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### Transition---1AC

#### The advantage is Transition.

#### The current political economy is barreling toward climate catastrophe. It’s an ongoing, non-linear, and existential risk.

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Luke Kemp, also Faculty Fellow, Notre Dame Institute for Advanced Studies, and Research Affiliate, Centre for the Study of Existential Risk (CSER), and SJ Beard, also Associated Researcher, the Institute for Futures Studies, “Chapter 14: Existential Change: Lesson from Climate Change for Existential Risk,” *An Anthology of Global Risk* (Cambridge, UK: Open Book Publishers, 3 Sept. 2024), SJ Beard and Tom Hobson (eds.), pp. 403-404

Within Existential Risk Studies it is common to hear people ask the question “is climate change an existential risk?”, and many who ask this question answer negatively, arguing that as a result climate change is not an important topic of research within the field. However, whether it is answered affirmatively or not, this question is misguided. There are three reasons for thinking this. Firstly, it makes little sense on a probabilistic level; whether something will be a threat to our collective existence is not a binary matter, it is a question of likelihood. However, many researchers within Existential Risk Studies mistakenly conflict existential risk with events that could be existential catastrophes. Secondly, climate change is not a single uniform process that will affect everyone in the same way; it is a set of diffuse impacts to different exposed populations, interacting with different vulnerabilities and exposures, and activating different risk cascades. As Richards et al. show, it will inevitably interact with a host of other threats (not only food security and societal collapse, but even factors such as the explosivity of volcanic eruptions or the emergence of zoonotic pathogens),1 and these can interact with one another to create reinforcing feedback loops or “global systems death spirals”.2 Finally, “ existential risk” is too vague and arbitrary a concept for the question to ever be answered. All the definitions of existential risk that have received the greatest public attention thus far, such as Toby Ord’s, focused not in terms of an impact on humanity at any point in time but rather in terms of “the loss of long-term future value”;3 either referring to the author(s) particular vision of a high-tech intergalactic utopia, or a fuzzy undefined idea of “our potential”.4

Other authors have practised attribution substitution and sought to answer an easier question such as “will the direct impacts of climate change make the Earth uninhabitable?” as a proxy for existential risk,5 or suggested agricultural impossibility as a proxy for civilisational collapse at a given level of temperature rise.6 These are certainly more tractable questions, but they are also entirely different questions, and there is a danger in thinking that answering them is sufficient to assess the overall level of climate risk.

We are better off reverting back to the common-sense definition of existential risk as the risk to the existence of a given object, and specifying whether the object under threat is humanity as a whole ( extinction risk), global industrial society (collapse risk), or something else entirely. We should be thinking of an overall level of risk emergent from a particular socio-ecological system, and how much climate change influences this level.7 And the question we should be asking about this risk is what contribution, under certain scenarios, climate change will make, bearing in mind that it will almost certainly be operating in tandem with many other drivers of risk.

Considering this revised question can also help to rectify a recurring problem in the climate risk literature: using mean global temperature rise as the sole threat indicator. Authors and activists alike have frequently made a direct link between the level of warming and the likelihood of global catastrophe, with 4–6 °C being most frequently used as this terrible threshold.8 However, global surface temperature is only one of the climate change induced factors we need to worry about. 3 °C of warming above pre-industrial levels could be entirely manageable if it occurs in a world of adaptive technologies, high levels of multilateral cooperation, wealth equality, trust in institutions, and the safe management of other planetary boundaries. It could also be catastrophic in a world where other planetary boundaries are transgressed, the international order is riven with conflict, lethal autonomous weapons are in mass production, and societies are scarred by inequality, low trust, and polarization. Understanding the contribution of climate change to Global Catastrophic Risk requires a more sophisticated approach which looks beyond the direct impacts of a given level of warming to think through fully formed climate scenarios. We believe that, when conceived of in this way, the risks associated with climate change are more appreciable and it is far harder to argue that understanding them is unimportant; however, even if others disagree with this assessment, we still maintain that this is the right way to think about the problem.

#### Climate change is an ongoing, structural impact that manifests along racial and class lines.

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Joe McCarthy, “Why Is Climate Change a Racial Justice Issue?” 04-20-2021, Global Citizen, https://www.globalcitizen.org/en/content/why-is-climate-change-a-racial-justice-issue/.

In a few harsh weeks, the freeze showed how climate change manifests along the fault lines of inequality, fault lines that are often shaped by racial disparity.

Why Is Climate Change a Racial Justice Issue? 3 Things to Know

Climate change interacts with and worsens existing inequalities in society that are often shaped by racism.

Climate action requires an intersectional approach that takes into account the most impacted communities.

Scientists, environmentalists, and racial justice advocates agree that the best way to overcome the climate crisis is by empowering and listening to Indigenous communities.

Climate change is frequently talked about in vague terms — temperatures and sea levels will rise, for instance, making it harder for everyone to survive. But its effects are already here and they “disproportionately impact those who are most vulnerable,” according to Rueanna Haynes, senior legal adviser for Climate Analytics.

“In many countries, economic, environmental, and health vulnerability is also tied to the question of race — communities who have less access to different sorts of resources tend to be communities who are more easily exploited,” Haynes told Global Citizen.

“When you think about this at the country level, it’s the vulnerable countries who will be bearing the beating of climate change,” she said.

What this means in terms of demographics is that Black people, Indigenous people, and people of color (BIPOC) are disproportionately experiencing the impacts of climate change: flooded homes, vanishing sources of drinking water, disrupted local economies, extreme heat waves.

These racial disparities stem from global inequality, according to Haynes. People who are wealthy and have access to enough resources can anticipate and adapt to climate change, while people who are poor and people who live in poor countries have less ability to do so. Centuries of colonialism based on white supremacy have given this inequality an overarching racial dimension, leading to what Archbishop Desmond Tutu, the late Nobel Prize-winning human rights activist, called a “climate apartheid.”

In both national and global contexts, the growing climate crisis is an urgent matter of racial injustice, according to advocates who spoke with Global Citizen. Stopping the climate crisis, therefore, can help achieve racial equity.

The Long History of Environmental Racism

Anthony Rogers-Wright, director of environmental justice at the civil rights law firm New York Lawyers for the Public Interest, began to see climate change as a matter of racial injustice “from the get go.” Early in his career, he read the United Church of Christ’s seminal Toxic Waste and Race report that brought the concept of “environmental racism” into popular usage.

“The report indicated that race, more so than income and class, was the major determinant for where polluting industries and toxic waste were located [in the US],” Rogers-Wright said. “It became apparent to me that the root causes of the climate crisis are white supremacy, patriarchy, and colonization.”

Rogers-Wright said that climate organizations should study the history of the colonial era and slavery in particular to understand how the global economic system — and its “dehumanization” of certain populations — has brought the world to the brink of ecological ruin.

The supercharged form of capitalism that colonialism created, in which anything could be commodified, is the foundation for the modern era’s transactional relationship to nature that has led to forests, wetlands, and marine habitats being destroyed for commercial purposes.

By adopting a framework of intersectionality, many aspects of the environmental crisis become more clear, Rogers-Wright said, noting that the history of environmental racism helps to explain why the fossil fuel industry was able to lie to and misinform the public for so long.

“You can’t have runaway emissions without dehumanization,” he said, suggesting that the climate crisis would be more easily contained if it were not for structural forms of racism.

Black communities in the US have long protested that pollution from coal factories, animal processing facilities, and garbage incinerators causes significant health problems. But political leaders have consistently failed to address this injustice, and now greenhouse gas emissions from those same industrial sectors are warming the planet to a dangerous degree, Rogers-Wright said.

The COVID-19 pandemic further illustrates the consequences of environmental racism, he said. Across the US, Black people have died at a far higher rate from COVID-19 than the general public, partly because they’re more likely to experience levels of pollution so extreme that their immune systems weaken.

“COVID-19 was one of the great elucidators,” Rogers-Wright said. “It basically illuminated systems of oppression that were in place for a long time, from health care to the environment to the economy. There’s no shock that the people who are suffering the most from COVID-19 are the most affected by environmental racism.”

As temperatures and sea levels rise, BIPOC communities have been disproportionately impacted in the US because of how historic injustices have left them exposed to environmental crises.

Hurricane Katrina is one example. In 2005, New Orleans’s underfunded levee system broke under the weight of the ocean and flooded the city. Black people were up to four times more likely to die than white people in some neighborhoods and they accounted for 80% of the people who lost their homes. In the months and years afterward, Black residents were much less likely to return to their homes.

When the extreme rain of Hurricane Harvey fell on Houston more than a decade later in 2017, Black and Latinx residents were disproportionately harmed. These events foreshadow the scientific warning that hurricanes will become both more severe and frequent and could further worsen inequality.

The racial injustice of climate change can be seen at the global level as well.

Only a few dozen countries, primarily those that have benefited from colonialism, are responsible for the magnitude of the climate crisis, having released the vast majority of greenhouse gases that are heating up the planet. At the same time, the people in countries that have released the least emissions stand to suffer the most from it.

The people of the Pacific Island nation Tuvalu, for instance, could soon lose their homes to sea level rise. Many other Pacific Island nations could disappear underwater as well, entire geographies of culture lost in the process.

Collectively, Pacific Island nations account for less than 0.03% of global emissions. Meanwhile, an Oxfam study found that the world’s wealthiest 1% emit twice as much carbon dioxide as the poorest 50%.

People’s Lives Are at Stake

Thanu Yakupitiyage, head of US communications at 350.org, was born in Sri Lanka, where coastal populations are threatened by sea level rise and extreme storms.

“Having grown up on an island that’s being impacted by sea level rise and being from the Global South, I was taught about the impacts of climate from a young age,” Yakupitiyage said.

“But I don’t think I understood that it disproportionately impacted people of color in the Global South until much later while working with immigrant rights communities and I began to see the intersection,” she said.

The intersectionality of climate change is clear in other ways — people living in poverty and women are more impacted by it.

A recent analysis by the think tank GermanWatch found that the 10 countries most threatened by climate change are in the Global South, countries that have been harmed by colonialism.

In 2019, Hurricane Idai made landfall in three of the most vulnerable countries — Zimbabwe, Mozambique, and Malawi — causing flooding and landslides that killed more than 1,000 people, destroyed more than 100,000 homes, and damaged schools and hospitals. Flooding throughout 700,000 hectares of farmland caused disruptions to tens of thousand of farmers, which led to food shortages. The countries are still recovering from the disaster.

A United Nations spokesperson said that the constricting effects of poverty contributed to the severity of the storm’s impact. If funds for climate-resilient infrastructure and agriculture had been mobilized years earlier, the hurricane wouldn’t have been so devastating.

The UN has been calling on wealthy nations to fund climate mitigation and adaptation efforts in poor countries through financing groups like the Green Climate Fund (GCF). But this request is a race against time — the longer wealthy countries delay, the more expensive the climate crisis will become. In fact, the UN estimates that $1.8 trillion invested in climate adaptation can prevent $7.1 trillion in climate costs.

From an economic perspective, climate adaptation makes sense. But countries are increasingly focused on domestic rather than international matters — especially in light of the pandemic — a shift that threatens climate action funding. Bringing an intersectional perspective to the table can help to generate the needed funds, especially as countries seek to achieve the UN’s global goals.

“Climate change is not just a blank slate issue that’s not connected to other issues,” Yakupitiyage said. “We have to think about the climate as an umbrella issue that is inherently connected to other forms of justice, including racial and migrant justice, and ultimately human rights.”

Climate Action Must Be Intersectional

Approaching climate action as a matter of racial justice doesn’t change the primary demand of the climate movement: stop the crisis by reducing greenhouse gas emissions as rapidly as possible.

#### Climate change outweighs. Our impacts guarantee elimination of the conditions of possibility for all politics and justice, which necessarily precedes individual vectors of injustice. The pluralist precautionary approach enables effective moral and political decision-making without eliding systemic harms nor being vulnerable to cooption.

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Ross Mittiga, “Climate Change, Catastrophe, and the Circumstances of Justice,” Ch. 2 in *Climate Change as Political Catastrophe: Before Collapse* *Climate Change as Political Catastrophe: Before Collapse* (Oxford UPress, Feb. 2024), at pp. 18-46

If we continue on our current path we will face the collapse of everything that gives us our security: food production, access to fresh water, habitable ambient temperature, and ocean food chains. And if the natural world can no longer support the most basic of our needs then much of the rest of civilization will quickly break down. Please make no mistake: climate change is the biggest threat to security that modern humans have ever faced.

Sir David Attenborough, 2021 UN Security Council speech1

2.1 Introduction

It is a tragic feature of human cooperation that the most efficacious allocation of burdens is not always the fairest. In contemporary political thinking, fairness holds so much weight that we often believe it better to abandon a common project than to accept an inequitable distribution of benefits and burdens. Yet, in some cases, the ends of our shared endeavors are not elective, or are so valuable that we may think cooperation should proceed regardless of fairness concerns. This appears true of warfare and diplomacy, for instance, and often also for healthcare. In such cases, we may hope that our shared goals can be met without unduly or arbitrarily burdening any particular party. Nevertheless, trade-offs are often unavoidable, such that we must sacrifice either some amount of fairness if our goals are to be met, or of efficacy if uncoerced cooperation is to continue. A fundamental political problem, then, is determining which should take priority in a given situation.

In this chapter, I argue that the imperative of preventing climate catastrophe represents another example of this dilemma. After decades of inaction, we may no longer be able to limit some of climate change’s most harrowing effects—including sea-level rise, extreme weather, the proliferation of mosquito-borne diseases, mass extinctions, agricultural collapse, and water scarcity—without imposing unfair burdens on some parties. This is particularly clear in the intergenerational context: there is likely no way to prevent climate catastrophe unless those of us alive today make substantial sacrifices for the sake of future people, who are widely expected to be wealthier than we are now. But the same may also hold intragenerationally: effective precautionary action against climate catastrophe may require imposing significant costs or developmental delays on relatively poorer states like China and India, for which they may never receive full compensation.

The tension between fairness and efficacy in the context of climate change has not been very well explored in the literature.2 It therefore remains unclear under what conditions, or to what extent, prioritizing effective precautionary action over distributive fairness could be justifiable. This comprises the focus of the present chapter.

I begin, in section 2.2, by considering the possibility that no trade-offs between fairness and efficacy are actually necessary. This view is popular in the intergenerational-justice literature; it is staked on the idea that current generations should simply defer the costs of presently undertaken action onto richer, future people in the form of public debt. For various reasons, I argue that this proposal fails.

