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**Deconstructing the Labour-Productivism Nexus:
A Capability Approach to Labour Law
and Industrial Relations Institutions***

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1. Introduction

The transition to climate neutrality is not only an environmental necessity but also a fundamental human rights issue. Achieving a sustainable future requires upholding the right to live in a healthy environment and reducing pollution-related mortality rates, which disproportionately impact disadvantaged social groups¹.

* This paper has been written as part of the *Riccardo Del Punta Scholarship*, and an earlier version of the paper has been presented at the ULB seminar on 17 April 2025, held at the *Centre de Droit Public et Social* of the *Université libre de Bruxelles*.

¹ ARABADJIEVA, BARRIO, *Rethinking social protection in the green transition Implementing the Council Recommendation on fair transition*, ETUI Policy Brief, 2024, 10; HEKMATPOUR, LESLIE, *Ecologically Unequal Exchange and Disparate Death Rates Attributable to Air Pollution: A Comparative Study of 169 Countries from 1991 to 2017*, in *ER*, 2022, 212; AKGÜÇ, ARABADJIEVA, GALGÓCZI, *Why the EU's patchy 'just transition' framework is not up to meeting its climate ambitions*, ETUI Policy Brief, 2022, 06; BARBERA, *Giusta transizione ecologica e disuguaglianze: il ruolo del diritto*, in *DLRI*, 2022, n. 175, p. 339 ff.; ROSSIGNOLI, *Giustizia Ambientale. Come sono nate e cosa sono le disuguaglianze ambientali*, Castelveccchi, 2020.

Labour law scholars have long debated how labour law can ensure that this major shift in industrial capitalism aligns with principles of social justice². More recently, some have argued that labour and social law should integrate environmental protection as a core objective rather than treating it as an external factor³. This perspective expands the role of labour law beyond merely mitigating the negative effects of decarbonisation policies on workers and businesses. Instead, it advocates actively shaping new forms of production and employment that support environmental sustainability⁴. Labour law should not only promote a fair distribution of the benefits and costs of the transition⁵, but also have a direct ecological impact⁶.

A key argument in this debate is that if workers had the freedom to choose between an environmentally sustainable job and a carbon-intensive job, they would likely opt for the former⁷. In other words, if we were in a hypothetical state of nature – meaning in a condition of absolute freedom of individual choice and equality among rational people that disregards their real-life-status – the moral and rational criterion guiding individual decisions would be oriented toward environmental sustainability.

² AA.VV., *Introduction: The Labour-Environment Nexus - Exploring New Frontiers in Labour Law*, in *IJCL*, 2023, n. 3&4, p. 271 ff.; See also the special issue ed. by ZBYSZEWSKA in 2018, for *CLLPJ*, with contributions by ZBYSZEWSKA, ROUTH, CHACARTEGUI, TOMASSETTI, KULLMANN, 2018, 40, p. 1 ff.; DOOREY, *A transnational law of just transitions for climate change and labour*, in BLACKETT, TREBILCOCK (eds.), *Research Handbook on Transnational Labour Law*, Edward Elgar, 2015, p. 6; SEN, *Sustainable Development and Our Responsibilities*, in *PO*, 2010, XXVI, 98, p. 134.

³ CARUSO, DEL PUNTA, TREU, *Il Diritto del Lavoro nella giusta transizione. Un contributo "oltre" il manifesto*, in *WP C.S.D.L.E. "Massimo D'Antona"*, 2023; CARUSO, DEL PUNTA, TREU, *Manifesto for a sustainable labour law*, in *WP C.S.D.L.E. "Massimo D'Antona"*, 2020.

⁴ CARUSO, DEL PUNTA, TREU, *Il Diritto del Lavoro del*, cit., pp. 15, 17 and 45; DERMINE, DUMONT, *Conclusion: Utopias for an Ecological Social Law and How to Get There*, in BUENO, HAAR, ZEKI (eds.), *Labour Law Utopias: Post-Growth and Post-Productive Work Approaches*, Oxford University Press, 2024; L. ZOPPOLI, *Derecho laboral y medioambiente: stepping stones para un camino difícil*, in this journal, 2023, I, p. 265; DERMINE, *Towards a sustainable social law: what role for legal scholars?*, in *IJCL*, 2023, vol. 39, n° 3, pp. 321 and 322.

⁵ RAWORTH, *Doughnut Economics: Seven Ways to Think Like a 21st-century Economist*, Random House, 2017; MOORE, *The Rise of Cheap Nature*, in MOORE (ed.), *Anthropocene or Capitalocene? Nature, History, and the Crisis of Capitalism*, Kairos, 2016.

⁶ SUPIOT, *Labour is not a commodity: The content and meaning of work in the twenty-first century*, in *ILR*, 2021, 160, I, p. 10.

⁷ TOMASSETTI, *Diritto del lavoro e limiti ecologici alla crescita*, in ZILIO GRANDI (ed.) *Organizzazione dell'impresa e qualità del lavoro Atti del convegno Organizzazione dell'impresa e qualità del lavoro, Venezia 8 maggio 2023*, Adapt, 2024, p. 25.

The idea that rational, equal and free individuals, in exercising their freedom of choice, would ethically opt for environmental sustainability is grounded in the theories of Dewey⁸, as partially expanded by Sen⁹. Dewey argued that freedom of choice is neither an abstract nor a purely individualistic concept. Instead, it is intrinsically linked to the capacity to make informed and responsible decisions within a framework that fosters social progress and collective well-being¹⁰.

This theory is premised on the idea that human beings are driven not solely by the satisfaction of self-centred desires or the maximisation of personal gain, but also by the pursuit of objectives shaped by beliefs, emotions, and sentiments. These human attributes can inspire altruism and compassion¹¹. Furthermore, human beings are conceived as capable of articulating their own vision of the good within a moral framework that does not rely exclusively on abstract principles, but it is equally attentive to the realities of specific circumstances¹².

Moreover, environmental sustainability is not only an ethical concern. Environmental sustainability is a condition for human flourishing and well-being, ensuring the possibility for human development and the reproduction of the social sphere of current and future generations¹³. It is therefore reasonable to assume that – in a condition of full freedom of choice, and *ceteris paribus* – workers would certainly choose for a sustainable job, corresponding to the ILO definition of green jobs¹⁴.

A progressive interpretation of the just transition principle should therefore be deeply rooted in the value of freedom¹⁵, emphasising that workers, their families, and local communities should be empowered to freely choose for environmental sustainability. At minimum, they should not be forced to

⁸ DEWEY, *Theory of Valuation*, Chicago University Press, 1939.

⁹ SEN, *cit.*, p. 130.

¹⁰ DEWEY, *cit.*; BONVIN, LARUFFA, *Transforming Social Policies and Institutions in a Capability Perspective: Agency, Voice and the Capability to Aspire*, in *JHDC*, 2024, 25, 4, p. 575 ff.

