Bargaining

Bargaining in the UK commonly took place at industry and multi-employer level until the 1970's – although the practice had already started to become less frequent in the 1950's⁴⁰. However, the decline of such agreements accelerated in the 1980's⁴¹ and, by the 1990's, 80% of the coverage stemmed from agreements negotiated at the level of a single employer⁴². Resulting in part from the increased

³⁴ 13 million members see DEPARTMENT FOR BUSINESS, ENERGY, AND INDUSTRIAL STRATEGY, *Trade Union Membership 2017: Statistical Bulletin*, 2017, at 4.

³⁵ 6 million members, see *ibid.*

³⁶ See *ibid.*, at 12.

³⁷ W. BROWN, *The Contraction of Collective Bargaining in Britain*, in *British Journal of Industrial Relations*, 1993, vol. 31, n. 2, at 191.

³⁸ DEPARTMENT FOR BUSINESS, ENERGY, AND INDUSTRIAL STRATEGY, *op. cit.*, at 35.

³⁹ See *ibid.*

⁴⁰ H.C. KATZ, *The Decentralization of Collective Bargaining: A Literature Review and Comparative Analysis*, in *Industrial and Labor Relations Review* 1993, vol. 47, at 10.

⁴¹ *Ibid.*

⁴² W. BROWN, *op. cit.*, at 194-195.

international competition and employer demands for flexibility⁴³, this fragmentation⁴⁴ of bargaining structures spread further down to the plant level⁴⁵. Importantly, not all employees who lost coverage by multi-employer agreements were ‘picked up’ by single-employer agreements. This partially explains the massive fall in the percentage of employees covered by any collective agreement since the 1960’s.

Nowadays, worker representation in the UK usually takes place at the level of unions – ‘single-channel’ representation –, and of workplaces – ‘single-employer’ bargaining⁴⁶. As such, workplace-level bargaining is a crucial mechanism for the protection of workers’ rights. However, while it favours voluntarism⁴⁷, the UK system makes it increasingly difficult for unions to organise negotiations with employers. Indeed, literature suggests that UK system allows for any period of trade union weakness to be exploited by firms intent on revoking collective agreements and setting wages unilaterally⁴⁸. The following section covers the process which unions must follow to be allowed to engage in collective bargaining.

3.2. Official Recognition *before* Negotiation

To bargain, UK unions have to be first officially recognized by employers. Recognition can be either voluntary⁴⁹, or mandated through a statutory process.

⁴³ N.E. WERGIN-CHEEK, *Collective Bargaining has been Decentralised in the UK and Germany over the Past Three Decades. But in Germany, Unions Have Retained Much More Power*, published on 12th of April 2012 on LSE’s Blog, available [here](#).

⁴⁴ S. ZAGELMEYER, *Governance Structures and the Employment Relationship: Determinants of Employer Demand for Collective Bargaining in Britain*, Peter Lang, 2004, at 21.

⁴⁵ See H.C. KATZ, *op. cit.*

⁴⁶ K. NERGAARD, J.E. DØLVIK, P. MARGINSON, F. TRAXLER, J. ARASANZ DÍAZ, *UK Engaging with variable pay: Union responses in a comparative perspective*, Paper prepared for the 8th European Congress of the International Industrial Relations Association September 3rd-6th 2007, at 5.

⁴⁷ M. TERRY, *Employee Representation: Shop Stewards and the New Legal Framework*, in *Industrial Relations: Theory and Practice*, P. EDWARDS (ed.), John Wiley & Sons, 2009, at 258.

⁴⁸ G. BOSCH, *Shrinking collective bargaining coverage, increasing income inequality: A comparison of five EU countries*, in *International Labour Review*, 2015, vol. 154, n. 1, at 59.

⁴⁹ Schedule A1, Part II, Trade Union and Labour Relations (Consolidation) Act 1992, available [here](#).

The latter procedure was introduced in 1999 by the Labour government⁵⁰ to address decline in voluntary recognition and consequent decline in bargaining; however, subsequent legislative changes have made the statutory recognition requirements increasingly stringent.⁵¹ As a result, applications for statutory recognition are rare⁵² and, as commentators have noted, in practice, “it is usually the balance of forces between union and employer” which determines whether or not bargaining takes place⁵³.

3.3. Bargaining Scope and the Presumption of Non-Bindingness

Recognition entitles union representatives to bargain with employers. As prescribed by statute, the scope of what employers and employees can negotiate on is fairly narrow – constrained largely to conditions of work (pay, hours, holiday), allocation of work duties, disciplinary matters, facility time for representatives and other trade union matters⁵⁴. However, any other issue may be included if the employer and union representatives agree on it. Thus, where industrial relations are amicable or outright cooperative, or where the union enjoys a position of particular strength, this scope can be expanded regardless of how the union recognition came about.

⁵⁰ Section 1, Employment Relations Act, 1999, available [here](#).

⁵¹ In accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 (available [here](#)), to get statutory recognition, the union needs to apply to the Central Arbitration Committee, which will grant it if – among others – the employer employs at least 21 workers (Schedule A1, §7(1)) and if the union has a certificate (Schedule A1, §6), represents at least 10% of the bargaining unit (Schedule A1, §14(5)), and has evidence that a majority of workers constituting the bargaining unit are in favour of recognition (Schedule A1, §11(2)(b)).

⁵² For example, only 28 applications for statutory recognition for collective bargaining purposes were received in Britain in 2010-2011: A.L. BOGG, *The Death of Statutory Union Recognition in the United Kingdom*, in *Journal of Industrial Relations*, 2012, vol 54, n. 3, at 409.

⁵³ European Trade Union Institute, ‘Collective Bargaining’, accessible [here](#).

⁵⁴ More specifically, Section 178(2), Trade Union and Labour Relations (Consolidation) Act 1992 prescribes the material scope of negotiation as including: terms and conditions of employment, or the physical conditions in which any workers are required to work; engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers; allocation of work or the duties of employment between workers or groups of workers; matters of discipline; a worker’s membership or non-membership of a trade union; facilities for officials of trade unions; and machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers’ associations of the right of a trade union to represent workers in such negotiation or consultation or in the carrying out of such procedures.

It is important to note that the presumption will be that parties to a collective agreement *do not* intend to give any legal force to the agreement – unless a provision stating that it shall be legally enforceable is included⁵⁵ – and most agreements across the country are indeed voluntary⁵⁶. If agreements are not legally enforceable, they will be deemed “binding in honour only”⁵⁷, which is problematic as enforcement will remain optional.

3.4. Facility Time for Union Representatives

Beyond unions’ legal right to collective bargaining, the issue of facility time for union representatives plays a major role in whether or not negotiations take place, and whether they are likely to be successful for the union. Currently, trade union representatives, who are “official[s] of an independent trade union recognised by the employer”⁵⁸, are legally entitled to “reasonable”⁵⁹ time-off for training purposes⁶⁰, for carrying out their official duties, including negotiations⁶¹, and for taking part in any union (or related) activity⁶². These duties and activities cover helping union members with disciplinary or grievance procedures, or discussing issues affecting union members (e.g. redundancies)⁶³. It is important to note that representatives are entitled to *paid* time off to carry out union *duties* – which covers collective bargaining⁶⁴ –, but only to *unpaid* time off to take part in union *activities*⁶⁵. Time off taken for training purposes will be paid⁶⁶. Currently, two

⁵⁵ Section 179(1), Trade Union and Labour Relations (Consolidation) Act 1992, available [here](#).

⁵⁶ TUC, *Guide to Collective Bargaining*, accessible [here](#).

⁵⁷ S. ZAGELMEYER, *op. cit.*, at 22.

⁵⁸ Section 168(1), Trade Union and Labour Relations (Consolidation) Act 1992, available [here](#).

⁵⁹ Section 168(3), Trade Union and Labour Relations (Consolidation) Act 1992, available [here](#). No legal definition of “reasonable time-off” is provided; however, the government says on its website that the following element may be taken into account: “kind of work the business or organisation does; workloads; needs of line managers and co-workers; importance of health and safety at work; amount of time reps have already had off for trade union work” ([source](#)).