In section 2.3, I turn to an alternative approach developed by Simon Caney. This approach acknowledges the potential for conflict between the goals of efficacy in avoiding harm and fairness in distributing burdens, and offers a sophisticated account of when we might justifiably prioritize the former over the latter. What results is an improvement over the intergenerational-justice approach. I argue, however, that Caney’s proposal also falls short in several key respects.

I then advance a new position in sections 2.4 and 2.5. Broadly, I argue that prioritizing efficacy over fairness is justified when societies are faced with the prospect of “political catastrophe.” Political catastrophe occurs whenever material scarcity is so extreme that fair social cooperation and political stability become impossible to realize or sustain. My essential claim is that preventing the loss of the conditions that make justice possible ought to be given greater weight than satisfying any particular instance or application of justice. Defining catastrophe in relation to the circumstances of justice helps explain how precaution coheres with broader theories of justice, making my argument less ad hoc than alternatives. It also clarifies the specifically political stakes of precaution: we should take action both to avoid harm and to prevent social-institutional collapse. The prospect of collapse provides a strong moral and prudential base of motivation for states and other temporally unbounded actors to act immediately and decisively against credible threats.

In section 2.6, I argue that climate change threatens political catastrophe and, given this, those of us alive today are obligated to take all reasonable measures to address it—including reducing emissions, enhancing carbon sinks, supporting adaptation measures, and ensuring that losses and damages do not precipitate extreme scarcity. Moreover, I claim that this obligation must be fulfilled even if doing so conflicts with ordinary principles or rules of justice.

