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Two Proposals for a European Directive on Just Transition: Pragmatic or Transformative Approaches?

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1. *Introduction*

Emerging in the United States between the 1970s and 1980s under the impetus of Tony Mazzocchi – an American trade unionist from the *Oil, Chemical and Atomic Workers Union* – the concept of "just transition" foregrounded the need to balance environmental protection and job protection[1]. Initially focused on the American energy sector and the social consequences of deindustrialisation, the concept became part of a broader reflection on justice in the face of economic change.

Over the decades, in response to the growing threat of climate change and its socioeconomic effects[2], the idea of a just transition has spread globally. The concept has become embedded in climate change debates, appear-

[1] On this point, see Stevis, *Just transitions*, Cambridge University Press, 2023, pp. 12-15.

[2] See the work of the Intergovernmental Panel on Climate Change (IPCC) on climate change, available online at: https://www.ipcc.ch.

ing in international agreements[3] and sustainable development strategies[4] as an imperative to ensure that the transition towards climate neutrality is both inclusive and equitable.

In Europe, the principle of a just transition, notably implemented as part of the European Green Deal[5], has been integrated into climate and industrial policies, particularly within the European Union (hereinafter EU) law, where it has been formalised as a guiding principle of the energy transition, while guaranteeing support for the territories and professions most affected by decarbonisation. As a key pillar of the European Green Deal, the European Just Transition Mechanism is based on the idea that climate transition cannot be effective or legitimate without specific compensation and support measures for the regions and workers most affected by the phase-out of fossil fuels and carbon-intensive industries. To this end, the EU has set up a Just Transition Fund to finance the economic conversion of the regions concerned.

Today, the EU appears intent on going further by drafting a specific legal instrument on just transitions. The European Parliament has called on the European Commission to propose a directive on just transition, aimed at setting common standards to support workers, assist affected regions and integrate social justice into climate and growth strategies[6]. Precisely, the members of the Employment and Social Affairs Committee agreed on a series of recommendations for new European legislation on just transition in the world of work. The proposed directive would set minimum standards on working conditions, worker information and consultation, health and safety, and labour market inclusion, while establishing an EU framework to support regions affected by the green and digital transitions. It would require timely worker consultation, strengthen social dialogue and collective bargaining, provide an individual right to training during working hours,

[3] This is particularly the case with the Paris Climate Agreement, see UN, *United Nations Framework Convention on Climate Change. Paris Agreement*, adopted on 12 December 2015, T.I.A.S. No. 16-1104.

[4] See the UN Sustainable Development Goals (SDGs); see also UN, *Transforming our world: the 2030 Agenda for Sustainable Development*, Resolution adopted by the General Assembly on 25 September 2015, A/RES/70/1, New York.

[5] European Green Deal; see EC, *The European Green Deal*, 2019, COM(2019) 640 final.

[6] EP, *Draft report with recommendations to the Commission on a just transition directive in the world of work: ensuring the creation of jobs and revitalising local economies*, Committee on Employment and Social Affairs, 2025/2131(INL), 3 December 2025.

mandate national just transition strategies, and include support measures for businesses, particularly SMEs, to promote a fair and inclusive transition and quality employment.

These developments raise a set of key questions: what conception of justice underlies the EU's move towards a Just Transition Directive? Is the EU idea of a "just transition" primarily an instrument of economic governance designed to facilitate the ecological transition, or does it constitute a principle of social justice in its own right? What types of legal instruments and institutional arrangements are required to implement one or the other conception of justice in the EU's transition towards climate neutrality?

Two draft proposal exercises – carried out respectively by Séverine Picard[7] for the Friedrich Ebert Stiftung[8] (hereinafter Proposal 1) and by Lucien Carré and Paolo Tomassetti[9] (hereinafter Proposal 2) – have sought to address these questions and to inform the ongoing EU debate on a Just Transition Directive. The aim of this article is to compare these two proposals, highlighting and explaining their similarities and differences, in a way as to further inform the policy making process.

With this ambition in mind, the article is structured as follows. In the first part, the article analyses the divergent conceptions of just transition, viewed either as a tool for social adaptation to economic change or as a lever for transforming production models (§2). In the second part, the article examines the normative architectures proposed by Séverine Picard and by Lucien Carré and Paolo Tomassetti, highlighting their differences in terms of the role assigned to labour law, which is conceived respectively as an instrument of social regulation or as a vehicle for increased worker participation in ecological and economic transformations (§3). Section 4 recaps the main findings and draws some conclusions (§4).

[7] Picard, *Proposal for a European Just Transitions Directive. Improving working conditions for just transitions through the anticipation and management of change*, Friedrich Ebert Stiftung, Competence centre Climate and Social Justice, June 2025.