⁶⁰ Training should be approved by the TUC or by the independent trade union of which the employee is an official. See section 168(2), Trade Union and Labour Relations (Consolidation) Act 1992, available [here](#).

⁶¹ Section 168(1), Trade Union and Labour Relations (Consolidation) Act 1992, available [here](#).

⁶² Section 170(1), Trade Union and Labour Relations (Consolidation) Act 1992, available [here](#).

⁶³ UK Government, *The rights of trade union reps*, accessible [here](#).

⁶⁴ ACAS, *Time off for trade union duties and activities*, 2010, at 10.

⁶⁵ TUC, *Facility Time: A TUC guide to defending the right to represent members*, 2017, at 4.

categories of union representatives are legally recognised: health and safety representatives⁶⁷, and union learning representatives⁶⁸. Formal agreements regarding time off in relation to other sorts of duties than those covered by statute may be negotiated⁶⁹ but, again, this is voluntary.

3.5. Scope for Environmental Matters

As discussed, the UK voluntarist model allows for negotiations to take place on any kind of issue, as long as union representatives and employers agree. This explains why bargaining in the UK has historically extended beyond terms and conditions of employment to encompass issues related to the organisation and pace of work, technological innovation, processes of production, recruitment, work allocation, or the exercise of disciplinary sanctions⁷⁰. It follows that environmental matters may, in principle, be included in collective bargaining if both parties decide that they want them covered. However, employers are under no legal obligation to add environmental issues to the negotiating agenda, or agree when the union proposes to include them, if they do not wish to do it.

The likelihood such issues will be discussed depends also on whether union representatives perceive them as relevant and/or have time and capacity to engage with them. The law does not currently recognize and extend rights to union environmental reps or grant additional facility time⁷¹ to health and safety reps who might incorporate environmental issues into the scope of their activities. This situation is compounded by the recent statutory changes introduced by the 2016 Trade Union Act, which have introduced new restrictions on trade union facility time⁷² in the public sector.⁷³ It is expected that these changes will likely to reduce reps' capacity to perform their duties effectively, thereby pushing 'fringe' issues, such as environmental sustainability, even further down their agendas.

⁶⁶ See ACAS, *op. cit.*, at 23.

⁶⁷ Regulation 4(2) of the Safety Representatives & Safety Committees Regulations, available [here](#).

⁶⁸ Section 168A, Trade Union and Labour Relations (Consolidation) Act 1992, available [here](#).

⁶⁹ ACAS, *op. cit.*, at 32.

⁷⁰ See M. TERRY, *op. cit.*, at 266.

⁷¹ P. HAMPTON *Trade unions and climate politics: prisoners of neoliberalism or swords of climate justice?*, *cit.*, at 480.

⁷² *Ibid.*, at 483.

⁷³ See *ibid.*, at 9. Also see Section 14, Trade Union Act, available [here](#).

To summarize then, while voluntarism theoretically sets no limitations and leaves it to the actors to determine what appropriate negotiating and bargaining issues are, the statutory framework provides no incentives to the inclusion of environmental issues given that it prescribes the baseline scope of negotiating and bargaining issues narrowly and gives recognition and rights to facility time and pay to only two categories of legal reps. While this might have no impact on workplaces where recognition is voluntary, labour-management relations amicable or outright cooperative, or where the union is particularly strong, it is very likely that these statutory baselines have an effect of disincentivizing broadening the scope negotiations and collective bargaining even in workplaces where, at least theoretically ‘sky is the limit’ in so far as labour-management relations.

4. Presentation and Discussion of Data

4.1. Methodology

The *Agreement* project set out to examine to what extent collective bargaining is being used by unions to advance integration of labour and environmental issues, and to reflect on the relationship between institutional and legal setting and the likelihood that these mechanisms are used. In light of our discussion above, it is perhaps unsurprising that (binding) CBAs have not played a big role in the UK context in so far as issues at the labour/environment nexus. This is not to say that there are no such agreements at all, but their incidence is relatively low, especially in light of the extensive policy efforts that unions have undertaken over the years.

In fact, a major obstacle we encountered in the UK context from the methodological perspective related to the lack of centralized CBA databases and the general difficulty in obtaining CBAs for analysis. Given voluntarist industrial relations, there is no legal requirement for CBAs to be reported or registered. Indeed, even unions themselves do not have complete databases of agreements reached at individual union locals, as reporting is infrequent and random. The databases which exist – such as the Payline maintained by the LRD – do not make available full text agreements, instead tabulating only a selection of key CBA clauses related to pay and work conditions. Our research revealed that the general ‘secrecy’ surrounding workplace bargaining means that even policy officers working for major unions are not abreast with all the developments at the workplace level unless they explicitly seek this information out.

In order to get over this problem, we conducted a review of policy outputs of the major union confederations (i.e. TUC) and major unions in the public and private sectors. We also examined online documentation of select management and business-side organizations, and policy think tanks. This review served to provide a contextual background and to isolate possible examples where bargaining may have taken place. Apart from a couple of well publicized ones, however, we were not able to find references to many concrete collective agreements that had incorporated clauses pertaining to environmental sustainability and related issues. Parallel independent research conducted by the LRD for the TUC corroborates this finding. While, much like previous LRD reports published in 2009 and 2012 (following TUC’s Green Workplaces

initiative), its newest research documents many union-led or co-developed initiatives on 'green' issues taking place at British workplaces, save for one, it does not report examples where such initiatives are concretely integrated as CBAs. As such, despite various efforts taken to secure a representative sample of CBAs to analyse, we were not able to collect a sample for analysis.

In light of this, our team decided to expand the number of these interviews from six, as originally envisaged by the overarching project's methodology, to 12. Our informants, identified through research and the use of snowballing technique, included a selection of union officers at national (UON), regional (UOR) and workplace levels (UOL), ex-union officers still involved in the labour movement (LA) and particularly active on the labour/environmental agenda, policy officers or managers of public and private sector organizations (M), and Local Enterprise Partnership officers (LEP). The objective of these interviews was to better understand whether environmental issues are considered to be workplace issues on both 'sides', and if so, why CBAs are playing such an insignificant role and what other mechanisms are being used by industrial actors instead. Moreover, we also wanted to better understand why following a period of significant activity (2005-2015), between 2015/16 and 2018 union policy and advocacy efforts related to environmental issues were reduced to a point where related campaign pages were taken down (together with the related materials) and training courses for reps interested in 'green' issues ceased to be offered. We were also interested in hearing from managers and people in the business community whether they perceived environmental sustainability as a possible negotiating issue, and whether they thought that unions and workers should be included in shaping companies' sustainability outlooks, policies and efforts. A number of our interviewees also participated in an online meeting and a national workshop during which a draft of this report was discussed.

4.2. Summary of Findings

Our policy review and interview data confirm that UK unions have attempted to seize upon the possibilities inherent in a voluntarist system in so far as broadening the scope of what are deemed to be union issues or issues that could be negotiated with management. However, in the process they have encountered significant attitudinal, institutional and legal barriers. Here, we discuss our findings in more detail under six broader headings, related to the question of whether environmental sustainability is perceived to be a workplace (and a union) issue

(4.2.1.); how to build up capacity of workers to engage in developing policies and processes related to achieving environmental sustainability objectives at the workplace (4.2.2.), including advice on integrating environmental issues into collective bargaining (4.2.3.), and advocating for rights of environmental union representatives (4.2.4.); examples of initiatives and agreements reported in union publications (4.2.5); and the types of barriers or impediments that stand in a way of even more significant engagement (4.2.6.).

Environmental Sustainability: a Workplace Issue

The TUC and many UK unions have been explicit about the fact that environmental sustainability and climate change should be regarded as workplace issues to be integrated into collective bargaining. Apart from the moral case for action, unions are well aware that engaging with these issues proactively is of strategic importance, not least given that climate change is already affecting British workers. As one interviewee pointed out, for example, the work loads of front-line staff in firefighting and health care services have been intensified by more frequent and severe heatwaves and flooding in recent years.⁷⁴ Moreover, there is a wider concern that climate change adaptation and decarbonization requirements, and the price of carbon, will have significant consequences for various industrial sectors, and their long-term viability.⁷⁵ Unions are keen to anticipate and help assuage how this will impact on jobs and workers, and to develop channels through which workers' voices and perspectives are considered in the development of corporate sustainability strategies and regional development plans. This involves discussions of broader processes of 'Just Transition'⁷⁶, and the plethora of ways in which workers can be engaged in helping drive or scrutinize employer efforts to become more 'green'.⁷⁷ While there are some disagreements between different unions on what the best approach is, and what Just Transition entails⁷⁸, there is general consensus that workers should be

⁷⁴ Interview UON1.