¹¹ DEWEY, *The Study of Ethics*, in *The Early Works*, 1882–1898, Carbondale & Edwardsville, Southern Illinois University Press, 2023, vol. 4.

¹² ZIMMERMAN, *Capacités et développement de l'individualité, De Dewey à Sen, la voie d'un pragmatisme critique*, in *PR*, 2020, 3, p. 134 ff.

¹³ SEN, *cit.*, p. 130.

¹⁴ ILO, *Green jobs, green economy, just transition and related concepts: A review of definitions developed through intergovernmental processes and international organizations*, Geneva, June 2023, p. 4 ff.

¹⁵ SUPIOT, *cit.*, p. 10.

choose between decent work and environmental sustainability¹⁶. This further implies that governments should make any effort to ensure that the right to a decent work and the right to health and environmental sustainability are not in conflict and their free exercise is guaranteed simultaneously at the highest level.

If freedom of choice is critical to a just transition, then a capability approach to labour law might help unveil the potential of this discipline to promote environmental sustainability¹⁷.

Reconceptualising labour law through the lens of the capability approach can support workers' freedom to pursue eco-socially valuable jobs (public work, non-profit work, care work)¹⁸ and increasing also workers' non-productivist time spaces already protected by labour and social law¹⁹. This perspective can challenge the traditional link between labour and productivism and simultaneously deconstructs the labour law-productivism nexus.

Productivism follows an economic logic that prioritises maximising production over social and ecological well-being²⁰, considering as valuable only those jobs that increase the GDP²¹. Labour law is ambivalent towards productivism. It has historically built a legal framework around wage labour that, while protecting workers from commodification and exploitation, also reinforces market-driven productivity²². Critical scholars have observed that labour law tends, on one side to tie wage labour to workers' participation in production without recognising the social value of non-productive work²³,

¹⁶ TOMASSETTI, *Diritto del lavoro e limiti ecologici*, cit., pp. 25 and 26.; BARBERA, *Giusta transizione*, cit., p. 339 ff.

¹⁷ SEN, cit. p. 134; BONVIN, LARUFFA, *Towards a Capability-Oriented Eco-Social Policy: Elements of a Normative Framework*, in SPS, 2021, 21(3), p. 484 ff.

¹⁸ BUENO, *From Productive Work to Capability-Enhancing Work: Implications for Labour Law and Policy*, in JHDC, 2022, 23, 3, pp. 354–372.

¹⁹ DERMINE, *Towards a Sustainable Social Law*, cit., p. 335.

²⁰ BUENO, *The Value of Work in Labour Law*, in BUENO, HAAR, ZEKIC (eds.), cit., p. 116 ff.

²¹ AUDIER, *L'âge productiviste. Hégémonie prométhéenne, brèches et alternatives écologiques*, La Découverte, 2019.

²² DERMINE, *Towards a Sustainable Social Law*, cit., pp. 315 ff; DERMINE, DUMONT, *A Renewed Critical Perspective on Social Law: Disentangling Its Ambivalent Relationship with Productivism*, in IJCL, 2022, 38, 3, p. 237 ff.

²³ ZBYSZEWSKA, ROUTH, *Challenging Labour Law's 'Productivity' Bias Through a Feminist Lens: A Conversation*, in BLACKHAM, KULLMANN, ZBYSZEWSKA (eds.), *Theorizing Labour Law in a Changing World: Towards Inclusive Labour Law*, Hart, 2019, p. 245 ff.

and on the other side it fails to distinguish between work that generates socio-ecological benefits and work that contributes to environmental degradation²⁴. This lack of differentiation strengthens productivist logic without questioning its long-term social and environmental impact²⁵.

Such a paradox reveals an inherent contradiction: economic growth can enhance capabilities, but productivism and the concurrent irrational idea of unlimited economic growth in a finite planet constrains them by limiting workers' freedom choices and environmental sustainability²⁶.

This article seeks to address and unravel this contradiction by showing how reconceptualising labour law in the light of the capability approach can help de-legitimise productivism rationales by ensuring that workers' freedom of choice supports economic models that balance ecological preservation with social justice²⁷. Whilst recognising that a capability approach to labour law has the potential to deconstruct the nexus between labour law and productivism, this article also underscores a range of critical issues that presently pose significant barriers to such normative goal.

The main argument behind this article is that the emphasis on freedom of choice should be integrated with the normative goal to rethink our social and welfare model²⁸, and our understanding of the meaning of work²⁹, in a way to satisfy human needs within the ecological boundaries.

By analysing certain labour law and industrial relations institutions, this article will show that applying the capability approach to labour law offers a potential way to shift beyond productivism³⁰; its emphasis on promoting of freedom of choice³¹ for work with a socio-ecological positive value can

²⁴ ZBYSZEWSKA, *Regulating Work with People and 'Nature' in Mind: Feminist Reflections*, in *CLLPJ*, 40.9, 2018, p. 9 ff.; BUENO, *The Value of Work*, cit.

²⁵ L. ZOPPOLI, *Derecho laboral*, cit., p. 254.

²⁶ DEL PUNTA, *Labour law and the capability approach*, in *IJCL*, 2016, 4, p. 383 ff.; DEL PUNTA, *Leggendo "The idea of justice", di Amartya Sen*, in *DLRI*, 2013, 2, p. 197 ff.

²⁷ CARUSO, *Capability e diritto del Lavoro: non solo Teoria. Dialogando con Riccardo del Punta*, in *WP C.S.D.L.E "Massimo D'Antona"*, 2024, 479, p. 9.

²⁸ GALGÓCZI, POCHET, *Just Transition and Welfare States: a Largely Unexplored Relation*, in *SL*, 2023, 3, 165, p. 46 ff.; ARABADJEVA, BUGADA, CHACARTEGUI, TOMASSETTI, ZBYSZEWSKA, cit., p. 271 ff.

²⁹ LANGILLE, *Labour Law beyond the Growth and productivism: an introduction*, in BUENO, HAAR, ZEKIC (eds.), cit., p. 1 ff.

³⁰ SEN, cit., p. 130; DERMINE, DUMONT, *A Renewed Critical Perspective*, cit., p. 237 ff.

³¹ BUENO, *From Productive Work to Capability*, cit.

also restore centrality to workers as human beings, emancipating labour law from the logic of productivism³².

The analysis is structured as follows: Section 2, premised on the notion that all labour law institutions can be re-evaluated through the lens of the capability approach, examines the contribution of industrial relations institutions, specifically bilateral bodies and occupational welfare, to enhancing workers' freedom of choice and dismantling the labour law-productivism nexus at both the labour market and employment relationship levels. Section 3 explores the role of bilateral bodies in safeguarding freedom of choice within the labour market through vocational training programs and partnerships with employment services. Section 4 focuses on the specific contribution of occupational welfare to enhancing this freedom at the employment relationship level by leveraging wage, organisational, and financial tools. Section 5 provides critical reflections on the limitations of these two industrial relations institutions, particularly concerning its scope and effectiveness in empowering workers' freedom of choice and consequently in re-building a labour which integrate environmental protection as one of its core objectives. Section 6 discusses the findings and concludes.