[8] German political foundation established in 1925. The values it promotes, namely freedom, justice, solidarity and peace, are "firmly rooted in social democracy and the trade union movement", FES, "*About the Friedrich-Ebert-Stiftung. Get to know us!*" (online), accessed on 14 December 2025: https://www.fes.de/en/about-us/about-fes.

[9] Carré, Tomassetti, *Working paper. Towards a Directive on Just Transition within the European Union? A Draft Proposal Exercise*, EUI, LAW 2025/10 Department of Law, July 2025.

2. *Two concepts of just transition: between social integration of change and redesigning the production model*

This section compares the two conceptions of "just transition" underpinning the proposed directives. Proposal 1 understands it primarily as an instrument for anticipating and managing change (§ 2.1), whereas Proposal 2 conceives it as a broader structural transformation rooted in principles of social justice (§ 2.2).

2.1. *Just transition as a tool for "anticipating and managing change"*[10]

From the outset, Proposal 1 refers to two European transitions – climate and digital[11] – and deliberately adopts a broad understanding of transition – one encompassing "all situations in which a company is considering a strategic decision with a significant impact on the workforce"[12].

In this first proposal, the idea of a just transition is embedded within a predominantly procedural framework for the anticipation and management of changes in the world of work, thereby necessitating a "multidimensional approach"[13], encompassing both transitions. This integrated approach is justified by the interdependence of the digital and ecological transitions. The digital transition accelerates and reshapes the ecological transition by enabling, in particular, the optimisation of resource use and the facilitation of innovation (for example, through technologies based on artificial intelligence or machine-learning algorithms). At the same time, it introduces new social actors[14], generates additional environmental impacts[15], and transforms skills and professions. In short, the digital transition both accelerates the ecological transition and renders it more complex[16].

The ecological transition, for its part, requires the mobilisation of digital tools that enable, inter alia, the integration of renewable energies, the op-

[10] Subtitle of the directive proposed by Picard, *cit.*

[11] Picard, *cit.*

[12] *Ibid.*, p. 5.

[13] *Ibid.*

[14] Digital platforms, data managers, etc.

[15] Energy consumption of data centres, extraction of rare metals needed to manufacture certain technologies, etc.

[16] Emergence of new professions (data analysts, AI engineers, etc.).

timisation of resource use, and the measurement of environmental impacts. The digital transition thus facilitates the large-scale implementation of the ecological transition. It follows from Proposal 1 that these two transitions are systemic in nature: they are not limited to the introduction of specific technologies or to changes within particular sectors but instead reconfigure the very foundations of how societies function. From this perspective, the adoption of a single directive addressing both digital and ecological transitions makes it possible to address their combined impacts on the world of work – particularly on employment and workers' skills – in a coherent and integrated manner[17].

Although Proposal 1 adopts a functionally broad approach that goes beyond the standard employment relationship, its personal scope[18] remains more limited than that envisaged by Proposal 2. In Proposal 1, protection remains primarily connected to workers' exposure to restructuring and their position within the productive organisation, whereas Proposal 2 attaches the right to a just transition more directly to the worker as a person. In Proposal 1, the personal scope is defined functionally and expansively, encompassing any strategic decision by the company that significantly affects workers. Employees – understood primarily as the workforce directly impacted by restructuring – are at the core of this scope, although it is not confined to them. Precarious workers are included insofar as they are affected by decisions related to the transition, with their protection contingent upon their integration into productive structures. Platform workers are covered when they form part of the company's productive organisation and are affected by the transitions. Finally, indirect workers – such as subcontracted staff or those in the wider work chain – are considered indirectly, with a view to managing impacts and preventing broader social risks. In short, the personal scope of Proposal 1 extends beyond the confines of the standard employment contract, aiming to ensure socially responsible management of restructuring, regardless of the employment status of the workers concerned.

The functional approach adopted by Proposal 1 is not particularly disruptive. It forms part of a regulatory technique already employed in international, European and national labour law, which involves analysing changes in the world of work because of their practical effects on workers

[17] See, for example, Article 7 of the proposal.
[18] See recital 14.

and production, rather than based on predefined legal categories. Several measures set out in Proposal 1 – such as anticipating restructuring, training and reskilling, and the use of social dialogue and collective bargaining – are already featured in current discussions on the evolution of labour law in the face of economic and environmental change. The innovative aspect of Proposal 1 lies in the systematisation of these instruments at European level around the concept of a Just Transition.

This perspective is in line with the analysis put forward by Tonia Novitz[19], for whom sustainability can become a guiding principle for the future development of international labour law, thereby enabling existing legal instruments to be adapted to new social and environmental objectives. In line with this reasoning of thinking, we might cite David Doorey[20], who suggests exploring the field of 'just transition law', which would bring together labour law, environmental law and environmental justice.