⁷⁵ Interview UOR2.

⁷⁶ Interview UOR2.

⁷⁷ This also includes organizing workers in renewable energy sector and other 'green' sectors: Interviews UON1, UON3.

⁷⁸ In recent years, the discussion on Just Transition has been elevated again through several high-profile motions introduced at TUC congress (in 2017, 2018, 2019), as well as new statements on the climate emergency from the TUC. Nonetheless, as we have been told by several participants, the UK labour movement has not always been a united front on this issue. There are disputes

actively engaged in this process. As Unison’s *Greening the Workplace* document sums up, workers should be “actively engaged in negotiating change, rather than [being] at the sharp end of measures that are imposed from on high”.⁷⁹

As unions themselves argue and as we heard from a number of our interviewees, companies can certainly benefit from engaging workers on environmental issues. Indeed, union documents place a lot of emphasis on the mutual benefits that joint environmental initiatives carry for firms and workers. The case for convincing management to work with unions around this non-traditional industrial relations issue builds on the twin argument that unions can play a vital role in helping firms and public sector bodies make financial savings (of energy, water, other resources), as well as achieve compliance with government strategies and regulatory requirements related to sustainable development and climate change (e.g. reducing emissions and carbon footprints). Our interviewees, both those from the union and management sides, also acknowledged that workers ‘on the ground’ are an important source of ideas for possible energy (cost) savings and other production or service-delivery process adaptations.⁸⁰ Indeed, as one manager pointed out, effective implementation of actions their company is taking to achieve carbon reduction targets and to appease shareholders (and consumers) is not possible without worker input and buy-in.⁸¹ As such, in an industrial relations context where union-management relations can be quite divisive, environmental issues can potentially provide opportunities for building positive (or at least, less

between unions acting within the conventional energy sector (i.e. Unite, GMB, Prospect, Community) and those in the public or services sectors (PCS, BFAWU, Unison, UCU) on how Just Transition should be defined, and who should shape this definition. Some interviewees noted that the TUC’s approach to Just Transition has been narrowly framed by larger unions representing energy workers at expense of unions representing public sector or other private sector unions on the basis that their members are not going to bear the brunt of climate-change adaptation through job losses (Interviews UON1; UOR2). As a number of participants expressed, however, approach to Just Transition should be collectively shaped by all unions because climate change will have broad consequences across all economic sectors (Interview UOR1). For some of the larger unions, however taking on a stronger stance is difficult because, as one interviewee noted (and others agreed), they are, “walking a fine line given different and often disparate interests” (Interview UON3).

⁷⁹ UNISON, *Greening the Workplace: Unison’s Policy on Climate Change, the Environment and the Workplace*, 2013, at 3.

⁸⁰ Interviews M1, UOR2.

⁸¹ Interview M1.

confrontational) relationships, with two sides working together towards achieving common goals.⁸²

While our union-side interviewees were careful to emphasize that the role of unions was ultimately to protect worker interests,⁸³ some pointed out that the more conciliatory potential of engagement on workplace sustainability had a number of positive side effects. For example, a couple of interviewees noted that the ‘green’ agenda appeared to encourage more women union members to come forward and step into representative functions, thereby shifting somewhat the gender balance in union leadership.⁸⁴ In fact, a number of interviewees observed that engaging with environmental agenda could be a source of broader renewal and social relevance for unions, as the issue was already attracting new members, particularly among women and young workers.⁸⁵ As such, one interviewee noted that their union was developing recruitment leaflets on their environmental agenda to capture attention of workers who might otherwise be reluctant to engage.⁸⁶ In fact, a number of union-side participants we interviewed themselves became more active in their union due to concerns about and interest in environmental issues, and either to bolster the ongoing efforts their union was already making⁸⁷ or because of frustration that not enough was being done.⁸⁸

Despite the obvious interest in and the potential benefits of engaging with environmental sustainability as a workplace issue, the fact remains, as a number of our interviewees indicated, that this is not a traditional area for industrial relations or workplace negotiation, and, as such, the channels through which it might be addressed in tandem with other workplace issues are not always obvious or present. In the next section we discuss the efforts that UK unions have undertaken in order to raise awareness and build capacity among members on why and how to effectively engage with green issues at work.

⁸² Interview UOR2.

⁸³ Interview UOL2.

⁸⁴ Interviews UON2, UON1.

⁸⁵ Interview UON1, UON2, UOR2.

⁸⁶ Interview UON1.

⁸⁷ Interview UOR2.

⁸⁸ Interview UOL1.

Building Capacity among Union Members

The TUC and its constitutive unions have done much work to build capacity and educate union members on workplace dimensions of environmental sustainability, especially during the 2005-2015 period. TUC publications such as *How to 'Green' Your Workplace – a TUC Guide*⁸⁹, *Go Green at Work*⁹⁰, *Greener Deals: Negotiating on Environmental Issues at Work*⁹¹, and *The Union Effect: Greening the Workplace*⁹² set out the UK labour movement's policy positions on a range of environmental issues, articulating the role for unions in taking action and engaging management on these issues, and providing practical advice for members seeking to get involved. Many of these publications feature illustrative case studies derived from the TUC's GreenWorkplaces initiatives which were launched in two separate two-year cycles, in 2006 and 2008, with support from the Carbon Trust and the Union Modernisation Fund.⁹³ At the time these projects were running, the TUC also published a regular Green Newsletter and coordinated a network of Green Workplaces.

Unions including PCS, Prospect, Unite, Unison, and UCU⁹⁴ and others have produced their own handbooks and guides to encourage members to engage in the action of workplace greening, and some, like PCS and UCU, maintain dedicated webpages where resources are available. Unison publications *Greening the Workplace*⁹⁵ and *Steps Towards a Green Workplace: Evidence from Union Branch Case Studies*⁹⁶ are exemplary, as is Prospect's *Getting Started: They Did!*⁹⁷. Others, like the BFAWU publish a monthly 'Green Stuff' newsletter to disseminate information and raise awareness among staff and union members.⁹⁸

⁸⁹ TUC, *How to 'Green' your Workplace – a TUC Guide*, 2007.

⁹⁰ TUC, *Go Green at Work: A Handbook for Union Green Representatives*, 2008.

⁹¹ TUC, *GreenWorkplaces and Unionlearn, Greener Deals: Negotiating on Environmental Issues at Work*, 2010.

⁹² TUC, *The Union Effect: Greening the Workplace*, Economic Report Series, 2014.

⁹³ DEPARTMENT FOR BUSINESS INNOVATION AND SKILLS, *TUC GreenWorkplaces – greening the work environment*, 2010.

⁹⁴ UCU, *Staff Organizing for Sustainability: UCU Environment Reps Handbook*, 2014; UCU, *Branch Guidance on Environment Reps*, 2015. The UCU has also produced a series of guidance leaflets.

⁹⁵ UNISON, *Greening the Workplace*, cit.

⁹⁶ UNISON, *Steps Towards a Green Workplace: Evidence from Unison Branch Case Studies*, 2013.

⁹⁷ PROSPECT, *Getting Started – They Did!*, 2016.

⁹⁸ Interview UOR2.

