

Eco-social Synergies: Legal Challenges at the Intersection of the Environmental and Employment Realms

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ABSTRACT

The autonomy-private life nexus: protecting non-productive spaces within working time regulation.

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By fostering the notion of full productive employment, labour law has vectorised the needs of capitalist-productivist societies which have entailed a massive exploitation of natural resources to the point of altering its most basic biological processes, placing the habitability of the Earth at stake. Its impacts are not limited to the environmental effects but rather have huge eco-social implications. Within the framework of the debates around just transitions and sustainable societies, the work argues that a re-assessment of the basic institutions of labour law is imperative, disentangling the latter from the productivist paradigm and recovering its protective function. To that end, the paper exams whether the current regulations allow any room for the protection of non-productive spaces and argues that it is essential to re-assess some basic notions, e.g., the subordination relationship or the working time conception, from the perspective of the principle of relational autonomy, as a counter-part of the productivist paradigm and the commodification of labour.

In this venture, the paper seeks to incorporate the right to private life ex art. 8 ECHR to the discussion to reinforce relational autonomy as a rationale to imbue the labour law institutions towards its sustainable development. Despite that, an overview of the European legal framework on working forms and working time suggests that autonomy is neither used as a legal rationale nor given intrinsic value within labour relations.