Proposal 1 could therefore be understood, first and foremost, as an effort to systematise and streamline existing instruments within the European Union by placing them within a cross-cutting framework dedicated to anticipating and managing transitions. However, this capacity for coordination highlights a limitation of the approach: streamlining existing instruments does not guarantee that the inequalities created or exacerbated by the transition will be effectively addressed. The analysis put forward by Béla Galgóczi, particularly in his article *From a "just transition for us" to a "just transition for all"*[21], highlights the complexity of the link between climate, the environment and social inequalities. Just transition policies that address only one dimension would be insufficient. In line with this line of thinking, we can also cite Krause, Stevis, Hujo and Morena, who view the just transition as an opportunity to establish a new eco-social contract that would combine environmental and social objectives and in which "full access to social rights and a sustainable future would be guaranteed for all"[22].

[19] Novitz, *Sustainability as a Guide for the Future Development of International Labour Law*, in Langille, Trebilcock (eds.), *Social Justice and the World of Work*, Hart, Oxford, 2023.

[20] Doorey, *A Law of Just Transitions?: Putting Labor Law to Work on Climate Change*, Osgoode Legal Studies Research Paper Series, 2016.

[21] Galgóczi, *From a 'just transition for us' to a 'just transition for all'*, in *Transfer*, 2022, no. 3, pp. 349-366.

[22] Krause, Stevis, Hujo et Morena, *Just Transition for a new eco-social contract: analysing the relations between welfare regimes and transition pathways*, in *Transfer*, 2022, vol. 28, n. 3, pp. 367-382, summary of the paper.

Furthermore, Proposal 1 focuses on protecting workers as a workforce[23], and on ensuring the productive continuity of companies. "Securing Europe's industrial future"[24]: this is the main objective of a directive on just transitions, according to Ludovic Voet, ETUC Confederal Secretary[25] and author of the foreword to Proposal 1. At first glance, the directive proposed by Séverine Picard seems chiefly designed as a tool for the economic governance of major transitions in the world of work, with the stated objective of bolstering – or at minimum safeguarding – Europe's competitiveness.

Although the directive proposal pursues the aim of improving working conditions, in response to the "social and employment challenges arising from major economic transitions"[26], its underlying rationale can be subject to criticism from a radical standpoint: worker protection may be understood not only as an end in itself, but also as a means of supporting economic stability at EU level. This pragmatic approach to ecological and digital disruptions[27] can be seen as reflecting a concern for preserving employment, ensuring continuity of productive activity and maintaining European competitiveness. Accordingly, Proposal 1 prioritises measures capable of addressing immediate transitional pressures, notably by promoting the adaptation of work organisation, skills and professional trajectories to evolving economic and technological conditions.

This logic is echoed in the European Parliament's report of 3 December 2025[28], which similarly emphasises the need to anticipate restructuring, preserve jobs, and support European industrial competitiveness amid transitions. Like Proposal 1, the Parliament frames the just transition as a tool for managing economic transformations, with a primary focus on stability and the protection of career paths. However, one can contend that the underly-

[23] This term recurs throughout Proposal 1 and translates as the depersonalisation of workers, who are reduced to their labour power. The choice of an economic and management term rather than a legal term reflects an objective of production and economic growth.

[24] Picard, *cit.*

[25] The ETUC represents all workers at European level.

[26] Picard, *cit.*, p. 8.

[27] The term "crisis" is understood here as a rupture reflecting a period of instability and transformation. Here, the ecological crisis is forcing a transition from a carbon-based economy to a carbon-free economy, while the digital crisis can be understood as the upheavals caused by the massive introduction of new technologies into production models and the way employees perform their work.

[28] EP, *cit.*

ing production model itself must be critically challenged in order to ensure that transitions are genuinely fair.

2.2. *Just transition as structural transformation*

Proposal 2 is based on challenging this production model. A just transition is defined as an autonomous individual right[29], collective right[30] and effective right[31] – and not simply as a means of managing restructuring – which aims to "support structural economic change: the decarbonisation of the EU economy and the construction of a fairer society where work and environmental sustainability go hand in hand"[32].

The main rationale of Proposal 2 is that a just transition cannot exist without social justice. Just transition should therefore be conceived as a principle that both justifies and shapes the ecological transition[33]. Hence, labour law becomes a lever for reconfiguring the productive system, rather than merely serving as a buffer against the consequences of the ecological transition. Workers are not reduced to mere labour but are recognised as "persons"[34]. This lexical choice signals an understanding of human beings as subjects of law, grounded in a social and democratic approach to the ecological transition.

Consistently, the personal scope of Proposal 2 is defined in a substantive and universalist manner[35], grounded in the autonomous right to a just transition which aligns with the idea of fundamental human rights. As in Proposal 1, salaried workers remain central to this right. However, precarious workers are explicitly included, irrespective of the stability of their employment relationship. Platform workers are encompassed to the extent that they are exposed to the structural effects of the ecological transition, regardless of the legal classification of their subordination. Finally, indirect workers are considered more broadly than in Proposal 1. This scope is broader in

[29] Art. 4.