In addition to providing information and illustrative case studies of actions already undertaken in workplaces, the TUC and individual unions have developed various tools (i.e. checklists, forms, surveys) to help members carry out workplace audits, conduct staff surveys and other types of information gathering exercises necessary to establish the baseline from which improvements and actions can be planned. For example, the TUC's *How to 'Green' Your Workplace* guide contains a workplace checklist of twenty questions designed to determine how green a workplace already is, while the *Go Green at Work* document provides a whole suite of resources and advice to help members engage in workplace greening. Among others, the resources include a model Joint Environment and Climate Change Agreement, instructions on how to calculate carbon footprints and savings, advice on how to run a union 'green event', and a range of forms (e.g. sample survey, transport review, union green representative appointment form).⁹⁹ Likewise, Prospect's *Getting Started* includes a member resource explaining the role of an environmental rep and examining what steps a member might take to take on the role, and what possible activities they might engage in. Prospect has also published a range of guidance documents on specific issues such as zero carbon travel and transport, energy efficiency, and carbon management plans,¹⁰⁰ as well as a suggested text for an Environment (Sustainability) Charter or CSR Statement (2015). PCS has produced a workplace environmental audit checklist that can be used to assess state of play in a range of areas (e.g. waste and recycling, energy efficiency, procurement, travel), to assist with development of a Workplace Environmental Action Plan. The union has produced an example of such a plan which members can use as a template to monitor progress or to form a joint agreement with the employer.¹⁰¹

Training has been an important aspect of unions' capacity building work, with various modules developed and offered over the years for union representatives interested in taking on green portfolios or in incorporating environmental issues into health and safety or other already recognized areas of union workplace engagement. TUC working with the Trade Unions Sustainable Development Advisory Committee (TUSDAC) offered its first major training course

⁹⁹ TUC, *Go Green at Work*, cit.

¹⁰⁰ PROSPECT, *Members Resource. Workplace Bargaining: Carbon Management Plans*, 2016. Many of these resources have now been archived on Prospect's online library page and are not publicly available.

¹⁰¹ LRD 2019 (unpublished draft, on file with the authors).

Environmental Education for Trade Unionists in 2005 (a follow up from an earlier 2002 pilot)¹⁰², and then ran two-day training courses in subsequent years. PCS and UCU have also offered training on environmental issues, as have Unite, Prospect and Unison.

However, efforts to build capacity and provide training have not always been even. For example, our policy review indicated a significant drop these activities in the years between 2015/6 and 2018. Several of our interviewees attributed this to a change in TUC's political priorities, not least due to rolling out of austerity by the Conservative government, engagement with the latter's industrial strategy, and Brexit. Lack of funding and facility time related to membership loss meant that many structures that the TUC had developed in relation to its green agenda have deteriorated (i.e. annual reps conference, policy development, dedicated web space).¹⁰³ Similarly, interviewees suggested that – in the public sector, for instance, – many workers who received training on green issues and who took on green rep functions (usually voluntarily, on their own time) in their workplaces were subject to cuts and redundancies, and their skills 'lost' in the process.¹⁰⁴

Interviewees reported a recent surge of interest in environmental and climate change issues from union members, including requests for training, information, etc.¹⁰⁵ As one person noted, there is 'lots of energy ... to take this all forward.' This person added, '[I] was in an echo chamber for quite some time, [but, it is] [b]ecoming more normal for members to talk about [the environment]..., making it a union issue'.¹⁰⁶ Another interviewee criticized their union committee for having a particularly disengaged stance and for the fact that, despite often being featured as a particularly active union, the union in fact lacked resources for training and information on making environmental issues part of union agenda in the workplace.¹⁰⁷ However, over the course of our research, this particular

¹⁰² Select Committee on Environmental Audit, Appendix 42 Memorandum from the Trade Union members of the Trade Union Sustainable Development Advisory Committee (TUSDAC), 2004.

¹⁰³ Interviews UON1, LA1, LA2, UON2.

¹⁰⁴ Interview UON1.

¹⁰⁵ Interviews UON2, UOL1, UON1, UOR2. The mainstreaming and politicization of this issue through publicity around developments such as the Green New Deal, Extinction Rebellion protests which took place in London and other UK cities in 2019, and the same year's 'school strikes', seems to be also re-energizing membership. Several new alliances and networks have been established, including Greener Jobs Alliance and TUCAN (Trade Unions Clear Air Network).

¹⁰⁶ Interview UOR2.

¹⁰⁷ Interview UOL1.

member took it upon themselves to move and successfully pass several motions to rectify this situation.¹⁰⁸ When we spoke to this member again some months later, they were re-energized and prepared to continue their engagement with this agenda.

These observations were consistent with the upsurge of training and capacity building activities revealed by our document and policy review. The UCU, for example, ran a 3-day Green Working Course in 2017-18, and has recently developed a new one-day course *Trade Unions and Climate Change – Is Your UCU Branch Organized for the Sustainability Challenges Ahead?*¹⁰⁹ as well as an Environment/Green Reps Induction planned for April 2020.¹¹⁰ As reported in a recent LRD survey, Prospect also launched in late 2019 a new two-day environmental reps' course focusing on climate, pollution, and biodiversity, with emphasis on use of traditional union methods (organising and negotiation) to take workplace action on these issues.¹¹¹ BFAWU, on the other hand, carried a motion to this year's General Federation of Trade Unions general council meeting calling for GFTU to establish and provide training for environmental reps in order to support representatives from smaller unions that do not have resources to develop their own courses.¹¹² More courses are available to interested union members through the Greener Jobs Alliance, which currently offers online courses on Climate Change Awareness, Air Pollution, and Just Transition at Work.¹¹³ This resurgence follows broader return of discussion on climate change, environmental sustainability and Just Transition in union policy discourse, which have been elevated again through several high-profile motions introduced at TUC congress (in 2017, 2018, 2019), as well as new statements on the climate emergency from the TUC.

Framing Environmental Sustainability as a Collective Bargaining Issue

The TUC and union guidance are clear that members should be putting the environment on the workplace bargaining agenda, so as to be 'actively engaged in negotiating change, rather than [being] at the sharp end of measures that are

¹⁰⁸ Interview UOL1

¹⁰⁹ LRD 2019 (unpublished draft, on file with the authors).

¹¹⁰ UCU, *Environment/Green Reps Induction Announcement*, available [here](#).

¹¹¹ LRD 2019 (unpublished draft, on file with the authors).

¹¹² Interview UOR2.

¹¹³ Greener Jobs Alliance courses, available [here](#).

imposed from on high'.¹¹⁴ Given that a significant portion of UK carbon emissions are produced by work activity, there is risk that transition to low-carbon economy will have an impact on jobs and work lives. As such, while UK unions acknowledge that tackling workplace environmental impacts is intrinsically valuable because it contributes to the broader goal of mitigating or counteracting climate change, the case for involving workers in workplace greening is ultimately made on the basis of its mutual benefits for the industrial actors. That is, unions argue that joint environmental initiatives carry economic benefits for firms and employers, while benefiting unions and their members by broadening the scope of collective bargaining and facilitating the process of Just Transition.

The case for convincing management to work with unions around this non-traditional industrial relations issue builds on the twin argument that unions can play a vital role in helping firms and public sector bodies make financial savings (of energy, water, other resources) as well as achieve compliance with government strategies and regulatory requirements related to sustainable development and climate change (e.g. reducing emissions and carbon footprints).¹¹⁵ To build the business case, union members are encouraged to gather data through staff surveys and audits of existing policies and processes (using the tools developed by unions) to establish a baseline of what the ecological impacts are and where improvements can be made, against which targets for action can be set and progress measured.

In terms of benefits for union members, engagement with management on workplace greening, sustainability policies or compliance plans is presented in union publications as opportunity to shape these initiatives at the stage of development, and thus anticipate and possibly counteract how they might affect work conditions, labour processes and job security for members.

The TUC's early position in *Go Green at Work* was that such involvement should, where possible, take form of traditional negotiation and bargaining. Namely, TUC encouraged union members to pursue formal (standalone) agreements on environment and climate change along the TUC model¹¹⁶, with provisions on joint consultation and negotiations structures, and recognition of dedicated

¹¹⁴ UNISON, *Greening the Workplace*, at 3.

¹¹⁵ See for example TUC *Go Green at Work* and Prospect's *Workplace Bargaining: Carbon Management Plans*, cit.

¹¹⁶ *Ibid.*

environmental representatives. Alternately, TUC advised members to integrate the latter within existing arrangements and agreements in the workplace.