2. *Reinterpreting Labour Law Institutions Through the Capability Approach in view to Delegitimise Productivism*

Scholars have argued that all labour law institutions can be reinterpreted through the lens of the capability approach³³.

In his essay "Labour Law and the capability approach", Del Punta proposed a taxonomy of the capabilities from a labour law perspective – one that serves the purpose to build a new foundational basis of labour law³⁴. Considering the systems of labour law in Western democracies, he identifies five groups of capability³⁵.

³² DERMINE, DUMONT, *A Renewed Critical Perspective*, cit., p. 237 ff.

³³ DEL PUNTA, *Labour law and*, cit., p. 383 ff.; DEL PUNTA, *Is the Capability Theory an Adequate Normative Theory for Labour Law?*, in LANGILLE (ed.), *The Capability Approach to Labour Law*, Oxford Academic, 2019; CARUSO, *Capability e diritto del Lavoro*, cit.; LANGILLE, *Introduction: The Capability Approach to Labour Law - Why are We Here?*, in LANGILLE (ed.), *The Capability Approach*, cit.

³⁴ DEL PUNTA, *Labour law and*, cit., p. 391.

³⁵ DEL PUNTA, *Labour law and*, cit., p. 392.

a) *capability for work*: the capability of having a fairly paid job, in proportion to the quantity and quality of work sufficient for the necessities of life; b) *capability for human respect and dignity*: the capability of having working conditions which are compatible with the worker's health and safety and respectful of their personal dignity as a human being; c) *capability for professional skills*: the capability of having adequate occupational training and being included in organizational production systems which respect and enhance the value of the worker's knowledge and skill; d) *capability for work-life balance*: the capability of enjoying a sufficient amount of work-free time, a fortiori in the event of needs related to illness/accident and maternity/paternity or other relevant personal requirements; e) *capability for voice*: the capability of joining trade unions and performing collective actions in order to defend their interests.

Among Del Punta's taxonomy, there are three groups of capabilities with a clear and direct environmental implication: 1) the capability for professional skills; 2) the capability for human respect and dignity; 3) and the capability for work-life balance.

1) Capabilities for *professional skills* are enhanced by all those labour law institutions and rules that increase workers' access to employment opportunities, thereby broadening them³⁶. Promoting *capabilities for professional skills* within the labour market entails enhancing employability and freedom of choice for workers, primarily through vocational training, active labour market policies, and passive labour market measures³⁷.

2) Capabilities related to *human respect and dignity*, as well as 3) *work-life balance*, are supported by labour law institutions and regulations specifically designed to improve working conditions while fostering both professional growth and human development³⁸. These include social security and occupational welfare, flexible working arrangements, and work-life balance policies – all of which promote spaces of freedom from work, restoring time to

³⁶ CARUSO, *Occupabilità, formazione e capability nei modelli giuridici di regolazione dei mercati del lavoro*, in *DRLI*, 2007, 113, pp. 20 ff. and 34 ff.

³⁷ RUSTICO, TIRABOSCHI, *Employment Prospects in the Green Economy: Myth and Reality*, in *IJCL*, 2010, 26, 4, p. 369 ff.; SCOTT, *Future skills needs for the green economy: some starting points*, *Third Generation Environmentalism*, 2008, 3G, p. 5; TYROS, ANDREWS, DE SERRES, *Doing green things: skills, reallocation, and the green transition*, in *OECD Ec. Dep. WP*, n. 1763, OECD Publishing, Paris, 2023; OECD, *Greener Skills and Jobs*, in *OECD GGS*, OECD Publishing, Paris, 2014.

³⁸ CARUSO, *Capability e diritto del Lavoro*, cit., pp. 14 and 15.

the individual and enabling autonomous choice within the employment relationship.

How can these groups of capabilities contribute to environmental sustainability?

A) From a labour market perspective, vocational training is widely recognised as a key pillar of a just transition³⁹. For example, EU Regulation 2021/1056, which established the Just Transition Fund (JTF), provides funding aimed at developing skills for green jobs through training, re-skilling and up-skilling programmes. This is intended to address the social, occupational, economic, and environmental impacts of the transition towards the European Union's environmental sustainability objectives⁴⁰. Similarly, the role of vocational training is emphasised in the European Council Recommendation on Ensuring a Fair Transition Towards Climate Neutrality⁴¹.

Training programmes enhance workers' employability in the green economy by reskilling or upskilling those displaced by decarbonisation policies, such as employees in the fossil fuel sector or other polluting industries. Where jobs are lost due to environmental transition, training programmes can support their transition into new, sustainable roles aligned with climate neutrality goals. Without adequate training, workers in declining industries risk long-term unemployment or precarious work, which undermines the social fairness of climate policies. Conversely, a well-designed skills development strategy is essential for a just transition, balancing environmental objectives with workers' rights and the promotion of decent work.

Active labour market policies support both workers and firms in adapting to changes brought about by the greening of the economy. These policies provide crucial services such as information, guidance, and job-matching support⁴². In this context, the OECD has recently emphasised the importance of an efficient and effective labour market activation strategy. A key

³⁹ ILO, *Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies For All*, 2015, pp. 9, 10 and 12 to 17.; COM (2021) 801, *Ensuring a Fair Transition Towards Climate Neutrality*, p. 4 ff.

⁴⁰ ALES, *Never too late? the Integrated Eu Social-Green Commitment Towards a Just Transition*, in ALES, ADDABBO, CURZI, FABBRI, SENATORI (eds.), *Green Transition and the quality of work*, 2024, p. 15 ff., particularly, p. 19.

⁴¹ COM (2021) 801, p. 27, pt. (5), lett. C) and 2022/C 243/04, pt. (5), lett. C) - pt. (19).

⁴² OECD, *Good Jobs for All in a Changing World of Work: The OECD Jobs Strategy*, OECD Publishing, Paris, 2018.

component involves policies that encourage individuals to actively seek and accept suitable employment, consistent with just transition principles. This is achieved through incentive structures embedded in tax and welfare systems, alongside benefit-linked job-search obligations.

At the same time, actions aimed at increasing job opportunities, such as job-search assistance and subsidised employment, are also vital⁴³. For example, employment services can offer targeted support to help individuals transition smoothly into new roles, particularly within emerging sustainable industries.

Passive labour market policies play the same role. Strong safety nets (e.g., unemployment benefits, short-time work arrangements and pensions), for example, protect workers displaced by decarbonisation, giving them financial stability while they reskill or transition into new jobs. The same goes for universal basic income: it can reduce the level of workers' dependency from fossil fuel jobs.