[30] Art. 5.

[31] Art. 6.

[32] Carré, Tomassetti, *cit.*

[33] This term is used frequently in Proposal 2 draft directive, unlike the Picard draft directive, which mentions it only once without defining it.

[34] Carré, Tomassetti, *cit.*, Art. 3, point 8.

[35] Art. 2.

that it does not depend on the legal form of the employment relationship or direct integration into the company, but on the actual exposure of workers to the structural effects of the ecological transition.

Lucien Carré and Paolo Tomassetti argue that, to ensure fairness, a transition cannot exclude certain categories of workers from the scope of the law. In short, the right to a just transition is attached to the worker as a person, not to the legal form of their employment. The objective is to guarantee universal and equal protection against the effects of the ecological transition, framed through the lens of social justice. This universalist approach to the personal scope of Proposal 2 is, however, not new in labour law. The debate concerning the protection of workers beyond their legal status predates the emergence of the regulatory framework for a just transition. In 2011, Mark Freedland and Nicola Kountouris proposed an approach aimed at moving beyond a view of the employment relationship based exclusively on the employment contract, in order to broaden it to encompass the working relationship as a whole, notably by developing the concept of 'personal work relations' and by examining how these relationships are legally constructed under English and European law. The idea was to focus first and foremost on the employment relationship and its characteristics, rather than confining ourselves to the traditional study of the employment contract[36]. Brian Langille and Ben Mayer-Goodman[37] emphasise that labour law has historically been built around the individual employee: "We live in a time of tremendous potential. One hundred years of labour law jurisprudence has built a fortress. Those deemed "employees" were protected inside that dichotomous fortress, and subject to labour law's protection. All the rest – especially those deemed "independent contractors"– were cast out, left unprotected and unsheltered from general commercial contract law and market forces"[38]. They challenge the notion that legal categories of workers, such as "employee", "employer", "self-employed" or "dependent contractor", or even "worker", are objective realities. According to the authors, these are legal constructs that can be identified based on

[36] Freedland, Kountouris, *The legal construction of personal work relations*, Oxford monographs on labour law, Oxford University Press, 2011.

[37] Langille, Mayer-Goodman, *Hunting for Employees, Employers, Independent Contractors, Dependent Contractors and Other Figments of the Legal Imagination*, in *DLJ*, 2025, Vol. 48, Iss. 1, Special Issue: The Christie, Symposium, article 9.

[38] *Ibid.*, p. 4.

facts. It is no longer simply a matter of determining the legal category to which a worker belongs, but of examining the reasons why the law chooses to grant them protection – or not. From this perspective, the universalisation of protection can be seen as a reflection on the very foundations and purpose of labour law, rather than as a mere extension of the category of employee. Finally, this line of thought can be linked to the writings of Adalberto Perulli and Tiziano Treu[39] who, in 2022, sought to develop a new status for work aimed at protecting work in all its forms. The aim was to move beyond the dichotomy between employed and self-employed work by placing the individual and their protection at the centre, regardless of the employment relationship.

These issues are all the more important in the context of a just transition, insofar as the unequal distribution of the costs of the ecological transition raises the question of what should determine eligibility for protection: employment status or the worker's actual exposure to the risks associated with the transition? This raises broader questions about the role of labour law in a just transition and its ability to protect workers across different forms of employment[40].

In line with these considerations, Proposal 2 calls for a rethinking of work itself, in particular by deconstructing the idea that there is a conflict between work and the environment, the latter only materialising "when workers have no choice but to work in a way that contributes to environmental degradation"[41]. The authors emphasise the need to emancipate work, particularly from economic constraints, in order to offer workers the freedom to engage in "socially and environmentally meaningful" activities[42] or, at the very least, not to be forced to choose between decent work and environmental sustainability.

The notion of a just transition is premised on the idea that ecological change without social justice is socially untenable, as illustrated by the Yellow Vest movement in France[43]. A transition is unfair if its costs fall solely

[39] Perulli, Treu, *"In tutte le sue forme e applicazioni". Per un nuovo Statuto del lavoro*, Giappichelli, 2022.

[40] See Caruso, Del Punta, Treu, *"Manifesto". Il diritto del lavoro nella giusta transizione. Un contributo "oltre" il manifesto*, C.S.D.L.E. "Massimo D'Antona", Catania, Firenze, Roma, 2023.

[41] *Ibid*., p. 4.

[42] *Ibid*.

[43] Movement initiated in France in November 2018. Originally, it was a protest against

on workers, low-income households, or vulnerable regions. Likewise, protecting workers solely to maintain economic performance is not socially just, as it instrumentalises protection to serve the productive system, leaving the productivist framework intact. Social justice, in this connection, must go beyond mitigating the impacts on the most vulnerable; it must also promote their recognition and meaningful participation, rather than being reduced to social risk management.