2.2 Intergenerational-justice approaches One well-discussed example of conflict between fairness and efficacy in the context of climate change appears in the intergenerational-justice literature. This stems from the fact that virtually every economist expects future generations to be wealthier and more technologically advanced than we are now.3 If future generations will be better off, then imposing strenuous climate-action burdens on current generations seems unfair, as it would amount to requiring poorer people to sacrifice for the benefit of richer ones.4 We can call this the “intergenerational equity objection” to immediate climate action, of which there are many examples in the literature. Robert Lind, for instance, asks: “Can we justify current generations sacrificing 2–3% of GWP to increase the wealth of future generations who even after deduction for the high damage scenario are 2–15 times richer than the present generation?”5 Others have argued similarly that, even accounting for the likely costs of climate change, “it will be far more expensive to cut carbon-dioxide emissions radically than to pay the costs of adaptation”6; accordingly, justice would be better served by devoting our scarce resources to assisting the global poor alive today—even if this means continuing fossil fuel-intensive development.7 Political theorists and climate ethicists have developed various responses to the intergenerational equity objection, all of which aim at making space for effective precautionary action without undercutting the priority of fairness.8 Most commonly, scholars argue that even if we grant that future generations will in fact be richer,9 imposing climate action burdens on those alive today would nonetheless be justified so long as the costs of present action can be shifted onto the future (e.g. through heritable debt).10 In other words, by separating the costs of climate action from the actions themselves, we can ensure that the (richer) future pays, and thereby preserve intergenerational equity. Any apparent conflict between effective precaution and intergenerational fairness would thus disappear. While on first blush this proposal seems plausible, on closer inspection a number of issues arise. Most pressingly, significant doubt exists about whether shifting costs onto future generations is actually possible. Many economists argue that wealth can only be transferred between contemporaries, not generations.11 As Matthew Rendall explains: “it does not seem possible for the present generation taken as a whole to borrow money from the future,” because any “loan made now comes out of today’s spending and investment, and will in turn be repaid to future people.”12 If this is right, then any attempt to borrow must clarify which contemporary agents should be the debtors and which the lenders, and on what terms. Doing this while preserving intergenerational equity would require disaggregating generations, sorting agents with differing debt-bearing capacities into distinct economic strata, producing some reliable estimate of how those agents’ capacities will change over time (e.g. will they continue occupying the same economic strata?), and, finally, selecting a global-justice principle that takes these factors into account when allocating burdens.13 Suppose for the sake of argument that this can be done or that some other mechanism for fairly deferring the costs of present action onto future generations can be found. Two problems remain. First, even if we could defer some of the costs of present climate action onto the future, it is nonetheless impossible to defer all of the costs.14 For instance, effectively addressing climate change will ultimately entail many workers losing their jobs—particularly in the fossil-fuel and animal-agriculture industries. Yet one’s occupation is often an integral part of one’s identity and sense of self-respect. (This may be especially true for those in iconified industries, like farmers or Appalachian coal miners.) Moreover, many displaced workers may have limited ability to adopt new professions. These costs and sacrifices cannot be deferred, and pecuniary compensation can only go so far. Thus, some residual injustice remains. While this cost of course pales next to that of climate catastrophe, so long as it cannot be fairly distributed, it represents another example of the tension between fairness and efficacy. We might also worry that any plan that proposes transferring costs onto the future ultimately depends on unverifiable assumptions about future economic conditions. Should it turn out that future generations are poorer, or that growth in the costs associated with climate change outpace general economic growth, then deferring even some of the costs will turn out to have been unfair. When we defer costs, we take a gamble with justice that might not bear out. This suggests a broader problem: to justify any particular program of action, intergenerational-justice approaches must regard certain assumptions about the future as matters of fact. This is necessary for specifying unambiguously what each generation owes to future ones. For our purposes this means that, to require current generations to act, intergenerational-justice theorists must maintain that the future effects of unmitigated climate change will, in fact, be grave. Regardless of scientific consensus about the anthropogenic origins of climate change, however, it remains impossible to predict precisely what (or when) climatic changes will occur, or how such changes will impact human well-being. Consider, for instance, the IPCC’s prediction that a doubling of atmospheric CO2e[15] will “likely” increase global mean temperature by 1.5 to 4.5ºC.16 If warming falls at the low end, many (though not all) states should be able to adapt without suffering catastrophic losses. Warming at the high end, however, is likely to prove devastating for ecological, economic, and political systems throughout the world. This variability weakens intergenerational-justice theorists’ ability to insist on a particular allocation of climate-action burdens.17 For if we were to know that temperature increases will be low, present generations could justifiably leave the bulk of climate action to the (likely wealthier and more technologically advanced) future. Conversely, if we were certain that temperature increases will be great, the case for imposing stringent burdens on present generations would be much stronger.18 A related issue is that, in the absence of certainty, the normative motivation for immediate climate action on intergenerational-justice approaches goes unstated. Most likely, intergenerational-justice scholars wish to reduce the likelihood that climate change will overwhelm the response capacities of future generations, leaving them with an uninhabitable planet. But if this is right, then these scholars are implicitly relying on a notion of precaution without considering the implications this might have for their other theoretical commitments—including the potential tensions that realizing effective measures may have with standards of fairness. Even if solutions to these various problems could be devised, we might still worry that the possibility of deferring costs provides only a contingent (and thus precarious) justification of contemporary precautionary climate action. For, on this view, immediate action is permissible if and only if present generations can in fact shift costs onto the future. Such a qualified position is likely to be unsatisfying for anyone centrally concerned with preventing catastrophe. 2.3 Prioritizing precaution: Caney’s approach Recent work by Simon Caney offers another way of navigating conflicts between fairness and efficacy in responding to the climate crisis. Caney starts with “the assumption that it is of paramount importance that humanity avoids dangerous climate change,” and acknowledges that it may be impossible to achieve this without upsetting distributive justice.19 He then attempts to specify the conditions under which effective preventative action justifiably takes priority over fairness.20 Central to Caney’s argument is a distinction between “first-” and “second-order responsibilities.” First-order responsibilities cover core climate duties: to “mitigate climate change,” “enable adaptation,” “compensate people for harm done,” and to pick up others’ slack in instances of non-compliance.21 While the claim that such duties exist is uncontroversial, Caney’s account leaves us with a number of unanswered questions. For one, it does not specify to which agents first-order responsibilities fall, although, considering Caney’s earlier work, it is likely this would be some construal of “the most advantaged”22—in particular, the most advantaged states.23 Caney also does not indicate clearly what the normative foundations for these responsibilities are, though, again judging by his earlier work, the imperative to prevent harm or the erosion of just entitlements (to health, safety, and a decent standard of living) likely fulfills this role.24 Finally, and most pressingly, Caney’s account does not specify under which conditions, if any, first-order responsibilities to prevent climate catastrophe should take priority over ensuring that burdens are distributed fairly.25 These ambiguities owe to the fact that Caney is principally concerned with “second-order responsibilities,” which are those agents have (a) to ensure that others (presumably states) comply with their first-order responsibilities, and (b) to promote a normative-institutional context in which preventing climate catastrophe is likely to succeed.26 Caney’s priority argument is meant to apply only to these second-order responsibilities. His essential claim is that those who have the power to prevent dangerous climate change (in the second-order sense) have a responsibility to do so. He refers to this as the “power/responsibility principle” (hereafter PRP).27 The PRP applies when the following, jointly sufficient conditions obtain: (1) “humanity faces a prospect of disastrous harms”;28 (2) certain agents have the capacity to “reduce, or severely limit, the chances of these dire outcomes” coming to pass;29 (3) moreover, these agents are uniquely able to prevent catastrophe—which means both that others lack similar capacities and that “if disaster is to be averted, [all qualified agents] must act”;30 (4) there are no “sufficiently weighty countervailing considerations” that “take priority” over the responsibility to act.31 Caney argues compellingly that the first three conditions are satisfied with respect to climate change, and offers a plausible defense of (4). But a number of issues remain. First, and most critically, we are looking for a priority argument that applies to core—i.e. first-order—climate duties. Caney repeatedly insists, however, that his argument applies only to second-order responsibilities.32 His reasoning for this appears to be that first-order responsibilities can be distributed in accordance with a principle of corrective justice (for past emissions), and so no trade-off between fairness and efficacy is necessary.33 Yet so long as it is at least possible that the most efficacious distribution of climate-action burdens will not be the fairest or must just (however construed), our original problem remains. Whichever justice principle we employ, we must still ask: under what conditions and to what extent should efficacy of action take priority over fairness in the context of preventing climate catastrophe? One way to answer would be simply to extend Caney’s priority argument to cover first-order responsibilities. We might stipulate that, whenever the four conditions noted above obtain, all states (or other relevant actors) with the power to prevent catastrophic climate change (in a first-order sense) also have the responsibility to do so. Granting that this extended PRP is possible, we can consider what problems, if any, it faces.34 Starting with condition (1), Caney is right to argue that climate change portends serious future harms if we fail to take decisive and immediate action. But whenever we speak about the duty to prevent future harms, some account of how probability affects responsibility is needed. At what point, exactly, does the threat of climate catastrophe generate a duty to act? Does the strength of one’s responsibility scale up with increased likelihood? Or is it categorical—i.e. does one have an obligation above a certain minimal threshold of probability? Caney does not address these issues. Regarding conditions (2) and (3), two problems arise. First, particularly with respect to first-order responsibilities, every capable agent is not needed for effective climate action; a critical mass would suffice. This is especially clear if we consider that in 2018 the top ten state polluters alone were responsible for more than 68 percent of global emissions, while the bottom hundred countries accounted for only about 3.6 percent.35 Of course, many of the countries between the top ten and bottom hundred have the power to reduce their emissions substantially. But their reductions are far less important for preventing catastrophe; they may even be unnecessary if the top polluters act. Caney later concedes that, even for second-order responsibilities, “it may be too strong to say that the intervention of all [capable] agents is necessary,” but he holds nonetheless that “[w]hether dangerous climate change is averted … depends on whether a sufficient number of … agents take up these roles.”36 The problem with this is not only the ambiguity surrounding what counts as a sufficient number; Caney’s admission also undercuts the basic motivational force of the PRP, which holds that “acting on it is necessary to protect those whose interests are threatened.”37 Even accepting the (sound) assumption that the actions of some capable agents are necessary to prevent catastrophe, in most cases, complying with the PRP will not be necessary for any particular agent. Thus, we have a collective action problem. If the concerted action of a certain number of capable agents is necessary to avert disaster, but the participation of any particular agent is unnecessary, then individuals have considerable incentive to free-ride.38 Without a coordination mechanism or a principle that can allocate responsibility in instances of redundancy, how can the PRP be effective?39 This problem becomes more worrying if we accept that fulfilling climate duties may come at a cost to an agent’s other important values or ends. Then, instead of just lacking an incentive to comply, agents will have an incentive not to comply. Perhaps in recognition of this, condition (4) stipulates that agents possess no “sufficiently weighty countervailing considerations” that “take priority” over their responsibility to act. While this may hold true for second-order responsibilities, it almost certainly does not for first-order ones. Reducing emissions, enhancing sinks, establishing and financing compensation mechanisms, enabling adaptation, and so on, are difficult and expensive tasks. This is especially true for poor states, for which general climate inaction and fossil fuel industrialization are often still regarded as expedients to essential developmental gains.40 More importantly, even if costs were not a concern, we still might worry that condition (4) is tautological and ambiguous: tautological in the sense that it stakes the priority of preventative action on the ground that there are no considerations that take priority over preventative action (and thus asserts what it is meant to prove); and ambiguous in the sense that it does not indicate clearly what kind of consideration, if any, would be sufficiently weighty so as to overpower an agent’s duty to act. Thus, while Caney’s account is laudable for directly addressing the essential problem—how should we balance efficacy and fairness in the context of preventing dangerous climate change?—it suffers from a number of critical issues when extended to cover core precautionary duties, like reducing emissions. Consequently, we are still in need of an account that explains under which conditions, and to what extent, the value of efficacy may justifiably take priority over fairness when attempting to prevent climate catastrophe. 2.4 Alternative justificatory bases for prioritizing precaution Over this section and the next, I present a new approach. I argue that prioritizing efficacy over fairness is justifiable whenever the conditions that make justice and political stability possible are themselves compromised or credibly imperiled. I refer to such situations as political catastrophes, a concept introduced in the introductory chapter and further elaborated later in this chapter. 2.4.1 Catastrophe The idea of “climate catastrophe” is frequently invoked when attempting to motivate the need for (or otherwise justify) precautionary action. But what catastrophe signifies is not always clear. The most recent OED entry defines it as a “sudden disaster, wide-spread, very fatal, or signal.” Cass Sunstein, on the other hand, describes catastrophes as instances of harm that “involve a large number of human deaths.”41 Perhaps more stringently, Richard A. Posner defines them as events that “threaten the survival of the human race.”42 The focus on death in these and many other accounts43 accentuates the moral relevance of precautionary action. Yet we might wonder if death is a sufficient or even necessary feature of catastrophe. Are not instances of extreme suffering catastrophic, before or apart from human death? What about cases of severe political instability, in which norms, cooperation, and institutions break down? What I call political catastrophe captures these omitted elements.44 Political catastrophe is not defined by a body count, though it may follow from, or result in, human death. Rather, political catastrophe is characterized foremost by a state of extreme material scarcity, in which one can only meet one’s basic needs by denying another (or others) the ability to do the same. To count as political catastrophe, scarcity must be enduring, though not necessarily permanent or irreversible; it must be irremediable by simple local efficiency gains or redistributions; and it must afflict at least a sizable minority of a given population.45 When extreme and enduring scarcity of this sort occurs, it becomes impossible to realize or sustain relations of justice and, by extension, uncoerced forms of social cooperation, all of which critically endangers the stability of democratic governance structures (or any governance structure at all). Central to the idea of political catastrophe, then, is something like John Rawls’s “objective circumstances of justice,” which he defines as “the conditions under which human cooperation [is] both possible and necessary.”46 The most important of these circumstances is “the condition of moderate scarcity,” which obtains when “[n]atural and other resources are not so abundant that schemes of cooperation become superfluous, nor are conditions so harsh that fruitful ventures must inevitably break down.”47 In describing the latter condition, that of extreme scarcity, Rawls refers to a passage by David Hume, which describes a society that has fallen into such want of all common necessaries, that the utmost frugality and industry cannot preserve the greater number from perishing, and the whole from extreme misery; it will readily … be admitted, that the strict laws of justice are suspended in such a pressing emergency, and give place to the stronger motives of necessity and self-preservation.48 This passage makes vivid the idea that, without adequate material resources, justice becomes difficult (if not impossible) to realize or sustain. Without redress, such extreme scarcity inevitably leads to social and political collapse.49 I argue that the imperative of responding to political catastrophe sanctions deviations from ordinary moral constraints—not the complete and self-centered abandonment of justice that Hume portends,50 but rather shifts in the allocation of burdens and benefits necessary to alleviate or resolve the catastrophe quickly and effectively. I develop a justification for this claim and address some potential objections to it in sections 2.4.2 and 2.6, respectively. But we should note here that something like this idea is already widely, if often only tacitly, accepted in various contexts. Medical triage offers a clear example.51 Under normal conditions, clinicians are expected to “devot[e] maximum time and resources to the sickest patients,”52 without respect to morally arbitrary factors like age, weight, expected recovery time, etc. Yet, when medical supplies are limited and/or services are under extreme duress, these expectations change, and factors previously considered arbitrary for allocating medical resources may become determinative.53 For instance, in the case of vaccine shortages, officials may justifiably discriminate based on age, prioritizing the very young and the very old. Likewise, in military triage situations those patients most likely to recover quickly and resume action may justifiably be prioritized.54 In short, under conditions of extreme scarcity, the principles, rules, and values that normally govern the dispensation of medical care are justifiably outweighed by—and are subordinated to—higher-order concerns like saving the most lives, protecting the most vulnerable, or maintaining the war effort. I claim that the same dynamic holds true in more general instances of extreme scarcity: the principles and values that normally guide the moral-political calculus—especially distributive fairness—may justifiably be subordinated if and to the extent that doing so is necessary to restore conditions of moderate scarcity, which constitute the material basis of justice. In this sense, political catastrophe may be used to define genuine states of exception because it gives content to the concept of “necessity”:55 making exceptions to moral principles or the legal order is legitimate when doing so is necessary to preserve or restore the conditions that sustain them.56 2.4.2 Two priority arguments Accepting all of this, however, we must still ask: are deviations from moral principles justified to prevent future political catastrophes? (After all, mitigating risk is at the core of precaution.) And if such deviations are so justified, what makes them so and to what extent? 2.4.2.1 Contractualist argument One potential means for justifying the prioritization of efficacy over fairness in addressing risks of political catastrophe is by adopting an impartial decision-making framework that melds the perspectives of justice’s beneficiaries and burden-bearers.57 We can model impartiality within such a framework by prescinding information about the place or time to which each person taking part in the decision-making process belongs.58 Therein, participants should assume that the actions or inaction of some agents can precipitate extreme scarcity for others, and thus that political catastrophe must be deliberately avoided.59 Ignorant of their temporal or spatial locations, rational, self-interested agents occupying such a framework would, I argue, seek to ensure that every generation takes all reasonable measures to reduce the likelihood of political catastrophe. Of course, preventative action is not without costs.60 Thus these agents will also want to ensure that the burdens on any person or group are not so great that they themselves artificially induce political catastrophe. Deliberators could therefore be expected to reject an austerity program that forces extreme scarcity in the present simply to avoid the same later on.61 Yet it would be rational for them to accept any necessary burdens falling below this upper limit. If this is right, then from an impartial perspective—one that represents the interests of all people and generations62—imposing strenuous (but not politically catastrophic) burdens on some to prevent political catastrophe from befalling others is morally justified. Put another way, from the perspective of the least-advantaged members of the least-advantaged generation (i.e. those facing political catastrophe),63 precautionary efficacy justifiably outweighs fairness. Thus, should it be the case that protecting future generations from political catastrophe is possible only by imposing stringent burdens on earlier, poorer generations, doing this would be justified. Future generations consigned to previously preventable political catastrophe would likely find any other conclusion unacceptable. For them, it would be no consolation at all to be told that their plight is simply what fairness required. Anyone at risk of occupying such a position would undoubtedly prefer an unfair schedule of burdens64 that prevents political catastrophe to a fair one that does not. 2.4.2.2 Paradox of justice Another way of justifying the priority of precautionary efficacy over fairness is suggested by Karl Popper’s famous “paradox of tolerance,” which holds that “[u]nlimited tolerance must lead to the disappearance of tolerance.” The essential idea here is that if a society tolerates the expression of all beliefs, including intolerant ones, it may be unable to sustain tolerance in the long run—particularly if the intolerant views proliferate. In such a case, “the tolerant will be destroyed, and tolerance with them.”65 Rawls shares Popper’s view, arguing that if “the tolerant [in a given society] sincerely and with reason believe that their own security and that of the institutions of liberty are in danger,” they may justifiability “restrict the freedom” of “intolerant sects.”66 A similar paradoxical relationship appears to hold with respect to justice. That is, if the only way to realize or act upon a particular conception of justice entails causing or allowing political catastrophe (which, again, constitutes a dissolution of the conditions that make justice possible), then it follows that sometimes remaining just may only be possible at the cost of justice in general. It therefore seems reasonable to assume that we may limit or subordinate particular applications of justice when doing so is necessary to ensure the continued general viability of justice (and, with it, political stability). Below, I argue that the climate crisis represents just such a case: that is, that the demands of intergenerational or international justice may undermine our ability to prevent political catastrophe and thus sustain the conditions that make justice possible. Consequently, justice may require accepting some amount of injustice. 2.5 What does effective precaution entail? So far, I have argued that efficacy should be prioritized over fairness in the context of responding to or preventing political catastrophe. Assuming this is plausible, we must now consider what exactly precaution against political catastrophe entails. 2.5.1 General precautionary posture We can begin to answer this question by considering some standard notions of precaution. The precautionary principle has been largely developed in the context of environmental policy and law.67 Consider Principle 15 of the Rio Declaration: In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The UN Framework Convention on Climate Change (UNFCCC) features similar language, as do the Montreal Protocol, the Maastricht Treaty, and the Third North Sea Conference.68 While these policy documents refer to “the” precautionary principle or approach, there is no single, universally accepted formulation.69 (One scholar has identified nineteen versions.70) Nevertheless, following Jonathan Wiener, we can delineate a general “precautionary posture,” which includes five elements that are common to most precautionary principles: (1) “A threat of serious or irreversible or catastrophic risk or damage.” (2) An epistemic position that does not preclude action on the basis of scientific uncertainty about the magnitude or likelihood of a given risk. (3) A tendency to favor “earlier measures” that “anticipate and prevent the risk” preceding harm. (4) A tendency to favor “greater protection,” though permitting degrees of stringency (from simple preventative measures to complete prohibitions). (5) A “qualifying stance on the impacts of the precautionary measures themselves, calling for assessment of their cost-effectiveness” and “improvement over time as knowledge is gained.”71 In sum, a precautionary posture enjoins agents to act early to prevent or attenuate major risks or damages, despite uncertainty, with the intention of securing the greatest protection possible within reasonable limits. This way of conceptualizing precaution requires further refinement to be practicable. Some of what we have already said is useful here. We can stipulate, for instance, that the relevant notion of (1) is political catastrophe—i.e. this is what precautionary action is meant to prevent. We have not yet addressed (2), which holds that agents should not preclude precaution on the basis of uncertainty about the likelihood of a given risk. While this condition seems reasonable, it is vague. Most pressingly, we need a clearer idea of what level of probability is necessary to warrant precautionary action. One possibility is to stipulate that risks should be “scientifically plausible” and “reasonably likely” to occur.72 The former requires that we understand the means by which catastrophe could occur and can explain that process to others in the language of public reason. Thus, for instance, even if Ba’al worshippers truly believe that failing to make certain sacrifices risks planetary destruction, this is a matter over which people might reasonably disagree, and without a clear way of settling this disagreement—for instance, by scientific consensus—there are no compelling grounds for taking public action against it. The reasonably likely criterion, on the other hand, requires that the causal mechanisms capable of causing catastrophe are observably at work. This excludes very remote possibilities from our consideration, but does not rule out all low-probability or unknown-probability events. Drawing a line without raising the charge of arbitrariness is difficult here. A defensible threshold should be sensitive to potential magnitude, likelihood of occurrence, and societal aversion to risk. One candidate, suggested by the recent history of US foreign policy, is that high-impact events with a greater than 1 percent likelihood of occurrence warrant a response.73 While this may appear overly stringent, many governments place even more demanding requirements on insurance companies in relation to their “risk of ruin”: the probability that a surfeit of claims in any given year will push the insurer into bankruptcy and thus leave policyholders unprotected. For example, as a recent article in Climatic Change explains, the UK requires that insurance companies maintain sufficient capital holdings such that their risk of ruin does not exceed 0.5 percent within a one-year time horizon. Yet: In practice, insurance companies normally hold sufficient capital such that the risk of ruin is far lower than this level. Large reinsurance companies such as Munich Re and Swiss Re typically aim for a credit rating in the region of AA. An estimate of the average default probability for corporations rated AA over a one-year horizon is currently 0.02%.74 The article later observes that “society is currently running a larger risk” of “climate ruin” than “insurance companies are prepared or allowed to run with their own solvency.”75 This, of course, seems irrational given the far more encompassing catastrophic potential of climate change. The key point here, however, is just that, for whatever threshold of risk we adopt, events falling below it would not warrant consideration. Henry Shue’s “anti-paranoia requirement” offers additional means for refining our two risk-assessment criteria. Shue argues that we should only take precaution when (i) “we can understand the mechanisms by which [political catastrophe] would happen,” and (ii) “can see conditions favorable for the working of the mechanisms arising.”76 We can stipulate, then, that for a risk to be scientifically plausible, (i) must apply; while (ii) must hold for it to be considered reasonably likely to occur. This precludes action against all merely conceivable or possible threats of political catastrophe, stipulating instead that action is warranted only against risks that we understand and can observe developing. 2.5.2 Normative bases of precaution Points (3) and (4) of the precautionary posture suggest two distinct normative bases for undertaking precaution: the duty not to harm others77 and the duty to protect others from harm, respectively. 2.5.2.1 Negative duty not to harm The former duty covers cases in which a deliberate action or omission constitutes a credible risk of significant future harm.78 Following Lukas Meyer and Dominic Roser, we can define harm in relation to a threshold, such that “an action (or inaction) at time t1 harms someone only if the agent thereby causes ([or] allows) this person’s life to fall below some specified threshold.”79 In such cases, an agent causes or allows others to be worse off than they are “entitled to be.”80 To assess harm in this way, we must specify a particular entitlement threshold, which (again) is difficult to do without arbitrariness.81 But the idea of political catastrophe offers one plausible candidate: a person, P, is harmed whenever the unnecessary actions or inexcusable omissions of another (or others) causes or allows P to be in a situation of extreme material scarcity, such that P can only meet his or her basic needs by denying another (or others) the ability to do the same.82 We can understand “unnecessary actions” here in two ways. First are those actions that are necessary for a satisfactory life but that are undertaken in ways that unnecessarily exacerbate given risks. A relevant example here is energy production: while energy is generally considered necessary for a satisfactory life, the way in which it is currently produced is unnecessarily harmful, particularly when cost-effective carbon-neutral technologies are available. Second are actions that contribute to a given risk and yet are unnecessary for a satisfactory life.83 For example, consuming animal products appears unnecessary for (and often even detrimental to) a healthy and satisfying life,84 at least for most people in the West.85 Nevertheless, the livestock sector has exploded in the last fifty years, particularly in the West, and is now “responsible for 18 percent of greenhouse gas emissions”—more than all the world’s trains, planes, cars, boats, and other transport vehicles combined.86 The duty not to harm also proscribes “inexcusable omissions.” An omission, or failure to act, is excusable if the party failing to act is (i) ignorant of the consequences and (ii) lacks the means to overcome that ignorance. Otherwise, it is inexcusable. Thus it may be wrong to hold generations before, say, 1990 accountable for harming present and future generations with GHG emissions, given the lack of broad scientific consensus about the causes and effects of climate change up to that point.87 Failing to take preventative action today, however, is inexcusable, as this ignorance no longer exists, or, where it does, the means of overcoming it are readily available. 2.5.2.2 Positive duty to protect The second normative basis of precaution follows from the positive duty to protect others from harm.88 Much like the closely related duty to rescue, the content and scope of the duty to protect are controversial. In standard formulations, however, the duty to protect holds that when one is able to prevent harm from befalling another (or others) at reasonable cost to oneself, then one ought to do so. Here again harm may be defined in relation to a threshold, such that others (e.g. future people) are harmed whenever their quality of life falls below a certain level. Unlike the negative duty not to harm, however, the positive duty to protect holds whether or not an agent is responsible for the potential harm. Thus, assuming climate change threatens political catastrophe (a point I defend below), this duty would require us to undertake precautionary action even if we were not personally or principally responsible for causing the risk. While the duty not to harm is absolute—only ignorance or necessity can excuse deviations—the duty to protect must have limits or else it will be overly demanding.89 This is intimated by elements (4) and (5) of the precautionary posture, which stipulate that, while we should favor a greater degree of protection over a lesser one, considerations of cost-effectiveness may limit what actions we take. This again is vague, however. How stringent should we be in protecting others, particularly against risks of political catastrophe? A point from the contractualist priority argument laid out above (section 2.4.2.1) is relevant here. Recall that, from an impartial perspective, a rational limit to our precautionary duty is given by political catastrophe itself. In allocating burdens to prevent political catastrophe, none should be so great that they themselves result in extreme material scarcity. This prevents precaution from becoming self-defeating and thus preempts the so-called “black-hole problem,” which affects principles that prioritize the prevention of worst-case scenarios.90 The concern is that strictly prioritizing the prevention of such scenarios would quickly exhaust society’s resources. For this reason, many prefer principles that minimize aggregate or average deprivation.91 Although my argument gives strict priority to preventing political catastrophe, it hedges against the black-hole problem by precluding the complete material sacrifice of any group for the sake of others. 2.5.3 The pluralist precautionary approach In light of these considerations, we can formulate a more precise account of our precautionary climate duties as follows: (1) GENERAL PRECAUTIONARY DUTY: All agents have a general duty to prevent scientifically plausible, reasonably likely threats of political catastrophe where possible. This implies two correlate duties: (a) DUTY NOT TO HARM: Agents should not harm others. Harm occurs whenever some agents, by their unnecessary actions or inexcusable omissions, cause or allow political catastrophe to befall others. (b) DUTY TO PROTECT: Agents should take all reasonable measures to protect others from harm in the form of political catastrophe. i. REASONABLENESS PROVISO: The limit of reasonability in (1b) is given by political catastrophe itself: precautionary burdens cannot be so great as to themselves cause politically catastrophic conditions. And to this, we should add the following secondary principle: (2) FAIRNESS PRINCIPLE: Agents should ensure the burdens of precaution are distributed fairly to the fullest extent compatible with satisfying (1a) and (1b).92 Taken together, these principles provide an account of precautionary duty that balances moral and realist political commitments. Accordingly, we can hereafter refer to it as the “pluralist precautionary approach” (or PPA). While novel in structure and formulation, the PPA has practical implications similar to those of John Broome’s well-known “efficiency without sacrifice” (EWS) proposal.93 For Broome, “the very most important thing about climate change” is that it “can be solved without anyone making any sacrifice.”94 In other words, “fixing climate change” is possible, he contends, without imposing (uncompensated) economic costs on current generations; recognizing this effectively neutralizes the greatest political objection to immediate action.95 Notably, this sounds like a version of the intergenerational-justice argument described in section 2.2. And indeed Broome accepts one of the basic premises of that argument: that “[u]nless climate change turns out to be much more damaging than expected, economic growth will continue, so that … future people will be better off than we are”; consequently, “[g]iving them more benefits at our expense would be benefitting the rich at the expense of the poor.”96 Critically, however, Broome does not present EWS as a way of preserving the priority of fairness; on the contrary, he regards it as a significant moral compromise, in that EWS requires accepting some amount of unfairness for the sake of motivating people to implement action now and thereby prevent future harm. Far better than EWS, morally speaking, would be “efficiency with sacrifice,” Broome argues. This is so for a number of reasons. Perhaps most significantly, EWS essentially amounts to a “bribe” paid by future people—who, through no fault of their own, are at risk of grave harm—to those alive today (above all, the global rich)—who will continue causing harm (via emissions) unless they are compensated for acting otherwise.97 This suggests serious moral corruption: current generations should not require a bribe from their potential victims to fulfill their basic moral duty not to harm others. Moreover, Broome argues there are strong consequentialist reasons for preferring policies that require present sacrifices. As he explains, while “[o]ther things being equal, it would be a bad idea to benefit the rich at the expense of the poor,” “if the total of benefits can be greatly increased by doing so,” as he argues would be the case following an efficiency-with-sacrifice plan, “it may be a good idea.”98 In short, then, Broome believes that the moral balance of reasons is tipped unequivocally toward policies that would involve present action and sacrifice. Nevertheless, he endorses EWS as a strategically more viable position, and one that is at least morally superior to “business as usual” climate politics: “Aiming for efficiency with sacrifice rather than efficiency without sacrifice is to encumber the task of fixing climate change with the much broader task of improving the distribution of resources between generations.”99 In other words, for Broome, efficaciously responding to the threat of climate change is more important than satisfying the full requirements of distributive fairness, and thus should the former become considerably more likely to succeed if we were to set aside the latter, then we have good reason to do that.100 Moreover, at least with EWS, Broome argues, we have something that “is better for some people and worse for no-one.”101 To insist on anything more than that would be to “make the best the enemy of the good.”102 The pluralist precautionary approach (again, PPA) shares with Broome’s view the basic idea that undertaking effective action must not be made conditional on satisfying the full demands of distributive fairness. In other words, however regrettable it may be, if the only viable options we have for responding to the perilous threat of climate catastrophe are in some way unfair, we must pursue them nevertheless. Unlike Broome’s view, however, the PPA does not locate the reason for this outside of justice—i.e. by appeal to strategic or prudential considerations alone. Rather, according to the PPA, unfairness in the context of preventing climate catastrophe is permissible for the sake of preserving the conditions that make fairness possible; thus, we act out of a concern for justice, not in spite of it. It does not follow from this, however, that the PPA is incompatible with Broome’s EWS proposal. Quite the opposite: should it be the case that an EWS policy were able to prevent climate catastrophe and be the fairest option we have among comparably effective proposals, then the PPA would readily endorse it. The key difference, however, is that the PPA is able to offer a deeper, more explicitly moral defense of why this would be an acceptable approach, despite its unfairness. 2.6 Objections to the pluralist precautionary approach In what remains of the chapter, I consider several potential objections: (1) that climate change will not actually be politically catastrophic; (2) that, on various plausible accounts of intergenerational justice, the PPA is superfluous and so unnecessary; (3) that the PPA has ambiguous policy prescriptions; and (4) that the PPA would legitimate the use of dangerously illiberal and undemocratic emergency powers. 2.6.1 Climate change will not be politically catastrophic The first objection charges that although climate change may cause serious future damage, it is unlikely to precipitate political catastrophe; thus there is no need to undertake extensive precautionary action, particularly if doing so comes at the cost of justice. This is an empirical question that we can settle by examining the evidence. I argue that climate change threatens political catastrophe both globally and regionally. The former pertains to climatic changes and events that are worldwide in scope, totalizing in effect, and irreversible, though unlikely to occur before 2100. The latter pertains to less severe, but more immediate, climatic changes and events capable of upending the objective circumstances of justice in vulnerable states or regions. 2.6.1.1 Globally politically catastrophic climate change