Beyond supporting the shift from fossil-fuel jobs to green jobs, these institutions support the transition towards social reproductive labour, including caregiving work, non-profit activities and so-forth. Critical scholars have recently argued that – far beyond the flawed category of green jobs⁴⁴ – social reproductive work is the main horizon to deconstruct the labour law-productivism nexus, building a more sustainable labour law.

B) At the level of the employment relationship, creating dedicated time-spaces that allow workers freedom from work is essential to the process of de-commodifying labour⁴⁵. Reducing working time, introducing flexible work arrangements, and enhancing workers' autonomy⁴⁶ – enabling them to tailor their schedules to individual needs – encourages a shift in focus from purely productivity-driven goals to the prioritisation of well-being, family life, and personal development.

For example, policies that introduce shorter working weeks and reduce standard working hours provide workers with greater opportunities to participate in caregiving, engage with their communities, and adopt more sustainable lifestyles. By limiting the time spent in wage labour, such measures

⁴³ KEESE, MARCOLIN, *Labour and social policies for the green transition: A conceptual framework*, in *OECD Soc. Emp. and Migr. WP*, OECD Publishing, Paris, 2023, n. 295, p. 36.

⁴⁴ TOMASSETTI, *Diritto del Lavoro e limiti*, cit., p. 27; SEMENZA, *La retorica dei green jobs*, in *DLRI*, 2022, 175, p. 359 ff.

⁴⁵ DERMINE, *Toward a sustainable social law*, cit., p. 315 ff.

⁴⁶ CARUSO, *Capability e diritto del Lavoro*, cit., pp. 14 and 15.

increase the availability of time for activities that exist outside market structures and productivity imperatives⁴⁷.

While existing labour and social law instruments – when reinterpreted through the lens of the capability approach – hold significant theoretical potential to support the development of a socio-ecological labour law and to challenge the productivist model, their practical implementation relies on the active involvement of public authorities and the industrial relations system, each within their respective spheres of influence⁴⁸. Both actors play a critical role in strengthening mechanisms that support socio-ecological activity, improving workers' ability to exercise choice over both the quality and quantity of their work. This includes adapting roles and responsibilities to align with sustainable practices and fostering employment opportunities that prioritise environmental and social sustainability, while simultaneously enhancing workers' well-being and strengthening community resilience.

In this connection, our analysis will concentrate on the role of Italian industrial relations institutions, with a particular focus on *bilateral bodies* and *occupational welfare* in advancing workers' autonomy, contributing to the establishment of a labour law framework independent of productivism. Both institutions have been chosen due their function to address workers social needs and their power to implement global social protection standards as well as meeting sustainability goals⁴⁹.

The sections below analyse how these two industrial relation institutions allowing for tailored, worker-centric protections may contribute in building a labour law which integrate the environmental protection as one of its core objective.

⁴⁷ FRAYNE, *Stepping outside the circle: the ecological promise of shorter working hours*, in *GL*, 2016, 20, 2, p. 197.

⁴⁸ L. ZOPPOLI, *Derecho laboral y*, cit., pp. 265–266.

⁴⁹ SANTONI, *Tra impresa e territorio: welfare aziendale e sostenibilità in Italia*, in MAINO (ed.), *Agire insieme. Coprogettazione per cambiare il welfare*, *Sesto Rapporto sul Secondo Welfare in Italia*, Percorsi di secondo welfare, 2024.

3. *The Role of Bilateral Bodies in Enhancing Workers' Freedom of Choice Within the Labour Market*

Based on the theoretical discussion developed in Sections 1 and 2, bilateral bodies can contribute to workers' freedom of choice within the labour market, both through re-professionalisation programmes and through their collaboration with job-seeking services. We have seen that, in principle, workers who benefit from reskilling and upskilling programmes are less dependent on the fossil-fuel economy and other polluting industries and jobs. In line with the underlying assumption of this article, they are potentially more free to choose employment in climate-neutral sectors and occupations.

Bilateral bodies, established through agreements between trade unions and employers' associations, play a key role in improving working conditions by providing shared services and interventions in the labour market⁵⁰. Scholars define bilateral bodies as organisational structures within the industrial relations system, created to address workers' specific needs, echoing the founding mission of the labour movement⁵¹. A core function of bilateral bodies is their involvement in vocational training and active labour market policies, acting as intermediaries between labour supply and demand. Italian legislation offers a clear example in this regard. Article 2, letter b), of Legislative Decree 276/2003 formally recognises the role of bilateral bodies in employment services. This includes facilitating access to initial and continuing training – often co-funded by state or regional entities – managing inter-professional training funds (Article 118 of Law 388/2000)⁵², which are the primary mechanism for continuous training in Italy⁵³, and administering bilateral funds (Article 12, paragraph 4 of Legislative Decree 276/2003) to support job transitions and upskilling.

⁵⁰ See the special issue *Gli enti bilaterali: Mercato del lavoro e rappresentanza sindacale*, in *LD*, 2003, n. 2.

⁵¹ M. NAPOLI, *Gli enti bilaterali nella prospettiva di riforma del mercato del lavoro*, in *Jus*, 2003; M. NAPOLI, *Riflessioni sul ruolo degli enti bilaterali nel decreto legislativo 10 settembre 2003*, in *Jus*, 2005, n. 276; see also DEL PUNTA, *Enti bilaterali e modelli di regolazione sindacale*, in *LD*, 2, 2003, pp. 219–222; M. NAPOLI, *Diritto del lavoro e riformismo sociale*, in *LD*, 2008, 2, pp. 337–340;

⁵² D'ASCENZIO, *La formazione nel settore della somministrazione di lavoro in Italia*, in *Professionalità Studi*, ADAPT University Press, 2017, 2/1, p. 89 ff.

⁵³ DI CORRADO, *I Fondi Paritetici Interprofessionali*, in *DPL*, 2016, 12, p. 785 ff.; FRANZOSI, PREMUTICO, *Analisi del sistema dei fondi interprofessionali e possibili prospettive*, in *Professionalità Studi*, ADAPT University Press, 2017, 2/1, p. 26 ff.

By offering industry-specific training – covering areas such as digital skills, health and safety, and green skills for sustainable development – bilateral bodies play a vital role in helping workers reskill and adapt to both technological and environmental transformations. Over the past twenty years, bilateral bodies have become a key pillar of labour market governance and policy in Italy⁵⁴. By promoting labour market policies in cooperation with employment services, bilateral bodies contribute to the development of training and guidance programmes tailored to the evolving demands of the labour market. These policies enable a joint approach: bilateral bodies provide the training component, while employment services support active job search efforts.

As Rustico and Tiraboschi highlight in their work on green jobs, the transition to a greener economy requires not only the creation of new employment opportunities, but also substantial investment in equipping workers with the specific skills needed for environmental sustainability and green technologies⁵⁵. Without access to such training opportunities, workers remain more dependent on the fossil-fuel economy or other unsustainable forms of employment.