Specific unions have issued advice along the same lines. The union Community, for instance, proposes that members negotiate Sustainable Workplaces Framework Agreements encompassing joint commitments to improve environmental performance¹¹⁷, while Unison urges conclusion of ‘green agreements’ as one of its five steps to a green workplace.¹¹⁸ Likewise, Prospect has developed a sample text for Environmental (Sustainability) Charter or CSR policy it encourages members to negotiate. The union also issued bargaining advice related to ‘carbon management plans’¹¹⁹, which members are encouraged to co-produce with employers, or seek consultation rights on. As already noted, PCS also produced an example of a Workplace Environmental Action Plan as a template for members seeking to form joint agreement with management.¹²⁰ As reported by the LRD, transport union TSSA has recently produced a negotiating guidance for union organizers seeking to agree a sustainable framework agreement for non-core payments. The guidance includes: a wider brief for union representatives to include sustainable development in negotiations; giving reps the

¹¹⁷ COMMUNITY, *Health, Safety and the Environment*, online resource notes: “Unions should consider negotiating a sustainable workplace agreement with their employer, which should be both comprehensive in scope and strategic in its approach...Where possible, a Sustainable Workplaces Framework Agreement should include: the union’s and employer’s commitment to improving environmental performance; principles of employee participation, partnership and co-operation; the framework of a joint sustainable workplace policy, and specific issues it will cover, such as energy sourcing, energy efficiency, resource and waste management; mutual responsibilities and joint procedures for dealing with issues; clear objectives, and agree how they will be regularly monitored and assessed; and integrating sustainability objectives with the employer’s statutory health and safety policy, and with its risk assessment process.”

¹¹⁸ UNISON, *Steps Towards a Green Workplace*, cit., at 9-10.

¹¹⁹ Prospect, for example, issued a bargaining guidance to its members in 2016, which considers how involvement in development of carbon management policies and plans (CMP) can benefit union members. CMPs are used by UK firms to facilitate compliance with carbon targets and budgets imposed by the Climate Change Act 2008. The guidance also refers to zero waste policies and company policies on heating, cooling, ventilation, travel & transport, lighting and electrical equipment as all relevant from the collective bargaining perspective. Thus, members are advised to scrutinize and monitor CMP plans and related workplace policies already in place, and where such plans are in development, they are encouraged to negotiate with management on rights to consultation and co-production (of CMPs), as well as on offsetting any negative impacts CMPs and related policies might have on workers and on benefit sharing arrangements where compliance with the plans generates savings.

¹²⁰ LRD 2019 (unpublished draft, on file with the authors).

right to pursue environmentally friendly measures, such as energy saving, waste strategies and travel plans; and union involvement in environmental monitoring and management systems. The union is also restarting its environmental bulletins for reps.¹²¹

Environmental Representatives' Rights Advocacy

All the activities and efforts to prepare members to engage with management which are outlined above rest on presumption that expansion of unions' workplace representation and negotiating agendas is possible within the voluntarist system. Alongside this, however, unions also pursued a rights-based strategy in relation to the statutory recognition of workplace green reps. As noted above, in the current industrial relations framework statutory protections are extended only to workplace union representatives who take on general functions, or those who engage in specialist issues of health and safety and learning. As such, the workplace green/environmental rep positions that unions advocated members take on, came with no guaranteed paid time off, or indeed, employer recognition. In parallel to the above actions then, unions had done extensive advocacy work in support of the rights of union environmental representatives. Indeed, the TUC has argued for statutory recognition of green reps for well over ten years,¹²² urging that such a right would have a "transformative effect in the area of the environment at work"¹²³. Alongside calls for official recognition, the TUC¹²⁴ and various unions called for facility time for green reps, so that they may carry out their functions. Specifically, the following three areas were identified as pertinent: (1) sufficient time off for appropriate and relevant environmental training¹²⁵; (2) sufficient time to carry out an energy and environmental audit with management¹²⁶; and (3) by agreement with management, the option to establish a joint environment forum¹²⁷ for the purpose of consultation between green reps and

¹²¹ LRD 2019 (unpublished draft, on file with the authors).

¹²² TUC, *Go Green at Work*, cit.

¹²³ TUC, *The Union Effect: Greening the Workplace*, 2014, at 8.

¹²⁴ TUC, *Go Green at Work*, cit.; also see TUC, *Greener Workplaces: Negotiating on Environmental Issues at Work*, at 4; TUC, *The Union Effect*, at 8.

¹²⁵ TUC, for example, has advocated for ten days of accredited training in the twelve months following reps' appointment: *The Union Effect*; also see TUC, *Greener Workplaces: Negotiating on Environmental Issues at Work*, at at 4; TUC, *Go Green at Work*, at 13; UCU, *Annual environment report 2016*, 2016, at 7.

¹²⁶ TUC, *The Union Effect*, at 9; and LRD, 2012, at 48; see also South Thames College (*Feb 2009*) for UCU's work in this area.

¹²⁷ TUC, *The Union Effect*, at 9.

management.¹²⁸ Review of various unions' policies, resolutions and motions evidences that many have been making similar calls and commitments to lobbying government for legislative change¹²⁹, or to amend the ACAS Code of Practice on Time Off for Trade Union Duties.¹³⁰ To bolster their case for statutory recognition and furnish evidence of workplace practice, some unions proceeded by also by negotiating change with individual employers¹³¹ or at a sectoral level,¹³² and by encouraging branches to appoint reps and seek to negotiate joint agreements regardless of their legal status.¹³³ To support members willing to take on these roles, Prospect, for example, published a guide for environmental reps to help them negotiate formal recognitions agreement with employers¹³⁴. While the ACAS Code of Practice does recognize that environmental reps are present in some UK workplaces, the campaign for statutory rights has not so far been successful.

¹²⁸ LRD, 2012, at 48; TUC, *The Union Effect*, at 9 and 46; TUC, *Greener Workplaces: Negotiating on Environmental Issues at Work*, at 4; and UCU, South Thames College, 2009.

¹²⁹ BFAWU, '[BFAWU Environmental Strategy](#)', 2017; FBU, '[Climate change and environmental reps](#)', resolution 79, 2007; PCS, [Motions to PCS 2015 Annual Delegate Conference](#), 2015; PCS, [Motions to PCS 2016 Annual Delegate Conference](#). PCS, '[Call for transition to zero carbon economy](#)', 2016; PCS, '[PCS Green Policies](#)'; UCU, '[UCU Guidance Leaflet, 'Energy Management – What role for the UCU?'](#)', 2010, 5; also see UCU Wales, '[A sustainable Wales better choices for a better future: consultation on proposals for a sustainable development bill](#)', UCU response', 2013, 3; UCU, '[UCU Environment Reps Handbook](#)', 2014; UNISON, '[Green Jobs, Green Services, Green Workplace Reps](#)', motion to the Local Government Service Group Conference, 2010; UNISON, '[Greening the workplace UNISON's policy on climate change, the environment and the workplace](#)', 2013, 3; UNISON, '[Facility time guidance](#)', 2017, at 3; UNISON, '[2018 Conference Decisions At the Water, Environment and Transport \(WET\) Service Group Conference held on Sunday 17 June 2018 in Brighton](#)', Motion 23.

¹³⁰ UNISON, '[Greening Further Education](#)', motion to the Local Government Service Group Conference, 2009.

¹³¹ For example, in 2009, UCU reps in South Thames College requested that the college formally recognise environmental reps: [South Thames College \(February 2009\)](#); see also UNISON, '[UNISON, Steps Towards a Green Workplace: Evidence from Unison Branch Case Studies 2013](#)', at 5; COMMUNITY, '[Health, Safety, and the Environment](#)'.

¹³² UCU Wales called in 2013 for the automatic recognition of environmental reps by public sector bodies: '[A sustainable Wales better choices for a better future: consultation on proposals for a sustainable development bill](#)', UCU response', March 2013, 3.

¹³³ UCU, '[Branch guidance on environment reps](#)', August 2015, at 1; PCS 2018 Annual Delegate Conference adopted a policy underlined the importance of environmental reps in reaching local environmental agreements and action plans: PCS, '[Environment policy agreed at PCS Annual Delegate Conference \(ADC\)](#)', 2018.

¹³⁴ PROSPECT, *Getting Started – They Did!*, 2016, at 14.