Climate change threatens global political catastrophe in two main ways: via (i) linear increases in average surface temperatures (in excess of, say, 4ºC);103 and (ii) severe climate events—especially “tipping points”—capable of abruptly altering weather patterns or ecosystems in devastating ways.

[i] As noted above, the IPCC reports that a doubling of CO2e will “likely” result in a net increase of 1.4ºC to 4.5ºC in mean temperatures over preindustrial levels. The IPCC defines “likely” as having a 66 percent chance, meaning that if we stabilize CO2e at around 550 ppm—an ambitious goal, given that the atmospheric stock of CO2e is already in excess of 400 ppm and continuously rising—there remains a 34 percent chance that global warming will fall outside the 1.4–4.5ºC range. Note, however, that it is considerably more likely that temperature increases will exceed 4.5ºC than fall below 1.4ºC.104 And on one estimate, there is as much as “a 10% chance of eventual temperatures exceeding 6ºC.”105

Although six degrees of warming may sound innocuous, it is enough to extinguish or severely endanger much of the planet’s plant and animal life—much as a fever of 6ºC above normal body temperature is enough to kill a human being.106 According to Nicholas Stern, with just a 5ºC rise, “[h]uman life would probably become difficult or impossible in many regions that are currently heavily populated, thus necessitating large population movements [… which] often bring major conflict.”107

The links between global warming and political catastrophe are manifold.108 Higher temperatures mean increasingly volatile weather patterns; rising sea levels; higher rates of infectious diseases;109 massive displacement and waves of “climate refugees”;110 more frequent drought and flooding (and thus more frequent crop failure); and extensive water scarcity.111 Stern is not alone in predicting conflict—the White House, the US Department of Defense, NATO, etc.112 all emphasize the possibility of intra- and interstate violence arising from global warming. As Martin Weitzman describes, “[t]he massive unrest and uncontainable pressures [higher temperatures] might bring to bear on the world’s human population are almost unimaginable.”113

[ii] Another path to global political catastrophe involves surpassing “tipping points”—i.e. “thresholds beyond which major changes occur that may be self-reinforcing and are likely … irreversible over relevant time scales.”114 These thresholds are typically defined by specific levels of warming; it is impossible, however, to predict precisely how much temperatures would have to increase to set off a given tipping point. In other words, we may pass critical warming thresholds, and thereby set off a tipping point, suddenly and without warning. According to a National Research Council report, one tipping point may have already been crossed: the destabilization of the Greenlandic and West Antarctic Ice Shelves.115 This threatens to greatly accelerate sea-level rise and, worse, shut down the North Atlantic thermohaline circuit, which plays a crucial role in moderating temperatures in Europe.116 When the thermohaline circuit last stopped, global temperatures dropped 5ºC within ten years, causing icebergs to extend to Portugal, which locked in enough water to precipitate a severe global drought.117

Other potential tipping points, like the release of methane stores in the Northern hemisphere’s thawing permafrost, risk “runaway” global warming.118 In general, events like these could have enormous ramifications for well-being and political order—which is to say, crossing tipping points credibly risks future global political catastrophe. The only viable way to avert tipping points is by reaching carbon neutrality as quickly as possible.

2.6.1.2 Regionally politically catastrophic climate change Catastrophic linear temperature increases and many of the most disruptive tipping points may not occur until the end of the twenty-first century. In the meantime, however, climate change poses a credible risk of political catastrophe on a smaller scale, in particular regions and states.119 Economists and policymakers have paid far less attention to this possibility, perhaps because the changes and events culminating in regionally politically catastrophic climate change are less sweeping and may be (partly) remediable through international action. To understand how climate changes risk regional political catastrophe, note first that when scientists speak of temperature increases they are typically referring to global averages. This can obscure the fact that even minor increases in global mean temperature can entail considerable increases for certain areas.120 Moreover, tipping points can be localized—increases of just 1–2ºC can abruptly impact regional weather patterns, resulting in protracted droughts, topsoil aridification, etc.121 Warming in the Pacific, for instance, has already led to considerably more frequent and severe cyclones in east Asia. Regional climate change does not necessarily entail political catastrophe. Rather, catastrophe will occur only when affected states’ or regions’ anticipatory and response capabilities are overwhelmed and international assistance is lacking. This suggests two areas on which to focus precautionary action beyond abatement: (i) ensuring that affected states or regions are prepared for climatic changes by providing the necessary resources to implement effective adaptation measures;122 and (ii) providing assistance or compensation to attenuate the effects of unavoidable loss and damage.123 2.6.2 Precaution is superfluous A second objection holds that sufficientarian accounts of intergenerational justice—like Rawls’s just-savings principle or Locke’s more inchoate “enough-and-as-good” proviso—already adequately insure against political catastrophe by requiring that contemporaries not deprive future people of adequate material resources. If this is right, then there is no need for the pluralist precautionary approach (PPA), or perhaps any other theory of precautionary duty. This objection misses the difficulties sufficientarian accounts face in the following, pertinent case: when contemporaries act in such a way that enriches future people (in pecuniary terms) but also severely depletes or degrades the natural environment.124 Because accounts like Rawls’s and Locke’s assume fungibility between natural and artificial material resources, even irreversible environmental damage is regarded as compensable. Accordingly, even if future generations are forced to adapt to severe environmental austerity, these accounts assume that their greater wealth and productivity should make this, on balance, acceptable to them.125 (Hence Brian Barry’s observation that, on accounts like these, a relevant question becomes: what amount of manufactured plastic trees, astroturf, and singing electronic birds can compensate for the loss of real trees, real grass, and real birds?126) In this sense, Rawlsian or Lockean intergenerational sufficientarianism appears to favor promoting economic growth over preventing environmental loss. It is by no means clear, however, that adapting to unmitigated climate change is (or at least will remain) a viable option for future generations, even granting extensive “wealth” accumulation. Insisting otherwise requires the implausible assumption that no amount of ecological devastation can exceed our ability to adapt. This reproduces the problematic view challenged earlier—that the condition of moderate scarcity is invulnerable to human action—with the sole difference that artificial goods are construed here as suitable replacements for natural goods. The objection thus fails to take seriously the risk of political catastrophe. So long as credible doubt exists over whether endless adaptation is possible, precaution remains necessary. 2.6.3 The PPA is prescriptively ambiguous A third objection holds that it is difficult to identify minimum requirements for preserving the condition of moderate scarcity, and this indeterminacy should lead us to reject the PPA, or at least exclude it from practical deliberation. One way to respond is to assert a simple baseline: that justice requires material conditions to be such that all individuals can (continue to) meet their basic needs without having to deny others the ability to do the same.127 While this may be vague, defining a more exact threshold is not essential. It suffices to fix on credible risks of political catastrophe (like those posed by climate change), and structure our action so as to reduce the likelihood and/or potential magnitude of those risks as far as we are reasonably able to do, which is precisely what the PPA prescribes. 2.6.4 The PPA sanctions dangerous state power The final objection holds that subordinating ordinary moral constraints to efficacy seems to entail vesting states with dangerous emergency powers, thus opening the door for authoritarian abrogations of rights, diminutions of democracy, or other such abuses. For this reason, the PPA should be rejected. Responding to this concern, and defining the justification and proper scope of climate emergency powers, comprises the focus of Chapter 3. It will be helpful to consider a few points here, however. First, there is no reason to suspect that undertaking precautionary action against politically catastrophic climate change would require sacrificing any of the most intimate individual freedoms and rights—e.g. freedoms of conscience or worship, or the right to peaceably assemble. Moreover, if fulfilling our precautionary duties were to impinge on individual rights, it must do so only to the extent necessary for alleviating or preventing political catastrophe. Of course, any potential limitation of rights may rightly be considered disconcerting; it is important to recognize, however, that, should such limitations indeed be necessary, this would not constitute a break from ordinary politics, inside or outside of emergency scenarios.128 Consider the possibility of prohibiting climate disinformation campaigns like those that have been carried out to great effect for decades by the fossil-fuel industry.129 This would undeniably constitute censorship, and so represent a limit on free expression. Yet freedom of expression has never been absolute: even the most liberal thinkers, like J.S. Mill, make exceptions for harm-inducing speech,130 and even the most liberal states maintain statutes against libel, hate speech, inciting public riots or violence, and so on.131 Likewise, in the course of fulfilling our precautionary duties, we may think it necessary to curtail certain property rights, for example by prohibiting fossil-fuel producers from developing the oil assets they already own, or by severely limiting the scope and duration of green technology patents so as to encourage their propagation. These measures, again, would not mark a significant departure from normal practice, particularly during emergencies: it is often thought legitimate, for instance, to seize and redistribute the stocks of food suppliers during a famine, or to nationalize and repurpose factories during a war.132 The same basic point holds with respect to the possibility of imposing limits on democratic institutions or practices. There are no plausible grounds for thinking that precaution would require any of the most serious antidemocratic measures, such as suspending elections, disenfranchising voters, or instituting fully dictatorial regimes. (Again, I take this up in far greater detail in Chapter 3.) Yet a commitment to precaution may lead us to consider implementing certain limits on what democratic decisions can authorize, much as ordinary constitutional restrictions already do. For instance, we might stipulate that, just as no democratic public or representative government can authorize enslavement, neither can they enact policies that pose a scientifically plausible, reasonably likely risk of political catastrophe. We might also consider barring citizens with deep ties to the fossil-fuel industry from holding certain public offices, particularly those who have a history of public climate denialism. Again though, such measures would not constitute a radical break with existing practices in many places. In postwar Germany and Austria, for instance, former Nazi Party members were barred from holding public offices; and so too are convicted felons in Texas133 today.134 These examples suggest a second line of response, concerning public reason and the weight of moral duties. Many political obligation theorists maintain that duties only hold in a pro tanto sense—i.e. that they may be justifiably outweighed in certain (exigent) circumstances. But these theorists also carefully stipulate that, while exigency may override duty, it never erases it. For this reason, an explanation is owed to adversely affected parties after the fact. Crucially, this suggests a requirement of accountability. Such a requirement would mean that those (e.g. current generations) who are to bear the heaviest burdens of preventing politically catastrophic climate change are owed an explanation, assuming that overall distribution of burdens is in some plausible way unfair. Such explanations exist—as this chapter is, in part, meant to show. But in addition to general explanations, specific explanations for particular policies are necessary. These should specify clearly who is responsible for acting, why, when, and how. Accountability can thus protect against ineffective, unnecessary, or inordinately burdensome policies. 2.7 Conclusion This chapter has considered under what conditions, and to what extent, we can justifiably prioritize efficacy over fairness, particularly in the context of the climate crisis. I began by surveying two main responses to these questions. The first, prominent in the intergenerational-justice literature, attempts to avert any trade-off by separating the costs of climate action from the actions themselves, and stipulating that the former be deferred to (likely) richer future generations. With this, the most efficacious distribution of climate-action burdens (i.e. one that imposes strenuous requirements on earlier, poorer generations) remains fair. As I showed, however, this proposal falls short in a number of respects. For one, there is great uncertainty about the future effects of climate change and the actual economic situations of future people. More problematically, it is not clear that costs can actually be transferred between generations; and even if some could, many more (like the costs of lost employment) simply cannot, meaning that some injustice will remain. The second response, advanced by Simon Caney, takes as its starting point the urgent need to prevent climate catastrophe. It then proceeds to elucidate a set of conditions under which we would be justified in prioritizing the prevention of harm over ensuring that the burdens of cooperation are fairly distributed. While Caney’s account is in many ways compelling, extending it to cover core climate actions—like reducing emissions or supporting adaptation—proves problematic. Moreover, several of the conditions Caney sets out are vague (e.g. how likely must a risk of future harm be before action is justified?; which agents should act when all are not needed, and why?).