Nonetheless, Proposal 2 is not entirely detached from economic considerations. According to the authors, "recognising the right to a just transition prevents deindustrialisation in Europe"[44]. In this framework, competitiveness is not a foundation of the ecological transition but rather a consequence of ensuring social justice.

Refocusing the ecological transition on its social objectives rather than on economic imperatives raises the question of which legal instruments can effectively support such an ambition. In contrast to Proposal 1, Lucien Carré and Paolo Tomassetti propose a directive concentrated on the ecological transition alone, rather than one encompassing both ecological and digital transitions. While, as noted, the drafting of a joint directive could be justified by the overlapping impacts on labour law, the decision to focus exclusively on the ecological transition is not without merit. The authors of Proposal 2 justify this choice on the grounds that, unlike other industrial transformations, the ecological transition represents a "public interest imperative"[45] that is not solely oriented towards economic growth or competitiveness.

Furthermore, while parallels can be drawn with other transitions, particularly the digital transition, they argue that "confusing them risks diluting the urgency and specificity of the climate challenge"[46]. Indeed, the digital and ecological transitions are not of the same nature. While the digital transition is contingent and depends on industrial choices, the ecological transition is imperative because it is impossible to avoid climate change and its impact on human beings, societies and legal systems[47].

fuel tax increases. However, it has gone beyond this issue to become a broader protest against the cost of living and social and fiscal inequalities.

[44] Carré, Tomassetti, *cit.*, point 9.

[45] *Ibid.*, p. 6.

[46] *Ibid.*

[47] On this point, see in particular the work of the IPCC, *cit.*

Moreover, a single directive covering both digital and energy transitions risks generating standards that are too generic to effect meaningful change. Proposal 2 underscores the necessity of profound transformation, addressing the structural roots of the ecological crisis – an aim that could be compromised by a joint directive.

Overall, the two proposals reveal fundamentally different conceptions of a just transition. Proposal 1 treats it as a pragmatic tool of economic governance, while Proposal 2 advocates for a reconfiguration of a social system already marked by injustice and exacerbated by the climate crisis. Correspondingly, the legal structures proposed diverge: the former focuses on regulating the social consequences of transitions, whereas the latter seeks to transform labour relations at a systemic level.

3. *Two normative architectures for a just transition: social regulation or democratisation of work?*

This section compares the normative frameworks underpinning the two proposals. Proposal 1 structures transitions around a predominantly functional social framework (§3.1), whereas Proposal 2 conceives the just transition as a capacitating and emancipatory tool aimed at strengthening workers' power to act (§3.2). This divergence reveals profoundly different understandings of the role of labour law in shaping a just transition.

3.1. *Social governance as a lever for competitiveness and stability: Proposal 1*

As discussed above, Proposal 1 appears to be primarily oriented towards the social management of the climate crisis. To this end, it relies on social governance, understood as the institutional framework through which decisions relating to labour, employment, and social protection are formulated and implemented via mechanisms of consultation and negotiation among the State, the social partners, and specialised institutions[48].

[48] The very concept of "governance" is difficult to define. It seems to imply a plurality of actors (state, businesses, social partners, etc.), forms of coordination and pooling of ideas (negotiation, consultation, incentives, private standards, etc.) and a partial shift of power from the state to processes involving several actors at different levels. See Rhodes, *Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability*, Open University Press,

Grounded in Article 153 of the Treaty on the Functioning of the European Union (hereinafter "TFEU"), Proposal 1 promotes a form of functional social governance centred on information and consultation rights for workers and their representatives[49], the elaboration of transition plans "in collaboration with workers"[50], and the deployment of training and skills management mechanisms[51].

While these instruments of European social law are primarily intended to facilitate anticipation and coordination in the context of restructuring, skills adaptation and social change, the way in which they are deployed might be subject to criticism. Critical scholars could argue that social governance is conceived mainly as a framework for managing and mitigating social risks, rather than as a means of fundamentally reshaping labour relations. Workers are accordingly approached both as rights holders and as key participants in economic adjustment processes, whose skills and capacities are mobilised to support EU competitiveness and to accompany the digital and ecological transitions. In this sense, social governance is promoted to the extent that it enables the productive system to adapt to and absorb the effects of digital and climate-related transformations.

Arguably, the system proposed by Séverine Picard reflects a logic of compatibility with the internal market, aiming to protect workers insofar as this supports European industrial competitiveness, but without calling into question the productive purpose. The proposal promotes transitions that could be described as "ordinary" in that they emphasise training, job retention and professional mobility, in line with EU industrial policies. This model of social governance takes the form of a classic tripartite arrangement bringing together employers, public authorities, and social partners, in which social dialogue plays a central regulatory role without calling existing economic structures into question. The procedural architecture established under this model is primarily oriented towards anticipation and technical

1997; see also Rosenau, Czempiel, *Governance without government: Order and change in world politics*, Cambridge University Press, 1992.