Agreements and Workplace Initiatives

Survey reports published by the LRD in 2009 and 2012 documented that the TUC and its constitutive unions' capacity building efforts were translating into interest in and take up of environmental issues by union members at the workplace level. Specifically, the surveys showed a growing numbers of green reps across UK workplaces, and branches reporting discussions on environmental issues starting to take place within existing or newly established joint consultation and negotiation structures. Namely, some union members were reporting that they agreed with management to start addressing issues related to environmental sustainability (e.g. carbon reduction) in the context of joint negotiating committees, steering groups or health and safety committees. In some workplaces, the remit of existing committees was expanded, and unions were able to negotiate also expansion of the remit of health and safety representatives' portfolios to include environmental matters. In others, unionists reported that dedicated joint environment committees or other dedicated 'green' forums were being established, and that, in some cases, dedicated environmental reps positions (with paid facilities time) were being recognized by employers.¹³⁵

Despite these positive findings, the LRD surveys and union literature make relatively few references to more comprehensive, stand-alone union-management agreements on environment and workplace greening being concluded, or to widespread integration of these issues into collective bargaining. LRD research carried out in 2019 confirms this finding.¹³⁶ Below we review some examples of agreements that have been widely reported, starting with those that are wider in scope.

CSR and Environmental Agreements

One of the earliest agreements noted in union publications is the Corporate Social Responsibility Agreement that the energy company EDF negotiated with its unions in 2005 and revised in 2009. This agreement has international scope; in the

¹³⁵ According to the 2009 and 2012 LRD surveys (*supra*), 16% and 46%, respectively, of workplaces that answered the survey reported that some union-management discussion on climate change and environmental issues was taking place within the context of established joint health and safety committees. The surveys also noted that reports of joint environment committees relayed by respondents went up from 6% to 28%.

¹³⁶ LRD 2019 (unpublished draft, on file with the authors).

UK, it was signed by GMB, Unison, Prospect and Unite-Amicus. It commits EDF to implement a policy to prevent and reduce known environmental hazards and to implement a precautionary policy related to the business activities of the EDF Group companies in order to achieve compliance with the to an ISO 14001 certification. One of its commitments is to make substantial energy efficiency improvements and carbon footprint savings within EDF workplaces.¹³⁷

More recently, in 2016, the union Prospect reported that its environmental representatives at the Davenport Royal Dockyard, along with colleagues from GMB and Unite, concluded an environmental agreement with the Ministry of Defense, Interserve and Babcock Marine and Technology.¹³⁸ The agreement includes commitments to allow formal participation of unions in various actions, including those related to energy consumption, efficiency and carbon reduction, use of resources, development of clean transport strategy, identifying and reducing risks and environmental accidents, optimizing resource consumption and waste disposal. As part of this agreement the employers recognised the role of 35 environmental representatives, and the unions got a seat on the management's environment committee, energy efficiency group, and committees tasked with addressing waste and water management as well as new infrastructure and building projects on site.

Agreements on Negotiating Structures and Recognition of Environmental Reps

Recognition of environmental representatives was also the outcome of negotiation between UCU and the South Thames College (South London). Part of the agreement related to the inclusion of reps into existing joint discussion and negotiation structures: the College's Environmental Sub-group and the Health, Safety and Environment Committee. The agreement recognized the reps' role in promoting sustainability workplace initiatives and practices, as well as their rights to consultation on workplace policies and participation in environmental risk assessments. The reps were also placed in charge of promoting environmental training at the College. One outcome of this integration has been the award winning Furzedown Low Carbon Zone initiative, which was developed beginning

¹³⁷ EDF, Global Framework Agreement on the EDF Group's Corporate Social Responsibility, 25 January 2009; see also TUC, *Greening the Workplace*, at 23-39.

¹³⁸ B. HALL, *Prospect leads the way on workplace environmental sustainability at Davenport Royal Dockyard*, 25 November 2016. The Agreement is archived on Prospect's website.

in 2010, by the UCU and Greener Jobs Alliance, as a union-college-community project.¹³⁹

Another recognition agreement was negotiated at the Bristol City Council, with Unison, GMB and Unite reps. Specifically, the unions managed to negotiate facility time for 12 environmental reps constituting a Green Reps Committee (both of which were established voluntarily by the union, with a proposal for recognition put forward to the management). The facility time of 2 days per month for each rep was allocated for dealing with environmental issues and training. The management also agreed to the work programme that the Green Reps Committee developed, and which included initiatives on waste and recycling, replacing large bottle water dispensers with filtered, cooled mains water, developing waste management policies for Council organized events and establishing an eco-driving scheme.¹⁴⁰

Likewise, at the Great Ormond Street Hospital (NHS Trust), one of TUC GreenWorkplaces 2008-2010 Union Modernization Fund supported case studies, UNISON representatives negotiated a Joint Environment Committee (chaired by UNISON branch secretary), with reasonable time off for environmental reps to carry out audits supported by standard checklist. The Joint Environment Committee spearheaded various initiatives aimed at 'greening the workplace' including environment week, a move to paperless meetings, installation of a high efficiency boiler on one of the sites.¹⁴¹

A joint union-management committee was also an outcome of a negotiation between Unite and the Port of Felixstowe, with Unite reps being released to attend a 3-day TUC Trade Unions and the Environment Course. In addition to making joint-recommendations and identifying necessary changes as part of the joint Committee, union representatives were also integrated into the Travel Steering Group. Between years 2008 and 2012, significant impacts were reported, including a 10% carbon footprint reduction and a very substantial (10-65%) increase in the rate of recycling.¹⁴²

¹³⁹ TUC, *The Union Effect*, at 30.

¹⁴⁰ UNISON, *Steps Towards a Green Workplace: Evidence from Unison Branch Case Studies*, 2013.

¹⁴¹ TUC, *Greening the Workplace*, at 34-38.

¹⁴² LRD 2012, at 44.

PCS representatives and management at the HM Revenue and Customs branch in Lillyhall negotiated a joint environmental sustainability plan (for years 2011/2012) designed to meet the government's "Greening Government Commitments". Among others, the plan set up targets to reduce greenhouse emissions and waste by 25% each, and to reduce water consumption.¹⁴³ Members of the PCS also sit on the Higher Education Funding Council for England's (HEFCE) environmental action group. The group is tasked with advising on reduction of environmental footprint, with relation to emissions, water and energy usage, waste, etc. The group also considers transit options and promotes cycling to work as well as other eco-measures such as car-sharing, video conferencing, and season-ticket loans. During one round of bargaining, the PCS reps also looked at the environmental impacts of pay settlements, negotiating a bike loan scheme to encourage members to get to work by bicycle.¹⁴⁴

Finally, some of the agreements that are reported relate to expansion of the remit of the health and safety committee, rather than creation of a separate environmental consultation and joint negotiating bodies. For example, at Western Power Distribution, management agreed with the unions – Prospect, GMB, Union, and Unite – to expand the remit of the health and safety committee, allowing four additional environmental reps to sit on the body. As part of the agreement, the unions negotiated time off for training of the existing health and safety and the new environmental reps.¹⁴⁵

Similarly, at T&G and Millennium Chemicals, the union Community negotiated with the employer the integration of environmental issues into the realm of health and safety and under the auspices of the Safety, Health and Environment Department. The company agreed that the union appointed SHE reps can meet once monthly together with other union reps, shop stewards, and leaning reps.¹⁴⁶

¹⁴³ ECOLOGIA E LAVORO, *Guide for Trade Union Representatives for Sustainable Development*, 2013, at 27.

¹⁴⁴ While quite a few agreements on transport and bike-to-work schemes have been reported, one that stands out is the agreement reached between Unison and the University of Brighton. The union did not just negotiate padlocked and covered cycle storage and interest free cycle loans and season's tickets; it also negotiated a 10 minute 'changing time' granted as part of core flexitime. See: COMMUNITY, Health, *Safety and the Environment*, online resource.

¹⁴⁵ TUC GreenWorkplaces and Unionlearn, *Greener Deals: Negotiating on Environmental Issues at Work*, 2010, at 28-29.