I thus proposed an alternative: the pluralist precautionary approach (PPA). Like Caney’s account, the PPA starts with the assumption that preventing catastrophe is essential. Yet it focuses on a unique form of catastrophe: what I call political catastrophe, which, again, occurs whenever material scarcity becomes so extreme and enduring that agents are unable to satisfy their most basic needs without denying another or others the ability to do the same. Under such conditions, realizing or sustaining fair terms of social cooperation, and thus political stability, becomes impossible.

When faced with political catastrophe, I argue that agents are justified in prioritizing precautionary efficacy over fairness. Crucially, though, this is not for reasons external to justice but for the sake of justice itself; my essential claim is that we may relax or suspend particular principles and rules of justice if doing so is necessary for preserving the material conditions that make justice in general possible. In practice, this means subordinating considerations of fairness to those of precautionary efficacy.

This argument has direct relevance to the problem of climate change, which, if left unaddressed, promises political catastrophe on a global scale. Regrettably, the only way to prevent catastrophe at this late stage may involve imposing unfair burdens on some for the benefit of others. This is especially clear in the intergenerational context: precautionary climate action is likely to succeed only if current, (presumably) poorer generations make potentially substantial sacrifices now for the benefit of (presumably) wealthier future people. But the same dynamic may hold true intragenerationally, that is, among states today: it may, for instance, be impossible to avert catastrophe without imposing unfair costs or developmental delays on high-emitting but relatively poorer states like China and India—burdens for which they may never be fully compensated.

None of this is to say that fairness should be totally evacuated from the political calculus. Quite the opposite: when weighing comparably effective schemes of action, we should always prefer the fairest option. Nevertheless, if a trade-off between fairness and efficacy is necessary, then the latter must take priority. For political catastrophe is inhospitable to everything that we value, fairness included. A fundamental end of government—and one of the deepest sources of its legitimacy135—must be to prevent political catastrophe from arising; for should it fail at this, there can be no justice, no rights, no democracy, and no stability, at least for long.

#### Only a robust labor movement solves. Academics and politicians have offered an array of solutions, but none of them account for the perspectives of workers. Instead, the plan jumpstarts a transformative approach grounded in labor relations.

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Linda Clarke; Carla Lipsig-Mummé, Professor of Work and Labour Studies at York University, “Future conditional: From just transition to radical transformation?,” European Journal of Industrial Relations, Vol. 26, Issue 4, https://journals.sagepub.com/doi/full/10.1177/0959680120951684?casa\_token=\_hvpRirrQcsAAAAA%3AC1No5tQTxxnFQgoauraF9g4aCeClAOWeWOOTnvdnE9FbLuTKBSqB5ucJg5VYFBNVT-4DMp6nPJEF#sec-4

However, labour movements have yet to address effectively the complex interdependence between work and the struggle to slow global warming. With important exceptions, the response in industrialized countries has often been more defensive than proactive, focussing on the creation of green jobs and the destruction of jobs in carbon-intensive industries, with little attention paid to the reduction of energy consumption; low-carbon adaptation of labour processes; vocational education and training (VET); emerging, union-led, climate literacy programmes; and inter-union sharing of green collective bargaining clauses. As recently highlighted by Philip Alston (2019), the UN’s Special Rapporteur on Extreme Poverty and Human Rights, although climate change has been on the human rights agenda for well over a decade, it remains ‘a marginal concern for most actors’ though representing an ‘emergency without precedent’, which requires ‘bold and creative thinking from the human rights community, and a radically more robust, detailed, and coordinated approach’ (p. 1).

The physical and social impacts of climate change are already changing the availability of employment, what and where we produce, the vulnerability of particular groups, and the education and training needed. Responding to the impact of climate change requires deep changes in the labour process: how goods and services are produced and transported; what energy, materials and technology we use; what green knowledge and skills we need; how and for what purpose the built environment is constructed; and how workers and young people are educated. The geographical and spatial fragmentation of the production process across countries and global supply chains, widely lauded by neoliberal policy makers, has now emerged as a major carbon polluter and societal threat. Above all, the implications for migrants, for women and for those from different ethnic groups need to be understood and acted on. This special issue is intended to contribute to this process of understanding and action.

Slow academic awareness

The academic field of industrial relations has been particularly slow to address the issue of climate change. A special session of the British Universities Industrial Relations Association (BUIRA) annual conference in 2014 presenting the work of ACW and Paul Hampton’s (2015) pioneering thesis attracted less than a handful of academics, just as the participants in the special streams of the ILPC were largely confined to those already involved in the ACW programme. This situation is now rapidly changing, and there were in any case always important exceptions, most notably Nora Räthzel and David Uzzell (2013a). Most recently, these authors, together with Dimitris Stevis (Steve at al., 2018), edited a special issue of Globalizations on ‘The Labour-Nature Relationship’ and the book Just Transitions (Morena et al., 2019) was published.

Particular themes and a subtle change in emphasis are evident from those industrial relations scholars specializing in climate change and work and in what Räthzel and Uzzell (2013b) have termed ‘environmental labour studies’. As well as the broad over-arching theme of the relation between labour and the environment, a particular theme is the role of unions as environmental actors, whether as social partners in Germany, in relation to health and safety issues, as green representative in the UK, or in alliance with environmental groups like the Blue Green Alliance in the US (Snell and Faribrother, 2010; Soder et al., 2018). It is a familiar theme from the Lucas aerospace experiment in the UK of the 1970s, when 13,000 workers were threatened with redundancies and sought to convert production from weapons to socially useful goods (Räthzel et al., 2010). Another theme is unions and innovation. Antonioli and Mazzanti’s (2017) research, for example, in which the European Trade Union Confederation (ETUC) was involved, shows that, while unionized firms are not necessarily associated with the adoption of environmental innovation, there is a positive relation between union involvement and the propensity to introduce environmental innovation, either through bargaining or disseminating information. On this question of innovation, a social response is required, as pleaded for by Snell (2011) in relation to phasing out coal power generation in Australia and unions focus rather on a technological fix through carbon capture storage innovations and other ‘clean’ coal uses. This theme relates therefore to the jobs versus environment dilemma, the conflict between unions’ concern to protect jobs and making jobs more environmentally responsible, as recently expressed by Houeland et al. (2020) in relation to Norwegian petroleum extraction and the contradictory climate change policies of the Norwegian Confederation of Trade Unions (LO).

Partly in an attempt at ‘shattering the “jobs versus environment frame”’ (Brecher et al., 2014: 42), another prominent theme has been different approaches by unions to climate change, the kind of transition envisaged and the proposal for a ‘new deal’, whether based on the market (e.g. carbon trading), local initiatives (e.g. renewable energy) or government-led public investment. The preoccupation by a number of authors with the need for alternatives to defensive and market-based union strategies corresponds to Hyman’s (2007) call for a new vision and for unions to become subjects rather than objects of history. Hrynyshyn and Ross (2011), for instance, elaborate on the contradictions of social unionism for Canadian autoworkers, who continue to preserve existing jobs rather than bargaining for a strategy of public investment in the production of ecologically sustainable vehicles. Galgóczi (2014), drawing from studies of the US, Canada and Greenland, echoes this pessimistic outlook, seeing no ‘true paradigm change’ yet visible and stressing the need for a ‘just transition’ strategy by unions to overcome an unsustainable production model and ‘shape the restructuring process of the entire economy towards a resource efficient and low-carbon economy’ (pp. 66–67). Finally, Felli (2014) identifies three union strategies – deliberative, collaborative growth and socialist – and argues, with the example of the International Transport Federation (ITF), for an alternative socio-ecological strategy addressing the social relations of production at the heart of the climate crisis and overcoming ‘business unionism’, green capitalism and the concern of ecological modernization only with value redistribution.

Pursuance of a just transition

These various themes addressed in the industrial relations literature – jobs versus the environment, technical innovation versus social unionism, and alternative strategies, including public investment, a just transition, a new deal and eco-socialism – mirror dichotomies faced by the labour movement and the unions themselves. One of the most prominent examples of a labour movement divided in terms of the job versus environment dilemma is the US, as illustrated by the pipeline from the Tar Sands in Canada, questioned as being in labour’s interest by the Transport Workers Union and the Amalgamated Transit Union but on which the AFL-CIO took no position (Byrd and Widenor, 2011; Brecher and LNS, 2013). Jeremy Brecher, research and policy director of the Labor Network for Sustainability (LNS), which promotes ecologically sustainable policies, good jobs and a just transition, bemoans the absence of a coordinated and proactive response to climate change from organized labour in the US (Brecher, 2018), though this provides ‘labor’s greatest opportunity to reconstruct our economy’ (Brecher and LNS, 2013: 75).

A more coordinated response was evident in the struggle and success of the international trade union movement in inserting a ‘just transition’ clause into the COP (Conference of the Parties) of the UNPCCC held in 2010, which was subsequently significantly strengthened in the 2015 COP held in Paris at which targets to limit a temperature increase to 1.5°C were agreed (Rosemberg, 2010; TUC, 2011, 2015). Raising a just transition and environmental justice to the top of the political agenda represented a historically significantly moment and a tremendous victory for the national and international trade union movement. Following the Paris COP and the activation of ‘just transition’, the door was opened for a broader and more strategic role for labour and trade unions as well as for union-to-union climate bargaining and the establishment of joint union–employer environment committees. As evident in this special issue, the notion of ‘just transition’ itself has, however, been variously interpreted, including how far it embraces worker agency and direct participation and to what extent the green transition vision is centred on transforming political and economic power structures (Stevis and Felli, 2015), with further myriad adaptations emerging in implementation on the ground (Morena et al., 2019). The impact of labour engagement on the struggle to slow climate change is also bringing unions into new realms of influence, though this new-found clout varies from sector to sector and country to country.

#### Pro-labor policy is a necessity. A myopic focus on climate to the exclusion of worker interests ensures transition fails by cratering popular support.

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Erik Loomis, “Cooling Tensions in a Warming World,” Boston Review, 8/24/24, https://www.bostonreview.net/articles/cooling-tensions-in-a-warming-world/

If any two movements should work closely together, it should be the labor and environmental movements. They tackle both sides of the problem with contemporary capitalism—the degradation of people and the degradation of nature—and both want healthier and better lives for everyone. Alas, perhaps no two progressive social movements have been more at each other’s throats over the last several decades.