[49] Picard, *cit.*

[50] *Ibid.*, p. 5.

[51] The Proposal 1 for a directive introduces, in particular, the idea of workers acquiring an individual right to paid training during their working hours in order to avoid the main obstacles to professional retraining, such as time or cost, or the establishment of coordinated skills planning at regional and sectoral levels; mentioned above, p. 6 and Articles 26 to 29.

management, relying on mandatory transition plans, skills mapping, and social impact assessments, coordinated through change-management instruments such as audits, reporting requirements, and indicators.

Within this framework, institutions of social dialogue function chiefly as bodies for consultation and coordination, fulfilling a largely procedural and stabilising role. This stands in contrast to the approach advanced by Lucien Carré and Paolo Tomassetti, who conceive social dialogue as a space for substantive deliberation. Social partners are thus involved in managing transitions, notably through their participation in the drafting of transition plans, the identification of skills needs, and the support of restructuring processes. Employers, for their part, bear responsibility for implementing transitions in a manner that ensures productive continuity and economic competitiveness. Public authorities likewise contribute by supporting production through training, financing, and regulatory policies, while safeguarding economic and industrial stability.

Proposal 1 seeks to strike a balance between economic growth and the social impacts of major transitions in an emergency context, relying in particular on consultation mechanisms, economic stability, and the preservation of industry. European industrial competitiveness is framed as a strategic objective, both to prevent deindustrialisation and to respond to international competition. Arguably, questioning the existing production model is perceived as entailing the risk of industrial decline, while redefining the purpose of production is seen as potentially leading to capital flight. Although the proposed directive does not explicitly use the term competitiveness and sets out clear social objectives[52], these remain structured around a logic of supporting the existing production system.

Beyond the sense of urgency, Proposal 1 also reflects a political commitment to protecting European industry. Moreover, by relying on Article 153 TFEU[53], Proposal 1 aligns closely with the existing framework of EU

[52] See article 3.

[53] It should be noted, however, that Proposal 1 for a directive refers to Article 153(2)(b) TFEU, in conjunction with Article 153(1)(a), (b), (e), (h), (i) and (j). The author therefore excludes from the scope of application points relating to social security and social protection for workers (c)), the protection of workers in the event of termination of the employment contract (d)), the representation and collective defence of the interests of workers and employers, including co-determination (f)), and the conditions of employment of third-country nationals legally residing in the territory of the Union (g)).

law. It largely mobilises instruments that are already in place – such as social dialogue (Article 151 TFEU) and the involvement of social partners (Article 152 TFEU) – without envisaging a reconfiguration of the institutional architecture. The European Parliament's report of 3 December 2025[54] is consistent with this approach, likewise emphasising social dialogue, consultation with the social partners, and the development of common transition frameworks.

Furthermore, the risk-management-based approach set out in Proposal 1, through its monitoring, audit and reporting mechanisms, is not limited to labour regulation but is typical of the regulatory techniques employed in EU law. The approach taken in Proposal 1 is neither isolated nor unique. Today, it is found in particular in recent legislation relating to the ecological and digital transitions. For example, Claire Bright and Karin Buhmann[55] highlighted how the duty of care, through a risk-based approach, links the protection of human rights, the fight against climate change and the requirements of a just transition, whilst requiring companies to identify, prevent and mitigate the risks that their activities pose to people and the environment. The approach taken by Proposal 1 is similar. The digital transition, particularly the regulation of artificial intelligence, is underpinned by the same logic, as Isabel Kusche points out[56]. The author draws on the EU AI Act[57] and notes that the text is also based on a gradation of the risks that AI poses to fundamental rights.

Rather than fundamentally challenging productivity objectives, ecological and digital transitions tend to be integrated into a broader logic of optimisation and continuity within the EU market economy. In this framework, one could argue that ecological imperatives are not primarily framed as external constraints, but are increasingly incorporated as factors guiding adaptation and adjustment. Social justice considerations are thus often ar-

[54] European Parliament, *cit*.

[55] Bright, Buhmann, *Risk-Based Due Diligence, Climate Change, Human Rights and the Just Transition*, in *Sustainability*, 2021, 13, 10454, p. 1.

[56] Kusche, *Possible harms of artificial intelligence and the EU AI act: fundamental rights and risk*, in *JRR*, 2024, pp. 1-14.

[57] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial intelligence Act).

ticulated in ways that support the management of these transitions, notably by facilitating acceptance and reducing social tensions, without necessarily calling into question existing production structures. As a result, dynamics that could potentially disrupt prevailing economic arrangements of capitalism are transformed into "instruments of its own perpetuation"[58] .