¹⁴⁶ TUC, *Go Green at Work*, at 54-55.

At the insurance company Legal and General, Community members negotiated with the employer to obtain release for half-day environmental training on company's environmental programme. They also negotiated membership in the Environment Committee (which feeds into the overall Corporate Social Responsibility Committee). Reps at Legal and General can perform health and safety audits, including issues of energy, waste management and recycling. Training for employees was also negotiated by the unions at A&P Marine.¹⁴⁷

Union and Joint-Action to Achieve Targets and Information Campaigns

In addition to agreements setting up or expanding existing representative structures, members also reported some agreements of substantive nature, either expressing the commitment to achieve certain jointly identified green goals and targets, or ones focused quite specifically on delivery of training events and one-off workplace initiatives either by the union or on a joint basis.

As the union publications we reviewed indicated, unions and workers are actively engaged in setting up and running, either on their own initiative or jointly with management, workplace programs and actions related to waste and recycling, reduction of energy consumption, monitoring and reduction of emissions, improvement of the work environment (i.e. through introduction of pollution-reducing plants), development of alternative transport options (cycling, electric, hydrogen, etc.), sustainable food and catering, curriculum development, various community-oriented initiatives and projects (i.e. tree planting, ecological restoration, etc.).

At Leicester City Council, for example, GMB, Unison and Unite representatives built the case for recognition and worked with the city council's environmental team on a range of initiatives related to staff awareness. Among others, they produced leaflets and ran an online staff survey which was designed by the Unison rep in consultation with the other unions. Joint union-management workshop was organized to consider what role the unions could play in feeding issues and information from staff to management and how staff could participate more fully in the Council's initiatives. Unions were then asked to put together a proposal on how they can be involved.¹⁴⁸

¹⁴⁷ TUC, *Greening the Workplace*.

¹⁴⁸ UNISON, *Steps Towards a Green Workplace*, at 7-8.

In 2013, at Defra (York), PCS and management jointly conducted environmental audits across 11 operational areas. This was intended to be a baseline to measure future improvements, and against which action plans would be reviewed. Unions developed the audit checklist and the audit was carried out by the PCS rep together with the management rep. PCS produced the final report, proposing a second audit to measure improvements. However, austerity-related cuts to the union facility time that came subsequently had a significant impact on the rep's capacity to carry out monitoring surveys and audits.¹⁴⁹

At United Utilities, which was also one of the TUC GreenWorkplaces projects, Unison, Unite, GMB and Prospect pushed for expansion of United Utilities' existing work on carbon reduction and environment. They organized an event with union reps, to which representatives from twenty different United Utilities sites were invited. Twenty-one reps were trained during two separate workshops.¹⁵⁰

The above examples demonstrate a good range of negotiations and workplace actions, although there is no sufficient recent data to conclude just how representative and widespread these types of activities continue to be. The most recent LRD publication reported referenced only on significant agreement (at Davenport Royal Dockyard) being concluded in recent years. At the same time, we were told by our interviewees that workplace-level negotiations on green issues are frequently not incorporated into official agreements, and many remain unreported.¹⁵¹ While this lack of formal contracting is consistent with the voluntarist practice, it also leaves agreements on green issues relatively vulnerable.

As we discuss below, our research suggests a range of barriers which stand in a way of more robust engagement, and more widespread incorporation of green issues into collective bargaining agendas and practice. These range from communication problems, to issues of capacity, experience and awareness – all, despite the work that had been done by unions during the 2005-2015 period. Moreover, one resounding message that our interviewees conveyed was that the

¹⁴⁹ TUC, *The Union Effect*, at 16-22.

¹⁵⁰ UNISON, *Steps Towards a Green Workplace*, at 6.

¹⁵¹ Interviews LA2, UON1, UOR2. Indeed, even our interviewees – many of whom are union officers – had few concrete new examples of agreements to share.

legal framework and structure of industrial relations in the UK are an important impediment to more engaged and widespread bargaining on green issues.

Barriers to Widespread Take-up of the Environmental Sustainability Agenda

As noted above (4.2.2.), despite the TUC and unions' efforts to build capacity on the labour/environment nexus, the flow of information and training reduced significantly during the period between 2015/6 and 2018. During this time, TUC's dedicated webpages ceased to exist or became more difficult to access (as they became archived, and many hyperlinks were not functioning). This was also the case for some individual unions' online resources, policy support and training offerings. While related to shifting priorities during austerity and changing political landscape, as many of our union-side interviewees confirmed, the consequence of this ebbing engagement with environmental sustainability/labour nexus was a considerable loss in momentum and an emergence of an information gap.

Indeed, as we heard from our interviewees, even when it gets prioritized, information about union green policies and workplace initiatives is not always disseminated widely enough to reach all members and workplaces. Our interviews revealed that despite the fact that larger national unions have well developed environmental policies (even though these have been sidelined in recent years) which are available to their members, many union members remain unaware that these policies and related resources exist.¹⁵²

This, in turn, has implications at the workplace level, where as one manager put it, both sides often see 'environmental sustainability [as] something that could potentially get in the way of everyday life',¹⁵³ rather than something that can be subject to negotiation. Lack of information can limit opportunities for workers to raise and frame these issues in ways that protect their interests or emphasize mutual benefits, and conflicts can ensue as workers are more likely to resist adopting management-initiated changes to work process aimed at achieving environmental compliance. In addition to lack of knowledge, reluctance to

¹⁵² While gaps in communication about existing resources relate in part to re-allocation of resources in light of changing priorities, regulatory compliance with processes such as the EU-required GDPR regulation implementation also had the (unintended) impact on maintenance of lists of reps interested in environmental issues (Interview UON1).

¹⁵³ Interview M1.

cooperate with management often stems from the fact that managers fail to communicate why changes or targets have to be achieved.¹⁵⁴ As one manager noted, changes are often communicated ‘without explaining why’ they are introduced; whereas ‘[workers] *have to understand* why [a change is needed], not just be ‘told’ (emphasis added)¹⁵⁵.

Communication problems between unions and management also relate to the absence of clear channels for discussing environmental issues, which, in turn, signals to management that engaging unions in this context might not be necessary or relevant.¹⁵⁶ Indeed, poor integration of unions in consultation structures is not only a problem at the level of the workplace, but is also a broader issue. A Local Economic Partnership (LEP) officer we interviewed, for instance, noted that unions were not one of the stakeholders that the LEP engaged around environment and sustainable economic development issues. This was despite the fact that amongst the key priorities in the LEP’s region – also in relation to its sustainable development agenda – were the issues of labour and skills. The interviewee acknowledged that lack of union representation among key stakeholders was an obvious gap but noted that unions were not originally envisaged to be amongst LEP stakeholders and as such there were no formal/official incentives or channels for consultation with them on issues of environmental sustainability.¹⁵⁷ Recent efforts to rectify this include the establishment of the Low Carbon Task Force by the Yorkshire and Humber TUC, although, this is, again, an effort led by unions.¹⁵⁸

This problem is mirrored at the national level, where unions have been scarcely engaged in social dialogue on environmental sustainability or Just Transition. While UK has signed and ratified the 2015 Paris Agreement and endorsed the

¹⁵⁴ Interview M1.

¹⁵⁵ Interview M1. This interviewee also conveyed that apart from the fact that workers are more likely to buy-into changes when they are cognisant of their purpose, they also noted that ‘incentivizing’ changes and participation in achievement of company targets would achieve higher buy-in results. For example, if there are savings to be made as an outcome, there is no reason why these savings should not be redistributed (Interview M1). At the same time, as one union-side participant observed, bonuses stemming from energy saving initiatives are not necessarily of long-term benefit since ‘after a while the savings that can be made have been made, and so the bonuses go down with time as well’ (Interview UON3).

¹⁵⁶ Interview M2 and M1.

¹⁵⁷ Interview LEP1

¹⁵⁸ TUC, *Low Carbon Task Force in Yorkshire and Humber*, 19 April 2018.

