

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

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ABSTRACT

The relevance of the social conditionality clause in the CAP 2023-2027: recognising eco-social safeguards for agricultural workers.

Carlo Valenti, University of Siena, Italy.

The main objectives of the Just Transition rely on the implementation of comprehensive strategies aimed at guaranteeing sustainability through a holistic approach, thus prompting intertwined interventions on the economic, social, and environmental levels. For this reason, labour law needs to adopt new tools to safeguard workers, such as regulatory compliance mechanisms to assure both environmental protections and better working conditions. In this regard, an example can be observed in the requirements introduced by the CAP 2023-2027 for the access to the direct payments, namely with the adoption of the dual conditionality mechanism approved by the Regulation (EU) 2021/2115 of the European Parliament and of the Council. Such instrument binds the disbursement of the basic income support for sustainability (BISS) to the respect of the environmental and social conditionality clauses and allows to strengthen environmental and employment protections in the agricultural sector. Despite farmers' initial worries about the risks of excessive burdens, social aspects of the CAP solely focus on three European directives regarding contractual conditions and transparency, workers' health and safety, safety of work equipment without requesting additional requirements. By doing so, a new form of eco-social compliance mechanism can be observed, which demands potential beneficiaries of the agricultural incentives to ensure better employment protections. In addition, the implementation of dissuasive sanctions and inspections ensures the social conditionality clause to properly address the safeguarding of workers. In conclusion, CAP's latest provisions demonstrate that environmental and employment protections can no longer be separated from the direct responsibility and accountability of companies and prompt the agricultural sector to act virtuously on account of new eco-social regulations. In this perspective, this approach sheds light on the possible intersection of environment and work for legal interventions as part of a new season of social safeguards based on link between compliance and labour law.