A genuinely "just" transition would require moving beyond the mere framing of transformations towards a more explicit and demanding conception of social justice, understood not as an instrument but as an end in itself. To this end, Proposal 2 draft directive suggests to ground the concept of a just transition in the redistribution of power within companies.

3.2. *The just transition as a field for the democratisation of work: Proposal 2*

Like Proposal 1, Proposal 2 is grounded in Article 153 of the TFEU, aiming to establish "common minimum standards that guarantee the effective enjoyment of the right to a just transition in the context of climate change mitigation and environmental restructuring"[59]. The joint reliance on Article 153 TFEU represents a point of convergence between the two proposals, as it situates the just transition within the EU's social competences and provides a legal basis for adopting common minimum standards on working conditions, social protection, and worker participation.

However, the use of this legal foundation differs between the two proposals. Proposal 1 employs it as a tool to support continuity and manage transitions without challenging the existing production model, whereas Proposal 2 treats it as an opportunity for regulatory innovation. The latter is grounded in a right-based conception of a just transition, which extends beyond contexts in which social rights are exercised and becomes the very object of that right. This recognition entails the identification of duty-bearers: employers, who are required to anticipate changes, adapt the organisation of work, and co-construct the transition with workers; and public authorities, which must, for instance, finance the transition and ensure effective access to rights.

The autonomous right to a just transition is not solely aimed at pro-

[58] Gorz, *Métamorphoses du travail. Quête du sens. Critique de la raison économique*, Galilée, Débats, 1988, p. 298: "Capitalism never ceases to integrate and recover what seemed to be slipping away from it, transforming threats against it into instruments of its own perpetuation".

[59] Carré, Tomassetti, *cit.*

tecting individuals, but also at guiding industrial choices. It rests on a substantive conception of social justice, which goes beyond compensating losses or managing risks, and entails recognising workers as legal subjects and ensuring their meaningful participation in decision-making processes.

This approach reflects a broader drive to democratise work, conceived as the redistribution of decision-making power within firms, allowing workers' representatives to influence work organisation, production choices, and the design of the transition. In this framework, representative democratisation is not a peripheral goal or a tool to facilitate the ecological transition, but a necessary condition for achieving it.

Furthermore, this conception of worker participation raises a difficulty in light of the traditional limits on worker participation under EU law. As Anna Maria Alaimo noted in 2009[60], the European regulatory framework has gradually favoured forms of involvement based on information and consultation. Following "strong" worker participation, EU law has moved towards a regulatory framework based on information and consultation which, according to Anna Maria Alaimo, goes so far as to enshrine these as the main forms of "employee involvement". This concept ("*coinvolgimento dei lavoratori nell'impresa*") encompasses the mechanisms that enable workers to influence company decisions, generally through their representatives. Unlike Proposal 1, Proposal 2 departs from this by seeking to make worker participation a key element in company decisions relating to the transition.

This difference therefore raises a fundamental question: could the recognition of an individual and collective right to a just transition constitute a normative basis that would make it possible to overcome the limitations imposed by Article 153 of the TFEU? The question is all the more significant given that the ecological transition is viewed as an imperative in the general interest that could affect the enjoyment and exercise of fundamental social rights. The question of striking a balance between environmental imperatives and freedom of enterprise also arises, particularly where worker participation is likely to influence the company's strategic decisions.

Recent EU law does not appear to have addressed these issues. As Joana Nunes Vicente noted in 2024[61], even in the area of companies' duty

[60] Alaimo, *Il coinvolgimento dei lavoratori nell'impresa: informazione, consultazione e partecipazione*, in Sciarra, Caruso, *Il lavoro subordinato*, Giappichelli, Torino, 2009.

[61] Vicente, *Neglecting the Involvement of Trade Unions in Due Diligence processes? A Critical Appraisal of the EU's Corporate Due Diligence Directive*, in this journal, 2024, no. 1, p. 268.

of care[62] – which is based on similar objectives regarding sustainability and the protection of human rights – workers' involvement remains organised primarily around information and consultation mechanisms, rather than genuine co-decision-making mechanisms: "According to those recommendations, while stakeholders' involvement, in particular trade unions' involvement, is a key component of the due diligence process, this involvement should be interactive, covering information, consultation, and comprehensive/structural, it means an ongoing process. To the contrary, in the proposed directive, trade unions were not explicitly mentioned as stakeholders. A clear obligation to consult stakeholders was only referred when enacting preventive or corrective action plans"[63].

Thus, the two directives differ not only in the participatory techniques they employ, but also in their two different conceptions of the role that workers should be called upon to play in the governance of the transition.

Proposal 2 rests on the premise that a socially just ecological transition requires active worker engagement, rather than leaving workers passive in the face of unilateral production decisions. Accordingly, Article 3 of the directive stresses the necessity of "meaningful participation"[64] by trade unions and workers' representatives, extending beyond conventional information and consultation procedures[65] to facilitate genuine deliberation with both companies and national authorities[66].