2018 Silesia Declaration, the industrial strategy adopted by the Conservatives in 2017 made no reference to either Just Transition or social dialogue, despite identifying clean growth as one of the four “grand challenges” for the British economy.¹⁵⁹ These omissions are unsurprising given longer-term tendency of UK governments to marginalize organized labour in the realm of policy development. As others have already shown, consultative tripartite bodies established by previous governments – Labour’s Forum on Just Transition (2009) and Coalition’s Green Economy Council (2010) – failed to institutionalize meaningful social dialogue on just transition, or much else.¹⁶⁰ While some efforts are made to rectify this in Scotland, with the establishment of the Just Transition Commission, no similar effort has yet been taken by the UK government.¹⁶¹

The lack of proper channels for consultation around environmental issues relates partly to the way in which these issues are addressed in the current legal framework. A number of interviewees suggest that the this framework is not facilitative and is a significant obstacle to making collective bargaining and joint employer-worker actions in relation to environmental sustainability.¹⁶² In words of one labour activist we interviewed: “It all connects: anti-union, weak labour law and weak labour bargaining rights and absence of rights for environmental reps.”¹⁶³

¹⁵⁹ DEPARTMENT FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY, *Industrial Strategy: The Grand Challenges (Policy Paper)*, 2017.

¹⁶⁰ See P. HAMPTON, *Workers and Trade Unions for Climate Solidarity*, cit., at 75-76.

¹⁶¹ However, a few recent developments suggest a possible opening up of the space in this field. In 2018, the Scottish SNP government established its own Just Transition Commission, with union representation and terms of reference mandating social dialogue with, among others, workers and businesses, as well as affected communities and NGOs. While no parallel has been established in the UK, references to just transition are making their way into some government policy documents. A document prepared by Brookings for the UK Department for Business, Energy and Industrial Strategy in anticipation of COP26, which the UK was set to host in 2020, identifies just transition as a desirable goal that governments have to support, and references social dialogue with workers and their unions as a key mechanism. Recommendations related to just transition have also made their way into the 2019 report by the Committee on Climate Change, the UK’s independent expert body tasked with advising government on low carbon economy and climate. The CCC’s previous 2017 report made no such references. See: D.G. VICTOR, F. W. GEELS, S. SHARPE, *Accelerating the Low Carbon Transition: The case for stronger, more targeted and coordinated international action*. Brookings, 2019; COMMITTEE ON CLIMATE CHANGE, *Net Zero: The UK’s Contribution to Stopping Global Warming*, 2019.

¹⁶² Interviews UOR1, LA1.

¹⁶³ Interview LA1.

As noted in section 3, the UK's statutory framework that sits alongside the voluntarist model is regarded as a mechanism of 'last resort', and as such does not recognize or mandate representation rights or collective bargaining on green issues. Decisions on expanding the latter are left to voluntary action, which in turn depends largely on unions' industrial strength and/or amicable relations between management and labour.

As such, as one of our participants observed, "environmental initiatives are very much dependent on the good relations between union reps and the company."¹⁶⁴ Another person we interviewed noted that it was the strength of the particular bargaining unit they belong to that gave their union the power to put various issues on the agenda, but also to contest problematic developments management initiated and help shape management policies in manner that balances their union's commitment to sustainability with the equity interests of its members.¹⁶⁵ Absent those conditions (of good relations and/or strength), the leverage that unions and workers have around issues that are not traditionally recognized as bargaining issues is more limited. As one interviewee observed: "Management don't care about staff salaries/work conditions – why would they care about environment?"¹⁶⁶ This is especially so in those organizations where there are few or no formal channels for consultation on these issues.¹⁶⁷

This leaves issues of environmental sustainability fragile, and the first to fall off the agenda if they make it on the negotiating agenda at all. This is especially in light of the fact that employers are not legally required to recognize or provide facility time and pay to union members who take on roles of environmental reps. Given limited time and resources, environmental issues are perceived to compete with 'bread and butter' issues such as pay and working conditions. As such, putting them on a collective bargaining agenda is particularly difficult even in workplaces where recognition is voluntary, and they are often "kept at the bottom of the priority list".¹⁶⁸

Alongside advocating for statutory recognition of green reps, one way in which unions started to address the challenges posed by the legal status of environmental

¹⁶⁴ Interview LA1.

¹⁶⁵ Interview UOL2.

¹⁶⁶ Interview UOL1.

¹⁶⁷ Interview M1.

¹⁶⁸ Interview UON1.

issues is to discursively, and strategically, shift the green agenda under the auspices of health and safety or other ‘relatable’ issues like pollution.¹⁶⁹ Indeed, for some unions environmental issues have been always subsumed under the health and safety umbrella. Instead of encouraging workers to become environmental reps, some unions have instead encouraged health and safety reps to get trained and take on some environmental matters, so that they can assume these roles with some recognition of time and effort.¹⁷⁰

At the same time, concerns have been expressed that when environmental agenda is left to health and safety reps, it is more likely to be sidelined due to capacity and time issues. Instead, some interviewees persisted in conviction that changes in regulation were necessary to make environmental issues more mainstreamed and to give unions and workers power to engage in shaping related policies. As one interviewee pointed out, statutory recognition of green reps would enable those workers who are keen specifically on the environmental agenda to engage with it – and this is likely to yield better results.¹⁷¹ Indeed, one manager we interviewed was in agreement, noting that making environmental sustainability issues akin to health and safety – not in so far as collapsing the two, but rather extending similar legislative requirements to them – would be an important way of incentivising action.¹⁷²

¹⁶⁹ Interviews UON3, UOR2, LA1, LA2.

¹⁷⁰ Interview UOR3.

¹⁷¹ Interviews UON1, UON2.

¹⁷² Interview M1.

5. Conclusions and Recommendations

Our policy review and interview data confirm that UK unions have attempted to seize upon the possibilities inherent in a voluntarist system in so far as broadening the scope of what are deemed to be union issues or issues that could be negotiated with management. Not only is environmental sustainability acknowledged as a relevant workplace issue by unions, managers and members of the business community we interviewed tend to agree that engaging workers around this agenda is important and that doing so is of mutual benefit for workers and firms.

While the TUC and constitutive unions' must be credited for significant policy development and capacity building efforts in the post-2005 decade, the dip in activity post 2015/16 suggests that green issues remain vulnerable to external political context and shifting (internal) union priorities. Indeed, how best to approach these issues has also been subject to internal conflicts, as unions have not always been a united front on this.

Although many workplace initiatives have been reported throughout the UK, the union publications we reviewed tend to refer to the same key examples, and there are relatively few reports of comprehensive agreements on environmental sustainability or integration of environmental issues into broader collective bargaining. Given challenges in obtaining CBAs, it is also difficult to ascertain how representative the reported examples are and how widespread integration of environmental issues into workplace negotiation is in practice. As discussed here, our interview data suggests that these practices are not as widespread as they could be, and that this is related in part to remaining issues of capacity, awareness and communication. More crucially, our research suggests that concrete institutional and legal barriers stand in a way of a more extensive engagement between the industrial partners. Specifically, the exclusion of environmental issues from statutory scope of collective bargaining, lack of rights for environmental reps, and general sidelining of labour and processes of social dialogue under Conservative governments tend to stand in a way of embedding the labour/environment issues in industrial relations and workplace negotiations (e.g. through incorporation into CBAs).

While the voluntarist model of industrial relations leaves the scope of negotiable issues open-ended and potentially limitless, autonomy offered by voluntarism

tends to serve unions well only when they are powerful. As the UK case shows, a parallel statutory model which sets narrow scope for negotiation can effectively constrain the scope of possible collective bargaining even in those contexts where unions are recognized voluntarily. To rectify this spill-over effect, we propose that a more robust set of legislative rights is necessary to facilitate more widespread take up of environmental issues in workplace negotiations. This includes both, the statutory recognition of environmental union representatives together with rights to facility time and pay (rights that unions have advocated for a long time), as well as expansion of the statutory scope of bargaining to include issues of environmental nature. Finally, for Just Transition processes to be operationalized in practice, unions should have more input in policy development through a more meaningful institutionalization of social dialogue at the regional and national level. In this way, the awareness and capacity that the TUC and major constitutive unions have sought to build would find a more receptive institutional ground. This will benefit not only workers but also businesses seeking to achieve sustainability targets and to develop more sustainable systems of production and service delivery in the long term.