The most spectacular example may be the confrontation over saving the northern spotted owl and the last old growth forests in the Northwest in the 1980s and early 1990s. The fight provided fodder for mainstream media, which was far more interested in portraying people screaming at each other than understanding the political and economic conditions that had led to a crisis of both jobs and environment.

The highest-pitched conflicts may have taken place a long time ago, but friction between the movements has persisted. Given this legacy, the amazing reconstruction of important labor-environmental alliances in recent years hasn’t gotten as much attention as it deserves. The drafting of the Green New Deal, the creation of union jobs to build clean energy infrastructure, and the increased willingness of each movement to work together at the state level all mark the beginnings of a new age of cross-movement solidarity. A new volume of essays, Power Lines: Building a Labor–Climate Justice Movement, is an excellent primer in how far this nascent alliance has advanced.

The seventeen pieces collected by editors Jeff Ordower (a veteran organizer) and Lindsay Zafir (former editor of The Forge) demonstrate the fecundity of the ideas circulating among advocates today. Organizing between movements, the book shows, can make a huge difference in overcoming both major challenges and the seeming hopelessness of modern politics. Not every essay points the way forward; some are touched with too much romance of the small scale and individual action instead of the gigantic development program needs to fight climate change. But taken as a whole, Power Lines provides a superb window into victories we so desperately need today.

The backdrop to these developments stretches back decades; the long view helps to put Power Lines’s case studies in context.

Historians have chronicled how unions and their members have acted for environmental goals since the early twentieth century. Urban workers in 1920s Oregon, for example, used their cars to travel to the forest as soon as they got them, leading to important working-class support for conservation. In the 1940s, United Auto Workers (UAW) members fought hard to preserve the best areas for duck hunting near Detroit from development. In fact, the UAW would take a leadership role on working-class environmentalism for decades, including supporting the early antinuclear movement in the late 1950s and hosting some of the first environmental justice conferences in the 1970s. The Oil, Chemical, and Atomic Workers (OCAW) and its legislative director (later, vice president), Tony Mazzocchi, achieved the most in these alliances, including getting the Sierra Club and other leading environmental groups to ask their members to tear up their Shell credit cards when the OCAW went on strike against that company in 1973.

Even loggers were on board. The International Woodworkers of America (IWA), a left-leaning but generally non-communist union that originated in the early days of the Congress of Industrial Organizations in the mid-1930s, had a serious environmental agenda to preserve the forests before the environmental movement ever got off the ground. By 1938 the IWA lambasted the timber industry for clearcutting the forests, called for selective cutting, and educated its members on the impact of logging on erosion, and it urged sustainability for both the forests and its members’ jobs. In the 1960s the union supported the passage of the Wilderness Act, even though it could take timber out of production, on the grounds that its members deserved to enjoy the forests too. In the following years this continued to lead to fruitful alliances that brought the two movements together for a more sustainable environment that also sustained the working class.

But by the 1970s, everything began to unravel. The newly untrammeled capital mobility of neoliberal globalization set off rounds of factory closures. Employers blamed environmentalists for job losses, whether it was true or not; some employers openly lied about this. Working-class environmentalism had risen amid a growing economy, where workers could have both good jobs and a clean environment. When the jobs became scarce, workers feared that cleaning up a filthy steel factory that might give them cancer, for instance, would also cost them their livelihoods.

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More often than not, the more immediate fear won out. When workers at a BF Goodrich factory in Louisville, Kentucky, developed high rates of liver cancer between 1972 and 1974, the company—along with other petrochemical companies that made PVC—claimed that new environmental regulations would lead to plant closures. Workers came out for their jobs. (As it turned out, they didn’t need to choose: when the Occupational Safety and Health Administration did issue new standards regarding PVC production, not a single plant closed.)

In this new era, the environmental movement, increasingly unmoored from workers, lost its way. Some environmentalists responded to the new power of corporate America by raising money to file lawsuits, forcing the government to enforce the environmental legislation that had been passed beginning in the 1960s. Big green organizations such as the Sierra Club and Wilderness Society found it easier to attract wealthy donors through messaging about endangered animals and the Amazon rain forest than the poor suffering in polluted industrial communities. In a nutshell, mainstream environmentalism morphed from a mass movement to an elite one. By the new movement’s own metrics, the strategy worked. The spotted owl campaign in the Northwest effectively ended when courts responded to environmentalists’ lawsuits by forcing the government to follow the Endangered Species Act.

Meanwhile, the radical wing of environmentalism became impatient with the tepidness of their mainstream counterparts. Organizations such as Earth First! emerged in the 1970s, adopting rhetoric from Black Power that downplayed the work of alliance building. Their new, disruptive tactics such as tree spiking—hammering a metal rod into a tree trunk to prevent logging—made them no friends in labor. In 1987, for example, a spiked tree severely injured a worker in northern California when his saw exploded. (Earth First! leader Dave Foreman expressed little remorse over the worker’s fate. “I think it’s unfortunate that somebody got hurt,” he said, “but you know I quite honestly am more concerned about old-growth forests, spotted owls and wolverines and salmon—and nobody is forcing people to cut those trees.”) The environmental movement had split into two paths, both of which disregarded workers almost completely.

Toward the end of the century, the tensions settled somewhat—there was a brief moment of collaboration again in the Seattle protests against the World Trade Organization in 1999—but the damage had been done, and the post–9/11 world turned attention to different issues.

Even the close coordination of unions and environmentalists in defeating the Trans-Pacific Partnership (TPP) in 2016 concealed enduring animus. Around that time, after listening to a panel with leaders of both movements on this nascent alliance, I asked something along the lines of, “So, what did we learn here so we can work together moving forward?” The answer was that labor could speak to labor and greens could speak to greens, and that’s why the TPP campaign worked. Not exactly a recipe for long-term solidarity. And indeed, the fragility of the alliance was on full display in debates about Keystone XL and Dakota Access pipeline construction. For the building trades, pipeline construction meant jobs, while environmentalists allied with indigenous groups in opposition. These episodes made it seem as if nothing had changed—and that labor and environmentalism would remain at loggerheads.

So how is it, then, that things have really changed in recent years, as Power Lines’s essays detail? The Trump administration’s attack on both movements seems to have lit a fire—or at least a small light bulb—under them.

In particular, plans for a Green New Deal, which gained momentum following progressive wins in the November 2018 midterm elections, began to create language for common ground—at least between environmentalists and more progressive unions, which were always going to support creating good, green jobs. Meanwhile, environmentalists began reaching out to labor unions to work together to promote these jobs. Rolled into the Inflation Reduction Act, the Green New Deal does not receive the kind of public intellectual attention it did five years ago, and Congress is nowhere near passing the more ambitious agenda of its original planners. But the mainstreaming of its ideas has spurred more meaningful conversations between the labor and environmental movements.

The book’s examples of the alliance’s contemporary success are numerous. In July 2020 the American Federation of Teachers became the first AFL-CIO–affiliated union to endorse the Green New Deal. In 2022 California Labor for Climate Jobs got the state legislature to create a $40 million fund for fossil fuel workers who lost their jobs. The Seattle Education Association has worked closely with the International Brotherhood of Electrical Workers to pressure the city’s school board to upgrade schools with green standards that use project labor agreements ensuring the building trades get the jobs, an effort that won an additional $19 million in upgrades for the schools. SEIU Local 26 in Minneapolis led janitorial workers on the likely first-ever strike specifically around climate change in February 2020, fighting to reduce carbon emissions at the workplace.

In one piece in the book, Ordower interviews Edgar Franks, a leader of Familias Unidas de la Justicia in Washington, where farmworkers have come together to both fight for justice on the job and to create a modern-day ejido in the fields of eastern Washington to create food security. Sara Cullinane and Wynnie-Fred Hines describe the union-green alliance to stop an Amazon air hub in New Jersey, while Miya Yoshitani interviews the leaders of Asian Pacific Environmental Network, which is doing excellent work organizing working-class people of color around climate resilience and opening the eyes of union leaders of the work they need to do in these communities.

The biggest and most important change has taken place at the local level. Forward-thinking unions began moving beyond traditional bargaining over wages and hours. “Bargaining for the Common Good” became the mantra among successful union movements in the 2010s, beginning with the Chicago Teachers Union strike against mayor Rahm Emanuel’s austerity policies in 2012 and intensified with successful teacher unionism around the country in 2018 and 2019. That “common good” increasingly spoke of climate-based issues such as regulating temperatures in overheated classrooms.

That’s not to say that all has been smooth sailing, of course. But there’s a difference between tension that’s poisonous and tension that’s productive—precisely the point made by many essays in Power Lines, which emphasize the need to embrace and work through the inevitable frictions that arise between the two movements. As the book’s editors write in the introduction, “Successful labor-climate coalitions are grounded in real relationships, deep listening, and a willingness to lean into conflict.”

This idea is especially important when it comes to the idea of a “just transition,” which the book’s editors define as “a transformation of the extractive fossil fuel economy to a healthy, regenerative, equitable, and democratic economy.” Patrick Crowley, secretary-treasurer of Rhode Island’s AFL-CIO, has an essay in the book on this subject. In 2020, shortly after the presidential election, both labor and greens sat down to strategize, creating a group called Climate Jobs Rhode Island. But as it turns out, the two groups had very different ideas about what exactly a just transition around “climate jobs” would look like.

For the environmental organizations, a just transition meant environmental justice—pushing for goals like climate resiliency and carbon neutrality. For unions, a just transition meant the continuation (and expansion) of union jobs. These two goals can converge, of course, but they are not the same thing. Unions are concerned with working-class communities but serve their own members first, wherever they live. Environmentalists generally do want good jobs for people, but just moving dirty industry out of poor communities of color does not lead to the kind of jobs that will provide economic emancipation for them (nor are those jobs necessarily union jobs). This is the fundamental tension.

What it takes to bridge these differences is an old answer to many questions but one that we often forget to do: organizing. And organizing means listening—precisely what environmentalists and labor didn’t do in the decades they mostly operated independently.

Veronica Coptis’s superb essay, “Organizing Coal Country,” is a case study in the value of dialogue. Coptis, who worked at the Center for Coalfield Justice (CCJ) in Pennsylvania, notes that even if the coal workers disagree with you, by opening lines of communication, you can keep talking and help them build their own organizing capacity. The media has spilled an endless amount of ink speculating about coal workers’ political commitments: Are they worried that Democrats will destroy the coal industry? Why did Donald Trump appeal to them? Was it racism, “economic anxiety,” or sheer ignorance?

Coptis, who’s on the ground with these workers trying to build a climate-labor movement, seems to have an answer: start building power with them and find out for yourself. She denies that the working class don’t care about climate change, even as they want coal jobs. Some workers will disagree with the CCJ’s mission, she acknowledges. But so what? Listening, having conversations, building lines of communication, building trust instead of suspicion: all of this can lead to major benefits down the road, if not on every campaign or issue. She urges us to talk to unions and unorganized workers, focus on political education, and know that it is OK to disagree.

While the grassroots actions chronicled in Power Lines are nothing short of amazing, only so much can happen at the state and local levels. Combatting climate change and engaging in wide-scale jobs programs requires federal investment. The Inflation Reduction Act was an important first step in integrating green energy infrastructure to the nation’s admittedly lacking industrial policy, but it was not anywhere close to sufficient. Many of the contributors to Power Lines argue for this view in one form or another. Norman Rogers strongly argues for federal support for extractive workers, though he does not go into detail about what this should mean as the nation transitions away from dirty energy. Whether that support means jobs creation, jobs retraining, or direct payments, we need this kind of support, and in general the government must do much more for workers losing their jobs through these transitions.

The rest of the book stops short of exploring tougher questions of strategy in depth. The most critical of those is the matter of scale: How can the gains won at the local level translate into massive structural change? Many movements today, suspicious of bigness, don’t quite have an answer, and the book’s essays don’t exactly put pressure on them to give one. The high modernist era of the mid-twentieth century brought us the likes of the Tennessee Valley Authority, which had a conservation agenda, but it also ran roughshod over both local residents and the region’s ecology. This attitude has led to a strong mistrust of institutions and formal organizations that goes back to the 1960s. As a result, the emphasis in organizing today is often on local and narrowly drawn communities rather than on big, universal solutions. But climate change requires nothing less than coordination at a national, and even international, scale. Absent a plan for getting there, Power Lines can sometimes feel like a series of celebrations of victories in small battles in a losing war.

Take Todd Vachon’s generally excellent contribution on education unions and the Green New Deal. It makes the case for community-owned solar and battery power, but it does not really make the case for how such a decentralized energy system could work or whether it would provide greener or more efficient energy to the nation’s working class than big energy companies. Ditto for the volume’s final essay, which details California farmworker unions’ direct actions against unsafe working conditions and extractive harvesting practices but doesn’t clearly trace out the steps between that and the wholesale transformation of the agricultural industry it calls for. Our food systems are certainly responsible for many environmental issues, and organizing the exploited workers in our food system needs to be a strong priority for the labor movement. But community food co-ops like Franks’s ejido simply cannot be scaled up to play a major role in fighting climate change, and we must face that fact head on. Ski industry workers fighting for the snow could be locally important, but again, a hyperlocal focus can sometimes lead us away from the scaling necessary to fight—in this case, the decline of the snowpack.

Sometimes the focus on small-scale politics can even hamper larger efforts. Winona LaDuke and Ashley Fairbanks’s contribution, “Killing the Wiindigo,” argues that it’s long past time to reject the “idea of endless growth and consumption that has dominated the last few centuries” and to instead “champion the global economy shrinking, not growing”—a vision, they write, that comes from Anishinaabe ways of knowing. They are certainly right that engagement with indigenous knowledge and communities is important for the left, but there is no way around engaging with labor, either. As it stands, there is zero chance of any union ever supporting degrowth of the sort that LaDuke and Fairbanks argue for—one that entails “burn[ing] down the extraction economy like a prairie.” There may be a moral case for this view, but the political case is nonexistent.

It is precisely this kind of language that has so alienated labor leaders such as Laborers International president Terry O’Sullivan. Angry about Biden rejecting the Keystone XL Pipeline, O’Sullivan stated, “If we’re transitioning into a new energy economy, as we do are those going to be as good as the jobs that my members are losing? And if it’s not, well there’s going to be hell to pay for it. We lost almost 1,000 laborers on Keystone, where’d they go?” We must have a response to O’Sullivan and his members—and pushing a version of degrowth that’s flatly unpalatable to groups that will surely be the central political actors in any transition away from fossil fuels is not it.