In this context, bilateral bodies can serve as a bridge between labour market needs and workers' human development, promoting targeted training pathways that encompass technical, digital, and environmental skills. In this respect, the activities of bilateral bodies may contribute to deconstructing the labour–productivism nexus by facilitating access to green employment and, crucially, to reproductive and sustainable professions. These roles challenge the productivity-centred conception of work, helping to ensure that economic growth remains within environmental boundaries.

Practical examples of such programs include courses on renewable energy system installation, sustainable waste management, or the adoption of eco-friendly agricultural practices. Additionally, reskilling and training programs might include training initiatives that equip workers for roles in community support, such as social workers or coordinators of local projects. These positions focus on aiding individuals rather than enhancing economic productivity. Other examples include programmes aimed at promoting sustainable entrepreneurship which empower workers to create small-scale social enterprises

⁵⁴ ALAIMO, *Servizi per l'impiego e disoccupazione nel welfare attivo e nei mercati del lavoro transizionali. Note sulla riforma dei servizi all'occupazione e delle politiche attive nella legge 28 giugno 2012, in RDSS, 2012, 92, 3, p. 555 ff.*

⁵⁵ RUSTICO, TIRABOSCHI, *cit.*, p. 369 ff.

or local initiatives founded on fair and sustainable models, such as organic farming cooperatives or artisan workshops employing recycled materials.

Furthermore, bilateral bodies can collaborate with companies to identify necessary skills and ensure workers are prepared for future challenges. The collaborative action of workers' representatives and employers is indeed crucial in the collection of information, given their privileged vantage point, as well as in initiatives aimed at promoting the conscious and voluntary use of the facilities provided by employment services in the light of the personalisation⁵⁶ and promptness⁵⁷. The latter has been recently encouraged by the European Commission, which urged employment services to act as "*transition agencies*" in anticipating and supporting individuals "*status transitions*" in the labour market⁵⁸, such as employment, unemployment, study, and vocational training⁵⁹.

Scholars highlight the role of bilateral bodies in employment services as key instruments for enhancing job opportunities and promoting environmental and social sustainability. Del Punta, applying the capabilities approach, argued that ensuring effective job-matching services is more impactful than merely proclaiming the right to work⁶⁰.

A comprehensive analysis of all bilateral bodies remains challenging due to their diversity; however, noteworthy examples of good practice can be identified and deserve closer examination. Some of these bodies are at the forefront of vocational training for the green transition, employing inter-professional funds and digital learning platforms to advance their efforts.

Considering EBINTER⁶¹ and EBINPROF⁶², which provide continuous training for employees of companies affiliated via the inter-professional fund *For.Te*⁶³, both offer specialised courses on the ecological transition as

⁵⁶ Reg. 2020/1215/UE, n. 2094 December 2020, p. 7.

⁵⁷ SARTORI, *Modelli organizzativi e servizi per l'impiego nell'ordinamento multilivello*, in LD, 2023, 2, p. 238.

⁵⁸ These two quotations belong to SARTORI, *Modelli organizzativi*, cit., p. 238.

⁵⁹ SARTORI, *L'organizzazione dei centri per l'impiego: struttura, utenti, servizi*, in BRESCIANI, SARTORI, (eds.) *Innovare I servizi per il Lavoro: tra il dire e il fare... Apprendere dalle migliori pratiche internazionali*, FrancoAngeli, 2015, p. 64.

⁶⁰ DEL PUNTA, *Labour law and*, cit., p. 399; DEL PUNTA, *Leggendo "The idea of justice"*, cit., pp. 210 and 214.

⁶¹ ENTE BILATERALE NAZIONALE TERZIARIO, www.ebinter.it.

⁶² ENTE BILATERALE NAZIONALE PER I DIPENDENTI DA PROPRIETARI DI FABBRICATI, www.ebinprof.it.

⁶³ www.fondoforte.it.

part of two training programmes aimed at developing green skills. On the one hand, the *Ecological Transition Training Path* focuses on environmental sustainability and green economy themes, equipping workers with the skills needed to promote sustainability in the workplace. On the other hand, the *Futuro Sostenibile ed Inclusivo* initiative supports SMEs in developing sustainable and inclusive workplace policies.

In a similar vein, EBIT⁶⁴ delivers training services through the inter-professional fund *Fondimpresa*⁶⁵, which has allocated €20 million towards green transformation and circular economy initiatives, including new strategies and workforce training. An individual training account has been created for member companies, enabling them to manage training funds autonomously via an online platform.

Similarly, EBM⁶⁶ has allocated €800,000 since 2023 for training in sustainability and green skills, while EBG⁶⁷ has launched an e-learning platform in collaboration with *Interattiva*. The platform offers courses in digital skills, language training, health and safety, and green skills, delivered in multiple formats including video lessons, live streams, webinars, and virtual reality experiences.

Bilateral bodies also play a key role in facilitating access to the New Skills Fund⁶⁸, established under the National Recovery and Resilience Plan (NRRP), which finances training in digital and green skills⁶⁹. By reducing labour costs for companies investing in employee training, these mechanisms help to address skill mismatches, fill hard-to-recruit positions, and support the re-professionalisation of workers affected by economic transitions⁷⁰.

In the context of collaboration with employment services⁷¹ at the territorial level⁷², and in line with the European Employment Strategy⁷³, bilateral

⁶⁴ ENTE BILATERALE TURISMO, www.ebit.it.

⁶⁵ www.fondimpresa.it.

⁶⁶ ENTE BILATERALE METALMECCANICI, www.ebm.it.

⁶⁷ ENTE BILATERALE GENERALE, www.ebg.it.

⁶⁸ IMPELLIZZIERI, MASSAGLI, *Fondo Nuove Competenze: istruzioni per l'uso e nodi operativi*, in *Bollettino ADAPT*, 2020, n. 40, 2.

⁶⁹ FAIOLI, *Matchmaking: la tecnologia avanzata per il mercato del Lavoro*, in *LD*, 2023, 2, p. 333 ff.

⁷⁰ CARUSO, *Occupabilità, formazione*, cit., p. 23; GAROFALO, *Le politiche per l'occupazione tra aiuti di Stato e incentivi in una prospettiva multilivello*, Cacucci, 2022, p. 356.

⁷¹ SARTORI, *Modelli organizzativi e servizi*, cit., p. 240.

⁷² EBINTER, *I centri per l'impiego dei servizi alle imprese in Italia e In Europa*, in *Rapporto, novembre*, 2019.

⁷³ SARTORI, *Modelli organizzativi e servizi*, cit., p. 249.

bodies play a crucial role in developing training and guidance programmes that respond to labour market needs. These programmes may be administered jointly, with bilateral institutions responsible for the delivery of training components, while employment services facilitate active job search support. Moreover, such collaboration holds the potential to foster initiatives aimed at the reintegration of more vulnerable groups into the labour market – particularly those disproportionately impacted by the green transition, including the unemployed and individuals with low skill levels. The interplay between the public and private sectors, particularly in the coordination and management of resources, contributes to the development of more effective strategies to enhance employability. This approach is consistent with the principle of personalisation, ensuring that support measures are appropriately tailored to the specific needs and circumstances of individuals.