In Proposal 2, work is conceived not merely as an economic factor but as a space for democratic decision-making. Workers are therefore recognised as political actors in the ecological transition. Social dialogue institutions are understood as arenas for co-constructing pathways for the ecological transition, enabling the effective realisation of the right to a just transition. Unlike Proposal 1, where social partners are primarily tasked with managing transitions, Proposal 2 positions them as political and legal actors with the capacity to challenge trajectories that conflict with social

[62] Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859.

[63] Vicente, *cit.*, p.17.

[64] Carré, Tomassetti, *cit.*, art. 3.

[65] Article 8(3), on information, consultation and collective bargaining, proposes that the just transition plan be "discussed and agreed with trade unions, workers' representatives or works councils at company level".

[66] Carré, Tomassetti, *cit.*, art. 3.

and environmental justice. Employers, accordingly, are bound by substantial obligations stemming from the autonomous right to a just transition: they are not only responsible for implementing the transition but must also align their productive choices with the requirements of social justice.

Public authorities act as guarantors of the right to a just transition. They bear responsibility for financing the transition, ensuring territorial coherence, preventing structural inequalities, and establishing a legal framework for productive transformations. In sum, the mechanism proposed by Lucien Carré and Paolo Tomassetti seeks to render the ecological transition a democratic and legally regulated process, oriented toward both the transformation of the productive model and the advancement of social justice.

Moreover, the goal of democratising work reaffirms the principle that "work is not a commodity"[67] and highlights the necessity of imbuing it with meaningful content. Workers should not be compelled to trade off decent working conditions against sustainability. The directive seeks to empower workers, placing them in a "situation of absolute freedom of individual choice and equality between rational persons, regardless of their actual status"[68], thereby enabling them to engage in "socially and environmentally meaningful activities"[69].

Organised in this way, labour law would become a vehicle for social and environmental justice. However, despite this transformative ambition, Proposal 2 raises questions about its legal feasibility within the EU framework. The recognition of an autonomous right to a just transition raises questions about both the scope of the EU's powers under Article 153 TFEU and its articulation with freedom of enterprise[70] and the diversity of national industrial relations systems. It must therefore be understood both as a project for normative reform and as a contribution to "the effective transposition of the principle of just transition into binding European legislation"[71].

[67] Principle adopted in the Declaration of Philadelphia in 1944 when defining the objectives of the International Labour Organisation. See Supiot, *L'esprit de Philadelphie. La justice sociale face au marché total*, Seuil, 2010.

[68] Carré, Tomassetti, *cit.*

[69] *Ibid.*

[70] See Charter of Fundamental Rights of the European Union, Art. 16.

[71] Carré, Tomassetti, *cit.*

4. *Conclusion*

In conclusion, the analysis of the proposals put forward by Séverine Picard and by Lucien Carré and Paolo Tomassetti reveals a potential compatibility between their respective approaches. While the former places emphasis on social regulation and the protection of workers, the latter foregrounds participation and the democratisation of work, thereby offering two complementary perspectives for ensuring that transitions are both effective and fair. From this standpoint, the notion of a "just transition" emerges both as an instrument of economic governance for structuring transitions and as a principle of social justice in its own right.

That said, the European Parliament's report of 3 December 2025, which calls for the drafting of a directive on just transitions, appears – at least at this stage – to be more closely aligned with Proposal 1, favouring a normative framework centred on social regulation and support for territories and workers. This orientation suggests that, notwithstanding the recognised importance of participatory dimensions, current European policy choices tend to privilege a pragmatic and stabilising approach.

Nevertheless, in order to maximise both the effectiveness and the social acceptability of transitions, it would seem desirable to articulate these two dimensions more closely: strengthening social regulation while simultaneously integrating mechanisms for the active participation of workers and local communities. This would also imply adapting measures to specific territorial and sectoral contexts and establishing robust monitoring and evaluation tools capable of adjusting policies in light of their outcomes. By reinforcing social protection, ensuring meaningful worker participation, and subjecting transition policies to continuous assessment, ecological and economic transitions may be pursued in a manner that is fair, inclusive, and sustainable.

Abstract

This article analyses two proposals for European directives on implementing a just transition in the world of work. It compares an approach focused on social regulation and anticipating restructuring with an approach based on worker participation and the democratisation of work, revealing two complementary concepts of social justice. The just transition thus appears to be both a tool for economic governance and a principle of social transformation. The article also examines, in a cross-cutting manner, the European Parliament's report of 3 December 2025, putting it into perspective with these two proposals in order to assess the current direction of European policies on just transition.

Keywords

Just transition, Social regulation, Protection of workers, Social justice, Sustainability.