Far more palatable—and far more impactful as a result—are environmental proposals with concrete plans for labor. The projects that will make a difference are those of the gigantic, New Deal variety. The power of the Green New Deal is in the return of the big—big agencies, big plans, big funding, big labor. Yes, we absolutely have to watch for and avoid the mistakes of the original New Deal, including entrenching racism through legislative compromises, running roughshod over local knowledge, and an over-reliance on experts. But the only way we are going to solve our climate crisis while also putting Americans to work is through New Deal–esque centralized planning.

#### Independently, eliminating precarity by improving pay and conditions is necessary to empower a transition.

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Ben Crawford, David Whyte, Professor of Climate Justice in the School of Law at Queen Mary University of London. “Workers on the front line of climate change: re-politicizing trade union climate action,” Grantham Research Institute, 8/5/25, https://eprints.lse.ac.uk/128229/

The connection between eradicating precarious work and achieving economic, social and environmental sustainability, as made in SDG 8 (see introduction), rarely figures in public debates on the challenges of climate change. Yet it is not possible to achieve environmental sustainability when economies are built upon the foundations of precarious labour. We cannot develop new ways of working and organizing energy, food, water, clothing and essential services in ways that protect the natural world if they remain based on a system of labour that forces costs and working conditions down, moves to where both labour and nature can be exploited the most and encourages the deployment of both labour and capital in ways that accelerate climate change. This is not merely a moral but also a practical issue, with three core aspects.

First, workers who are less able to challenge employers in any significant way are less empowered to push back against anything. For this reason, the most significant factor in the occupational and environmental health of workers is their job status, with trade union membership being closely related and considerably reducing, more than any other factor, the chances of a worker being killed or injured at work (Walters and Quinlan 2019). Job security becomes crucially important in achieving environmental sustainability for exactly the same reason. When workers are on permanent contracts and enjoy better pay and conditions, they are better able to push for environmental improvements in their daily lives: chemical workers are better able to demand shorter times for hazardous tasks or demand controls on air pollution; agricultural workers are better able to limit their exposure to the chemicals they are forced to use; and workers on meat processing production lines are better able to fight for slower line speeds. The same goes for transport workers, factory workers and so on (e.g. Gouveia and Juska 2002; Gordon 1999).

Second, precarious work undermines the democratic and participatory dimensions inherent in any planned just transition. An externalized, vulnerable and transitory workforce enjoying few rights is unlikely to be able to develop skills and apply them towards the transition to genuinely sustainable production models. Precarious work directly undermines the central mechanisms for greater economic democracy – trade union organizing and representation of workers. It follows that it is harder to organize workplaces and sectors characterized by a high level of casualized forms of labour contracting (Shamir 2016). Casualized workers also face much higher barriers to participation in union and employer structures of representation. For example, the McDonald’s European Works Council – a statutory mechanism designed to mitigate the harmful impacts of the economic decision-making of multinational corporations across the European Union – has been subject to “management capture” since its inception, precisely because of the high proportion of McDonald’s workers who are on temporary, zero-hours or part-time contracts (Royle 1999). Huge numbers of precariously or informally employed workers worldwide are excluded from mechanisms that allow them to exercise their voice and shape the transition (Novitz 2023). Many of these workers are exposed to environmental hazards in their work, such as street pollution or toxic substances on waste dumps, but they have no means of challenging or changing their situation (ibid., 6). The basic possibility of contesting harmful decision-making is eroded by the employment model. When we consider the types of engaged, deliberative and strategic worker-led processes that must underpin any just transition, it is clear that such processes will fail where the most vulnerable and precarious workers are excluded.

Third, precarious labour conditions also oblige workers and unions to defend “dirty” jobs and industries. In the absence of a planned, clear pathway to sustainable industries, workers and communities face an existential threat and must resist change. In economies based upon dirty jobs, workers may not be in a strong enough position to demand clean jobs, even if they are organized in ways that allow them to do so. In a recent survey of UK oil workers, 81.7 per cent responded positively to the question. “Would you consider moving to a job outside of the oil and gas industry?” (Jeliazkov, Morrison and Evans 2020, 7). The follow-up questions were even more revealing. Of those that answered no, a majority said that “job security” was the most important consideration in this decision (ibid., 21). On the one hand, this response reinforces the link we make above between precarity and sustainability of the economy; on the other, it draws attention to the lack of control that workers have over the transition of their jobs away from carbon economies. Later in the survey, workers were asked whether they had heard of the term “just transition”. A full 91 per cent said that they had not (ibid., 9). This speaks volumes about the lack of discussion, let alone involvement, in the transition. Workers cannot be involved in a just transition when they have no agency in the process and are shunted from job to job, based solely upon employers’ decisions.

The countless examples of trade unions defending unsustainable jobs have to be understood in the context of a capitalist labour market that forces people to make choices they do not want to make. If people had a real choice over where they could work, it is hardly likely that they would choose to work in the oil or chemicals industries. People do not choose a job or a career seeking out acute occupational or environmental hazards or high risks of death. Workers make decisions to accept jobs under conditions that they do not choose. This basic insight suggests that workers’ precarity in the labour market is a fundamental dimension of climate bargaining.

### Plan---1AC

#### Thus, the plan:

#### The United States Federal Government should:

#### 1. Adopt the Ghent model,

#### 2. Legally require a shift away from enterprise-level bargaining,

#### 3. Legalize secondary actions,

#### 4. Prohibit at-will employment,

#### 5. Expand mandatory subjects of collective bargaining to include measures to reduce climate change, such as emissions standards by companies and suppliers, clean energy investments, and climate adaptation measures.

### Solvency---1AC

#### Next is Solvency.

#### The plan does several things.

#### First, the plan adopts the Ghent model, which ties social insurance to union membership. That drives union membership from less than 6 percent of workers to over 70.

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David Madland, “Re-Union: How Bold Labor Reforms Can Repair, Revitalize, and Reunite the United States,” 5/15/2021, Cornell University Press, Ch. 5, pp. 123-162.

The claim of this book is not just that the new labor system would be workable but also that it would be more effective than alternatives. Before considering the potential alternatives in more detail, readers should understand what the new system would likely achieve. While previous chapters have made clear the benefits of the proposed system, they did not provide estimates of the impact these changes would have. Calculating the impact of bold labor policy changes necessitates a bit of guesswork, so all numbers should be viewed as ballpark estimates, even rough figures can help illustrate.

Let’s start with union density. Estimates from Canada suggest that taking the NLRA closer to how it was before Taft-Hartley and ensuring that workers have strong rights and an easier path to joining a union would roughly double private-sector union density—moving from 6 to 12 percent.49 Estimates from countries with the Ghent system indicate that it increases union density by around 20 percentage points.50 This suggests that adapting a robust, American version of the system with unions helping provide public services like workforce training, co-enforcement, and benefits navigation could provide a similar boost. To be conservative, though, assume an increase of a few percentage points less. That would take union density to around 30 percent, which approaches the historical peak in the States. Though this book has often emphasized the private sector, ensuring that all public-sector workers union rights and adopting Ghent-like policies in the public sector are also part of the new system.51 These changes would likely push overall union density above historic highs.

Bargaining coverage would also increase significantly under the new system. Under the old system, union density and bargaining coverage were closely linked and virtually identical. But under the new system, broader-based bargaining would increase coverage well above density levels. A reasonable guess is that around two-thirds of workers of workers would likely be covered by a collective bargaining agreement in the new system.

This coverage estimate is based on a number of rough calculations. First, the new system contains several provisions that would likely increase both density and coverage such as policies that would make it easier for to bring multiple employers to the table. One such policy would be master-contract style extension—when a union negotiated a master contract with two different shops in a particular sector, any additional worksites the union organized would automatically be covered by the master contract. Reliable estimates for the impact of these are particularly difficult to come by since there is relatively little to compare them to. Still, a reasonable, low-range guesstimate is that these elements would likely boost and coverage by at least a few percentage points—taking these figures to over one-third in the private sector.

#### Second, the plan legally requires a shift away from enterprise-level bargaining. That sparks a transition to sectoral bargaining which magnifies worker power and allows standards to be set at industry-wide levels. That’s pivotal to solve climate change.

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Ben Crawford, David Whyte, Professor of Climate Justice in the School of Law at Queen Mary University of London. “Workers on the front line of climate change: re-politicizing trade union climate action,” Grantham Research Institute, 8/5/25, https://eprints.lse.ac.uk/128229/

The great contribution of the eco-socialist literature is its consistency in showing how it is impossible to separate the exploitation of labour from the exploitation of nature in capitalism: it is one and the same process. Accordingly, concepts of “sustainable work” need to start by articulating workers’ material interests in resisting the core dynamics of the labour process we have identified. Resisting the political economy of speed and endemic precarity thus becomes a fundamental form of climate action. We have argued that it is precisely because there is an underlying solidarity between workers and the rest of nature that it is in the general interests of both to slow down the speed of production processes. At the same time, challenging labour precarity is a prerequisite for building sustainable economic alternatives.

It does not of course follow that all forms of industrial action will stand in alignment with environmental interests. However, this article has highlighted a latent alignment that the labour movement can strategically engage in developing bargaining strategies that are de facto climate bargaining strategies. It needs to find a basis for a common response to transition and build cross-sectoral demands for a reversal of precarious work and casualization in bargaining as a climate demand.

Although coordination is not a guarantee of victory in workplace struggles, in the absence of any serious proposals for a transformative industrial strategy in the political mainstream, the trade union movement needs to contemplate how it will use its political space. How can workers’ organizations develop a new industrial strategy? Is the trade union movement capable of developing its own industrial strategy by making sectors and different trade unions work together to set out the industrial change that is necessary?

There is not enough time to leave this to volunteerism or to a vague hope that employers will realize that they do indeed have a “common interest” with their workers on this issue. Class conflict at the workplace level is not stopped but is actually intensified by climate change. Although strategic cooperation on transition initiatives may be necessary, partnership approaches and business unionism are not a sufficient basis for achieving a sustainable economic system. This article has pointed to forms of resistance and action that are not often labelled as climate action but are the bread and butter of industrial struggle. This is the kind of struggle that is needed to sustain and build the foundations of a sustainable world.

#### Third, the plan legalizes secondary strikes, which enables workers to strike at all levels of the supply chain. That’s key to maximize worker leverage.

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Jeffrey Vogt, “Turning Up the Heat: The Right to Strike and the Climate Crisis,” Comparative Labor Law & Policy Journal, 7/10/25, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=4987965

One way to shape business decision-making is through collective bargaining, whether at the workplace, firm, or sectoral level. Trade unions are well placed to ensure that mitigation and adaptation measures are sufficiently ambitious while at the same time providing a basis for workers and communities to adapt and indeed prosper. The right to bargain collectively over climate-related issues is protected under international law. The ILO supervisory system has repeatedly recalled that the scope of collective bargaining is broad, should be determined by the parties, and should not be restricted by the authorities (ILO, 2018b, paras. 1289—1290). And indeed, some unions have successfully negotiated “green” clauses in their collective agreements.7 However, the ILO found that only 23 per cent of the collective agreements it had reviewed addressed environmental transitions (ILO, 2022, p. 93). Further, “clauses dealing with environmental transitions are more common in agreements in high-income countries, particularly in Europe,” though such clauses can also be found in other regions (ILO, 2022, p. 93). Even in Europe, however, “environmental clauses in collective agreements are still exceptional and lack momentum” (Gutierrez & Tomassetti, 2021, p. 3). There are several limitations to this strategy.

First, in a number of countries, the level of collective bargaining, especially in the private sector, is quite low, particularly outside of Western Europe, calling into question how effective collective bargaining can be as a strategy for rapidly reducing GHG emission. Further, the concept of “mandatory” and “permissive” subjects of bargaining in some countries might limit the extent to which worker representatives can insist on bargaining over these issues. A strike over an employer’s refusal to negotiate or reach an agreement over permissive subjects could expose the members and the union to significant risk of civil suits or indeed criminal prosecution.

As Professors Golding, McCormack, and Brent (2023) explain in the case of Australia, while there is potential for employers and unions to negotiate at the enterprise level over climate-related initiatives, there are important limitations. Specifically, Section 172(1) of the [Fair Work] Act provides that ‘permitted matters’ must ‘pertain to the relationship between the employer and the employees that will be covered by the agreement.’ This phrase has been interpreted to restrict its application to matters directly impacting upon the employment relationship, with indirect or inconsequential matters not deemed part of the employment relationship.” (Golding et al., 2023, p. 1302)

They note that the government has made statements supporting the enforceability of environmental clauses “provided they were tied to an established employment or industrial concern like wages or bonus payments” (Golding et al., p. 1302). This formulation is obviously limiting.

In the United States, Section 8(a)(5) of the National Labor Relations Act (NLRA) makes it an unfair labour practice for an employer “to refuse to bargain collectively with the representatives of his employees.” Collective bargaining is defined in 8(d) to concern “wages, hours, and other terms and conditions of employment.” However, employers can legally refuse to bargain over “permissive” subjects that lack a direct relationship to the workplace.8 It is possible to argue that at least some climate-related concerns fall within the mandatory scope of bargaining. For example, climate change impacts in the workplace have a clear link to occupational health and safety, which is a condition of employment. Similarly, one could also argue that there is a duty to bargain over severance and benefit plans to protect workers who may lose employment. However, bargaining over a firm’s emissions or the environmental impacts of a firm’s activities on the broader community might be deemed permissive, and strikes over such issues would be therefore unprotected (Kennedy, 2022, p. 1091; Block, 2020, p. 67 (arguing that decisions with major environmental impacts should be considered mandatory)).

Even in those countries without such a distinction, compelling firms to negotiate over climate related matters may be difficult. In the case of France, “as soon as concerns relating to the safety or health of employees, their working conditions, or their employment are integrated with environmental demands, these should be able to justify strike action” (Vanuls, 2015, p. 4). Strike action could be resolved through “end-of-conflict protocols” which would “give [unions] the opportunity to take greater control of the company’s environmental problems through collective bargaining” (Vanuls, p. 4).