4. *The Role of Occupational Welfare in Enhancing Workers' Freedom of Choice at the Employment Relationship Level*

Section 3 has discussed how bilateral bodies can enhance workers' freedom of choice in the labour market through re-professionalisation programmes and collaboration with job-seeking services, thereby reducing dependence on fossil-fuel industries and other polluting sectors. We now shift the analytical focus at the level of the employment relationship, exploring the transformative potential of occupational welfare in ensuring workers access to non-productivist time-spaces and expanding their freedom of choice.

Occupational welfare⁷⁴, from an industrial relations perspective⁷⁵, represents a spontaneous although fragmented response by industrial relations

⁷⁴ *Ex multis*: TITMUS, *Essays on the welfare state*, 1958; SINFIELD, *Analyses in the Social Division of Welfare*, in *JSP*, 1978, 7, 2, p. 129 ff.; GREVE, *Occupational Welfare: Winners and Losers*, Edward Elgar, 2007; FARNSWORTH, *Social versus Corporate Welfare. Competing Needs and Interests within the Welfare State*, Palgrave MacMillan, 2012; CARUSO, *Recenti sviluppi normativi e contrattuali del welfare aziendale, nuove strategie di gestione del lavoro o neo consumismo?*, in *RIDL*, 2018, 1, p. 369 ff.; CARUSO, *"The bright side of the moon" politiche del lavoro personalizzate e promozione del welfare occupazionale*, in *RIDL*, 2016, 2, p. 177 ff.; ALVINO, CIUCCIOVINO, ROMEI (eds.) *Il welfare aziendale. Una prospettiva giuridica*, il Mulino, 2019; CHIAROMONTE, VALLAURI (eds.), *Modelli ed esperienze di welfare aziendale*, Giappichelli, 2018.

⁷⁵ TIRABOSCHI, *Il welfare aziendale ed occupazionale in Italia: una prospettiva di relazioni industriali*, in *DRI*, 2020, n. 1/XXX, p. 95.

actors to the transformations of the post-Fordist labour market. In Italy, it evolved from paternalistic and mutualist traditions⁷⁶ into company-level initiatives⁷⁷, eventually becoming institutionalised through Article 208 of the 2015 Financial Law. This law defines a set of benefits – educational, training, recreational, welfare, or health-related – which, due to their social purpose, receive fiscal incentives and are excluded from taxable income for both employees and employers. In this way, bargained welfare extends the role of the industrial relations system beyond traditional labour protections to encompass elements of the welfare state, thereby reinforcing the safeguarding of workers' fundamental rights⁷⁸.

Scholars have recently positioned occupational welfare as a tool for both expanding workers' autonomy and integrating ESG (Environmental, Social, and Governance) principles into industrial relations⁷⁹. From a capabilities perspective, it alleviates the constraints of classical subordination⁸⁰, granting workers greater freedom both *from* and *within* work. Key mechanisms of occupational welfare that enhance workers' well-being include individually tailored working hours, work–life balance policies, and wage structures that promote gender equality and holistic well-being.

These mechanisms primarily operate through organisational and redistributive levers. With regard to the organisational lever, the decoupling of labour law from productivist imperatives unfolds along two key dimensions. First, the negotiation of reduced working hours and increased flexibility can contribute to lower emissions and reduced energy consumption in the workplace⁸¹. Research in organisational economics highlights a direct correlation

⁷⁶ GALLINO, *L'impresa responsabile, un'intervista ad Adriano Olivetti*, Einaudi, 2001.

⁷⁷ BARBERA, “Noi siamo quello che facciamo”. *Prassi ed etica dell'impresa post-fordista*, in *DRI*, 2014, n. 144, p. 639 ff.

⁷⁸ CARUSO, *Recenti sviluppi normativi*, cit., p. 370; CARUSO, *La rappresentanza delle organizzazioni di interessi tra disintermediazione e re-intermediazione*, in *WP C.S.D.L.E “Massimo D'Antona”*, 2017, 326; on the topic and more recently, I may refer to RUBAGOTTI, *Welfare occupazionale e tendenze evolutive*, in *LLI*, 2021, 7, 1, pp. 67–70, and 82–83; RUBAGOTTI, *Collective bargaining and public health protection. Which role for the implementation of Agenda 2030 Goal 3 and EU social policies?*, in *PDE*, 2022, 1, pp. 145–146,

⁷⁹ CARUSO, *Capability e diritto del lavoro*, cit., p. 11.

⁸⁰ DEL PUNTA, *Is the Capability Theory*, cit. p. 94 ff.

⁸¹ ETUC, *Adaption to climate change and the world of work-a guide for trade unions*, 2020; CORSO, *Sfide e prospettive nella rivoluzione digitale: lo smart working*, in *DRI*, 2017, n. 4, p. 981; TESTA, *La funzione sostenibile del contratto collettivo: spunti teorici ed empirici*, in AA.VV. (eds.), *La funzione del contratto collettivo. Salari, produttività, mercato del lavoro*, ADAPT University press, 2023, pp. 327 and 328.

between the quantitative aspects of working time – such as its length, intensity, and scheduling – and the environmental sustainability of production processes⁸². Similarly, the qualitative dimensions of work-time organisation significantly influence environmental outcomes, particularly through the promotion of safer and more resource-efficient practices⁸³. Crucially, negotiated flexibility also enables the alignment of work with personal life and individual needs⁸⁴. The implementation of work-life balance measures allows employees to choose working arrangements that respect and promote their holistic well-being, moving beyond a narrow focus on productivity⁸⁵.

The redistributive function of wages⁸⁶, when combined with their role in supporting consumption, can be aligned with the principle of sustainability through collective bargaining on welfare. This is particularly relevant given that current legislation on occupational welfare allows employees to convert a portion of their salary into benefits, services, and welfare provisions that are eligible for tax relief⁸⁷. In this context, wages can be understood not only as a means of income distribution but also as a mechanism for promoting energy efficiency, encouraging energy-saving behaviours. Moreover, they can serve as a lever to guide consumption towards environmentally sustainable goods and services⁸⁸. By offering sustainability-oriented benefits, companies can play an active role in supporting policies that foster collective well-being and enhance quality of life – not only for their employees but also for the wider community⁸⁹. In doing so, they contribute to a broader and more holistic understanding of corporate success, one that moves beyond profit maximisation to embrace environmental responsibility and social impact.

⁸² NASSER, LARSSON, *World shorter work time reduce greenhouse gas emissions? Analysis of time use and consumption in Swedish House Holmes*, in *Environ. Plann. C: Politics Space*, 2015, vol. 33, n. 4, p. 726 ff.; DEVETTER, ROSSEAU, *Working Hours and Sustainable Development*, in *RSE*, 2011, p. 333 ff.; DESPIEGELAERE, PIANS, *The why and how of working time reduction*, ETUI, 2017, revision in January 2021, pp. 35–37.

⁸³ ALLAMPRESE, *Riduzione e flessibilità del tempo di lavoro*, Ipsa, 2003.

⁸⁴ DERMINE, DUMONT, *A Renewed Critical Perspective*, cit., p. 237 ff.

⁸⁵ DERMINE, *Towards a Sustainable*, cit., p. 315 ff.

⁸⁶ UNEP, *Labour and the environment: A natural Synergy*, 2007.

⁸⁷ TOMASSETTI, *Diritto del Lavoro e Ambiente*, cit., p. 229, see notes no. 52–57; ADAPT, *La contrattazione collettiva in Italia, VI Rapporto Adapt*, ADAPT University Press, 2019, p. 197 ff.

⁸⁸ TOMASSETTI, *Labour Law and Environmental Sustainability*, in *CLLPJ*, 2018, 40, 1, p. 72.

⁸⁹ ADAPT, *La contrattazione collettiva*, cit., p. 197, ff.; AA.VV., *Labour and Environmental Sustainability (A green mentality for collective bargaining)*, Commission Européenne, Adapt, 2020, pp. 44–45.

5. *Challenges and Limitations*

The preceding sections highlighted the role of bilateral bodies and occupational welfare in fostering workers' freedom of choice, both within the labour market and in the context of the employment relationship. We now focus on structural challenges that hinder their transformative potential to effectively enhance workers' freedom of choice and therefore to align social justice with environmental sustainability. Although the issues affecting these institutions are broadly similar, both face a distinct set of challenges related to their structure and content.

A) The first issue concerns their limited coverage, which results in an unequal distribution of services provided by bilateral bodies and access to occupational welfare. Regarding bilateral bodies, their restricted scope curtails transformative potential. This is partly due to their funding model, which depends on contributions from affiliated companies. As a result, workers employed in non-affiliated firms are excluded from access to training and upskilling services⁹⁰. Moreover, disparities in the availability of training across sectors and regions give rise to inequities in access to lifelong learning opportunities⁹¹. The scope of occupational welfare is similarly constrained by the industrial relations framework and the structure of collective bargaining and its unequal distribution reveals several challenges⁹². Firstly, marked regional disparities persist, particularly between the North and South of Italy. Secondly, its uneven adoption reflects sectoral imbalances and evolving workforce dynamics. Thirdly, a structural gap exists between large enterprises and small to medium-sized enterprises (SMEs), largely due to the limited prevalence of company-level bargaining. Many SMEs lack the capacity or bargaining power to establish tailored welfare agreements. These limitations undermine the universal accessibility of occupational welfare and, consequently, its potential to enhance workers' freedom of choice within the employment relationship.

⁹⁰ MARTINENGO, *Gli enti bilaterali dopo il d.lgs. 276/2003*, in *LD*, 2006, 2, 3, p. 245 ff.

⁹¹ CASANO, *La riforma del mercato del lavoro nel contesto della "nuova geografia del lavoro"*, in *Biblioteca "20 Maggio"*, 2017, 2, p. 186 ff.

⁹² L. ZOPPOLI, *Un nuovo diritto del lavoro sostenibile nei confini di un "Manifesto": tra politica e diritto*, in *LDE*, 2020, 3, p. 11; L. ZOPPOLI, *Solidarietà e diritto del lavoro: dissolvenza o polimorfismo?*, in *WP C.S.D.L.E. "Massimo D'Antona"*, 2018, 356, p. 11 ff.; BAVARO, *Sulla prassi e le tendenze delle relazioni industriali in Italia (a proposito di un'indagine territoriale)*, in *DRI*, 2017, 1, p. 13 ff.

B) The second issue – one that particularly impacts bilateral bodies – concerns the misalignment between vocational training and the formal education system. This disconnect leads to the duplication of training initiatives and an inefficient allocation of resources. More significantly, it undermines the transferability of acquired skills, thereby constraining workers' capacity to navigate transitions across sectors or occupational roles, particularly in the context of rapidly evolving economic landscapes.

C) The third issue concerns the mismatch between training provision – offered through inter-professional funds and private e-learning providers – and the evolving demands of the labour market, particularly in the areas of digitalisation and the green transition⁹³. This misalignment limits the effectiveness of labour market integration, creates skills gaps, and curtails opportunities for lifelong learning and career progression. Simultaneously, occupational welfare often fails to address workers' broader social needs, revealing a critical gap in contemporary labour strategies. While there are notable best practices⁹⁴, many welfare schemes neglect the increasing demand for environmentally conscious approaches and for initiatives that restore the centrality of the worker – aligned with the de-commodification of labour. These include work-life balance policies, flexible working arrangements, and access to healthcare services.

Conversely, occupational welfare schemes are frequently designed with limited attention to either social or environmental sustainability. They frequently centre on benefits that are outdated or narrowly defined, primarily aimed at consumer support – provisions which, although offering short-term convenience, contribute little to long-term sustainability or the empowerment of workers⁹⁵. This is exemplified by the widespread use of vouchers, such as those for meals, fuel, air travel, and gym memberships⁹⁶. While these may offer immediate economic relief, they fall short in con-

⁹³ FERRI, TESAURO, *I Fondi interprofessionali nella Strategia d'Impresa*, in *Sinapsi*, 2018, n. 1, VIII, pp. 49–59; VALSEGA, *Perché è (sempre più) importante parlare di formazione continua: ruolo, strategie ed evoluzione dei fondi interprofessionali*, in *Professionalità Studi*, 2017, n. 2, vol. I, p. 19 ff.

⁹⁴ TOMASSETTI, *Diritto del Lavoro*, cit., p. 229, notes n. 52–57; SANTONI, *Tra impresa e territorio: welfare aziendale e sostenibilità in Italia*, in MAINO (eds.), *Agire insieme. Coprogettazione e co-programmazione per cambiare il welfare*, in *Sesto Rapporto sul secondo welfare*, Percorsi di secondo welfare, 2023, p. 131 ff.

⁹⁵ CARUSO, *Recenti sviluppi normativi*, cit.

⁹⁶ OSMER DATA BASE, that refers to the Brescia District, the second industrial hub in Italy. See <https://www.osmer.org/ricerca.php>.

tributing to systemic change, particularly in promoting sustainable consumption or social-reproductive activities. For instance, fuel and airline travel vouchers reinforce high-impact consumption patterns, undermining the urgent shift towards greener alternatives. Such schemes reflect an ongoing prioritisation of consumption and productivity, which perpetuates resource depletion, waste, and pollution – ultimately reinforcing the logic of productivism rather than challenging it.

6. *Discussion and Conclusion*

This article has explored both the transformative potential and the limitations of industrial relations institutions in enhancing workers' freedom of choice and shaping labour law to contribute positively to environmental sustainability, while also highlighting examples of best practice.

As outlined in Sections 3 and 4, institutions such as bilateral bodies and occupational welfare can, in principle, enhance workers' autonomy, enabling them to disengage from employment in sectors that contribute to global warming and climate change. To some extent, these institutions help rebalance the relationship between productive and social reproductive labour, thereby contributing to the deconstruction of the labour law – productivism nexus.

However, as Section 5 shows, these mechanisms often fall short in enabling real freedom of occupational choice in alignment with socio-ecological goals, or in securing non-productivist time – spaces for workers. In practice, they prove to be somewhat ineffective – what might be described as a «blunt instrument» in the pursuit of transformative change. Given these constraints, it is crucial to identify and address the structural and operational barriers that hinder bilateral bodies and occupational welfare schemes from fully realising their transformative potential within the labour law framework.

Firstly, the operational scope of both mechanisms requires substantial expansion. For bilateral bodies, this necessitates a diversification of funding streams beyond the conventional reliance on contributions from affiliated enterprises. Such a shift would improve accessibility – particularly for small and medium-sized enterprises (SMEs) – while also facilitating the simplification of administrative procedures. Furthermore, the standardisation of

training provision across regions and economic sectors is imperative to ensure equitable access to lifelong learning and vocational development opportunities.

With regard to occupational welfare, it is essential to address its limited coverage by reducing the accessibility gap between small and medium-sized enterprises (SMEs) and larger corporations, while also addressing significant regional disparities – most notably the divide between the industrialised North and the less economically developed South. One viable solution involves the establishment of territorially based joint funds, financed through collectively bargained contributions⁹⁷. These funds could be designed to provide context-specific services and benefits tailored to the distinct challenges faced by SMEs⁹⁸ – such as limited financial capacity and weaker bargaining power – within local production districts or sectoral supply chains⁹⁹.

Secondly, to address the persistent disconnect between vocational and educational training systems and the evolving demands of the labour market, training initiatives must be rendered more responsive to local socio-economic contexts. This includes identifying skills shortages, supporting marginalised or vulnerable groups, and ensuring broad-based access to training across different labour market segments. Strengthening the coordination between vocational training programmes and job placement services is critical. Bilateral bodies could, for instance, partner with public employment agencies to establish dedicated platforms that align training outcomes with real employment opportunities, particularly in emergent and strategic sectors such as the green economy and care work. Furthermore, the implementation of rigorous monitoring and evaluation mechanisms is necessary to assess the efficacy of such programmes. Metrics such as placement rates, skill relevance, and labour market alignment should be systematically tracked and analysed.

Thirdly, a strategic reorientation of occupational welfare is required to overcome its current consumerist orientation, which tends to prioritise short-term material convenience over longer-term sustainability objectives and substantive worker empowerment. A forward-looking welfare strategy

⁹⁷ MAINO, MALLONE, *Welfare aziendale, contrattuale e territoriale: trasformazione in atto e prospettive di sviluppo*, in TREU (ed.), *Welfare aziendale 2.0*, Ipsa, 2016, p. 104 ff.

⁹⁸ VISCOMI, *Between company and territory: negotiation practices and welfare construction*, in LD, 2024, n. 3, p. 483 ff; ALACHEVICH, *Welfare territoriale nel distretto pratese, un gioco a somma positive?* in DLRI, 2015, 1, p. 143 ff.

⁹⁹ May I refer to RUBAGOTTI, *Welfare occupazionale*, cit., p. 76.

should aim to reconcile immediate needs with emerging societal and environmental imperatives. This may involve, for example, the provision of subsidised public transport to reduce carbon emissions, incentives for sustainable consumption practices¹⁰⁰, and comprehensive health and well-being programmes designed to support both physical and psychological well-being¹⁰¹. Such measures would reposition occupational welfare as a vehicle for promoting environmental sustainability and social reproduction, thereby enhancing its transformative capacity and bridging the gap between individualised consumption and collective well-being.

In conclusion, reconceptualising labour law through the lens of the Capability Approach offers a promising theoretical foundation for reorienting our economic systems towards environmental sustainability. Embedding the principles of freedom of choice within labour law – both at the macro level of the labour market and within individual employment relationships – challenges the productivism. It facilitates the development of an economic model that respects planetary boundaries while upholding workers' rights and well-being.

Nevertheless, this conceptual innovation must be operationalised through practical reforms. Within this framework, industrial relations are instrumental in reconfiguring the character of work and its entrenchment within wider market logics and economic reasoning. By delivering training and welfare services, industrial relations actors can actively support workers through just transition processes and contribute to the construction of a more ecologically sustainable and socially inclusive model of development.

While this analysis affirms the theoretical potential of industrial relations mechanisms to contribute to an environmentally attuned labour law – and highlights illustrative best practices – it also underscores the persistent structural limitations that constrain their transformative capacity. To this end, the article proposes concrete policy and institutional interventions aimed at overcoming these barriers and enhancing the efficacy of these mechanisms.

Ultimately, realising the full potential of the Capability Approach in labour law requires a fundamental reassessment of entrenched institutional norms, policy frameworks, and industrial relations practices. Nonetheless, much of the current academic discourse remains abstract and insufficiently

¹⁰⁰ TOMASSETTI, *Labour Law and*, cit., p. 72.

¹⁰¹ May I refer to RUBAGOTTI, *Collective bargaining and public*, cit., pp. 137 and 150.

grounded in the complexities of socio-economic implementation, frequently advocating idealised models that lack practical applicability¹⁰². The Capability Approach, with its commitment to contextual pluralism, normative flexibility, and empirical relevance, demands that both scholars and policymakers engage with the material implications of theoretical models – ensuring that their proposed reforms translate meaningfully into practice¹⁰³.

¹⁰² AA.VV., *Introduction: The Labour-Environment*, cit., p. 271 ff.; DERMINE, DUMONT, *A Renewed Critical Perspective*, cit., p. 237 ff.

¹⁰³ DEL PUNTA, *Diritto del lavoro e valori*, in DEL PUNTA (ed.), *Valori e tecniche nel diritto del lavoro*, Firenze University Press, 2022, p. 15 ff.

Abstract

This article examines how reconceptualising labour law through the lens of the Capability Approach can contribute to the de-legitimisation of productivist rationales, by safeguarding workers' freedom of choice both within the labour market and at the level of the employment relationship. Adopting this normative framework, the analysis focuses on the role of industrial relations institutions – particularly occupational welfare mechanisms – in supporting this objective. Special attention is given to bargained welfare and the bilateral bodies established through sectoral collective bargaining between trade unions and employers' associations, assessing their capacity to enhance workers' autonomy and agency. While the Capability Approach offers a promising theoretical basis for challenging the productivist underpinnings of labour law, the article also identifies significant structural and operational challenges that limit the transformative potential of these institutions in practice.

Keywords

Capability approach, Environmental sustainability, Socio-ecological labour law, Productivism deconstruction, Industrial relations.