Union representatives surveyed in the Global South indicated that employers often refuse to negotiate over such issues. It is then incumbent on the unions to threaten a strike in an effort to extract concessions on a firm’s impacts and/or its plans to decarbonize in a way which is just to the workforce and the community. This also forces unions to potentially sacrifice other priorities in bargaining in order for the employer to adopt environmentally sustainable practices. As such, it would be critical for governments to mandate (or at least strongly encourage) that parties negotiate in good faith on climate mitigation and adaptation measures. Unions would have a lawful basis on which to engage in collective action to insist on such measures, separate and apart from other demands. In 2023, such a proposal was tabled in the European Economic and Social Committee (EESC, 2023)9 though it has yet to be regulated at the European level.

On the other side of the coin, enforcing ‘green’ clauses in a collective agreement can also be difficult. In some countries, strikes can be used to compel an employer to observe the terms of a collective agreement once breached. Such strikes would be legal in, for example, Japan, Russia, and Colombia. In Israel, strikes are permitted even if means for otherwise resolving the dispute are found in the collective agreement (Waas, 2014, p.19). Such a strike would be illegal in other countries. In Finland, such a strike would be a violation of the peace obligation. In Turkey, strikes to compel bargaining can be lawful, but strikes to enforce them are not. In the United States, the union would likely have to resort to arbitration to enforce the terms of the collective agreement. In the latter group of countries, enforcement means going to a court (Waas, p. 29). This can impose a significant cost to the union, especially if the employer appeals. Judicial enforcement can also take years, which again could limit the effectiveness of collective bargaining as a means to force changes in a firm’s behaviour as it relates to climate change.

2. PUBLIC POLICY STRIKES ON CLIMATE

Governments play a central role in the formulation of public policy shaping the workplace, including on matters relating to climate change. This could include a broad range of items, from NDCs under the Paris Agreement, public subsidies for “green” industrialization, and labour market interventions ranging from retraining to social protection for workers displaced by climate change. Of course, workers and trade unions have a strong interest in making sure that these policies are shaped in such a way that they both reduce GHG emission while serving as the basis for decent work. Recent strikes in the US auto industry were fundamentally about making sure that workers got a fair share of the significant public subsidies provided to automakers to support a domestic car battery industry (Mazzucato & Silvers, 2024).10

The ILO Committee on Freedom of Association has held that “the right to strike should not be limited solely to industrial disputes that are likely to be resolved through the signing of a collective agreement” but could extend to matters beyond the traditional ambit of wages and conditions of work such as “economic and social matters affecting their members interests” (ILO, 2018b, para. 766). So long as the strike is not “purely political” in nature (ILO, 2018b, para. 761), the CFA has stated that, organizations responsible for defending workers’ socio-economic and occupational interests should be able to use strike action to support their position in the search for solutions to problems posed by major social and economic policy trends which have a direct impact on their members and all workers in general, in particular as regards employment, social protection, and standards of living (ILO, 2018b, para. 759).

In the past, the CFA has given its imprimatur to protests and strikes concerning a range of issues including trade agreements (ILO, 2006, para. 901), labour law reform (ILO, 2018c, para. 294), tax policy (ILO, 2000, para. 876), fuel prices (ILO, 2007, para. 413), social protection (ILO, 2007b, para. 1076), and similar demands.

While the CFA has not yet considered a strike over climate-related public policy, it should find that such a strike is protected as a matter of international law. The ILO itself has explained that climate change, if not addressed, will have a serious impact on employment in all sectors and in all regions. These impacts include dangerous working conditions from extreme heat, job loss in rural areas due to crop failure, and job loss in urban areas due to extreme weather events (ILO, 2019b, p. 18).

There is a wide diversity of regulation at the national level and strikes over environmental policy would likely not be protected in many countries. For example, in Germany and Japan, strikes which cannot be settled by the collective bargaining process are illegal. Similarly, a strike unrelated to “mandatory” subjects of bargaining in the United States would likely be deemed illegal. However, in Spain, for example Given that the links between the environment and the interests of this class are multiple in practice — ranging from loss of employment caused by the effects of climate change to effects on quality of life — political-environmental strikes would be perfectly valid in our legal system. (Gutiérrez 2022, pp. 189-190)

Similarly, countries like the Netherlands would likely protect such a strike so long as it was linked to workers’ economic or social interests. On the other end of the spectrum, “political” strikes in Nordic countries are perfectly legal (Waas, 2014, p. 23). Similarly, Italy also protects a broad right to strike, including political strikes.11

As such, workers in some countries will not have recourse to a strike under national law to affect national climate policy, even as it clearly impacts the workplace. Given that the ILO supervisory system has given its imprimatur to such strikes, it would be incumbent upon states to allow public policy strikes to influence national climate policy, within acceptable limitations.

3. WORKPLACE STRIKES OVER OCCUPATIONAL SAFETY AND HEALTH RISKS

As noted above, workers are suffering from the adverse impacts of global warming, whether in the form of excessive heat, extreme weather events, air pollution, or even diseases that have spread to new areas of the planet with the rising temperatures. According to a recent report published by the ILO on Earth Day 2024, “at least 2.41 billion workers are exposed to excessive heat” each year (ILO, 2024, p. 18). As a result, workers are suffering an estimated 22.85 million workplace injuries per year, ranging from heat stress to acute renal and cardiovascular diseases (ILO, 2024, p. 17). An estimated 18,970 workers die annually as a result (ILO, 2024, p. 17). The report’s statistics on the health impact of other warming-related phenomenon are equally sobering and will only worsen as the 1.5° C target recedes in our rear-view mirror — a very likely possibility according to a large majority of IPCC scientists recently surveyed (Carrington, 2024).

It is a basic principle of occupational safety and health law in most countries that a worker has a right to withdraw their labour if they have a reasonable belief of imminent danger to life or health. Indeed, this concept has been enshrined in various Occupational Safety and Health (OSH) instruments of the ILO in slightly different formulations. For example, Article 13 of the ILO Occupational Safety and Health Convention, 1981 (No. 155) provides that A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice. (ILO, 1981)

Two additional OSH conventions, on construction and agriculture, concern workers who are frequently working outdoors and disproportionately exposed to certain climate related risks, including but not limited to excessive heat. Article 12 of the Safety and Health in Construction Convention, 1988 (No. 167) creates a right for a construction worker, “to remove himself from danger when he has good reason to believe that there is an imminent and serious danger to his safety or health, and the duty so to inform his supervisor immediately” (ILO, 1988).12 Article 8(1)(c) of the Safety and Health in Agriculture Convention, 2001 (No. 184) similarly provides that agricultural workers have a right to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions. (ILO, 2001)

There is nothing in these conventions that suggests that the right to remove oneself is a purely individual right which cannot be exercised collectively, especially when the harm to life or health affects a group of workers or indeed all workers in a workplace.

Unfortunately, at the national level, this principle is not well protected. As reported in the 2017 General Survey of the ILO Committee of Experts: The Committee considers that the right of workers to remove themselves from situations when there is a reasonable justification to believe that there is a serious and imminent danger remains an essential foundation for the prevention of occupational accidents and diseases and must not be undermined by any action by the employer. It is linked to the duty of workers to inform their employer about such situations, although this obligation should not be seen as a prerequisite for the exercise of the right of removal. Noting the indication by several governments that this right is not enshrined in national legislation, the Committee recalls that, under the sectoral Conventions examined in this Survey, this right must be protected in national law and regulations. (ILO, 2017, para. 298)

To invoke this right, the danger or risk must be to one’s life or health, it must be imminent and serious, and the perceptions of this risk must be reasonable (from the viewpoint of the worker). To date, the ILO supervisory system does not appear to have said anything about the intersection of the right to strike and OSH standards generally or climate related OSH risks to life and health specifically. There are clearly existing circumstances where a worker would have a reasonable belief of an imminent and serious risk to life or health in the case of outdoor work in excessive heat (Bogage, 2023; Human Rights Watch, 2023), indoor work in poorly ventilated/cooled workplaces such as factories and warehouses (Tan, 2023; Tulsian, 2024), or any workplace threatened by floods or extreme storms (Dahir, 2024).

Indeed, there are several examples where workers have threatened or taken strike action over excessive heat in the last year. In Greece, workers at the Acropolis struck to protest being forced to work in temperatures reaching 113 degrees Fahrenheit. The union said that the action was “aimed at protecting the health of the security staff and visitors” (Kelleher, 2023). In the United States, UPS drivers organized by the Teamsters threatened to strike over unsafe conditions, where extreme temperatures in delivery vans led to several cases of heat stroke and even death (Noor, 2023).

But, risk exists on a continuum, and it is not clear where this line should be drawn. For example, exposure to UV radiation, which can be more intense with global warming, increases the risk of various cancers (ILO, 2024, p. 36).13 Workplace air pollution, which is also worsened by global warming, creates higher risks of diseases such as cancer, stroke, respiratory disease, cardiovascular disease, and other health issues (ILO, 2024, p. 62).14 However, these impacts may take time to fully manifest, even as the risk increases with each exposure. Of course, OSH laws exist to eliminate risks to diseases created by long-term exposure. However, many countries have not yet begun to properly regulate for climate related risks. Indeed, the United States does not even have a federal heat standard (though some municipal ordinances have been established) (Gerstein, 2024). As such, one could argue that workers should be able to withdraw their labour when currently occurring climate related risks create the conditions for longer term harms that do not materialize fully until months or years later.

On the farther end of the continuum are climate risks which are created by production processes that may not impact the workplace directly but will nevertheless contribute to climate change — affecting the workers’ community and the broader public (and the workplace). In some cases, the acts of the firm will be in breach of national legislation. In other cases, it may be possible for unions to strike to refuse performing work which contributes to a violation of environmental law. Tomassetti (2018) examined this issue as it relates to the laws of Italy. While noting there is no law on point, Article 1460 of the Civil Code provides that “in contracts providing for mutual counter-performance, each party can refuse to perform his obligation if the other party does not perform his own at the same time.” Italian courts have interpreted this language in the employment context finding circumstances when employees could refuse to follow the employer’s orders. Such circumstances have to do with risks to occupational safety and health. Tomassetti notes that “although the court would not necessarily recognise a refusal to perform work because the manufacturing process contaminates the environment, workers might still claim the non-compliance with prevention norms set against risks that can jeopardize health of both employees and communities” (Tomassetti, 2018, p. 77).15

If workers are justified in refusing work that might create a safety risk in the workplace, it is not a much of an extrapolation that they should also be able to collectively refuse to perform a task if they have a good faith belief it is in violation of environmental law (Arabadjieva & Tomassetti, 2024, pp. 20, 26, 29). Such a principle could be adopted as a tool for workers to monitor and challenge environmental violations which threaten health and safety. However, many countries will not have legal limitations on emissions of GHGs, and as such the refusal to undertake work which contributes significantly to GHG emissions would not likely be legal.

#### Secondary strikes uniquely enable the U.S. to solve global climate change by empowering workers to target both upstream and downstream players throughout the supply chain.

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Tonia Novitz, “A just transition for labour: how to enable collective voice from the world of work,” Britsol Research Portal, 2023, https://research-information.bris.ac.uk/ws/portalfiles/portal/379527945/A\_Just\_Transition\_for\_Labour\_NOVITZ\_ARTICLE\_27.2.23.pdf

Moreover, legitimate objectives of collective labour voice are limited both in national labour laws and even at the ILO. The scope of lawful aims of collective bargaining and industrial action may need to be extended beyond ‘economic and social’ interests to environmental concerns. Moreover, it may not be appropriate to limit consultation, bargaining rights or strikes to a dispute between an employer and their workers in a particular country. Coordinated bargaining across corporate subsidiaries supported, for example, by sympathy strikes and even transnational cross-border action may be appropriate. Pollution does not neatly stay in one geographical location and ecological harms in one place may well have impact elsewhere. There may also be a need for workers’ objectives to transcend their immediate self-interest to take account of communities outside the workplace or in another country, but also future generations if intra- generational justice is to be considered. This question of the objectives of voice is the subject of the third part of this article.

Finally, the article considers the methods of voice suitable for meaningful participation in ‘just transitions’. There is a tendency to limit collective worker voice to consultation, rather than making provision for bargaining and genuine negotiation (which could include recourse to strikes). Reliance solely on consultative mechanisms presents a problematic potential power imbalance in shaping just policies for transition. The absence of reference to a right to strike in current policy documents is highlighted and challenged here.

II. IDENTITY OF VOICE

Paying attention to the identity of collective worker voice in the participatory mechanisms established for designing just transitions entails considering who (at work) is represented in the process, which is likely to impact the content of any representations and even, potentially, how such representations are made. The potential danger is that only those who are in a standard employment relationship that are designated ‘employees’, and who are able to claim protection from dismissal under national employment laws, will be meaningfully able to participate.13 An understandable fear of dismissal, and thereby losing one’s livelihood, when speaking out can act as a deterrent to engagement in both individual representations and collective assertion of voice through a trade union.14 Moreover, domestic legislation in certain countries makes trade union membership and engagement in collective bargaining contingent on status as a ‘worker’.15 Where someone has devoted their services to another but does not meet these formal requirements, or is otherwise vulnerable due to the nature of the work they perform and the terms on which this is performed (such as immigration requirements), their capacity to engage collectively with just transitions would seem to be unduly limited.

The ‘worker’ problem has long been an issue globally regarding treatment of the those engaged in service delivery in the informal economy, particularly in the global South.16 Recent research has highlighted the vulnerabilities of those who are ‘self-employed’, for example running their own street stalls as market vendors,17 or operating as ‘waste-pickers’,18 but who are subject to certain stringent requirements imposed by others as to the ways in which their work is performed. Protection of their livelihoods and the terms on which they access the sites on which they work and sell their wares are the current subject of dispute. These people are also likely to be exposed in their work to environmental hazards, such as street pollution or toxic substances on waste dumps, and have limited means to challenge or change this.19 Their ability to access trade union representation or its equivalent through membership-based associations can make a difference, providing strength in numbers and scope for coordinated resistance, but remains likely to be limited. NGOs which are non- membership based may be helpful, but are not a simple substitute for the agency that a collective organisation representing members can offer.20 Rather, combined engagement and representation from NGOs and trade unions or other membership-based associations seems to be emerging, which is discussed further below.

Issues have arisen in Europe and around the world in relation to forms and sectors of labour commonly excluded from standard mechanisms for collective bargaining. An example is agricultural work, which has been a longstanding concern regarding scope for collective organisation,21 but was further exposed during the Covid-19 pandemic as lying outside the coverage of trade union engagement and representation.22 A common problem was the use in this sector of temporary seasonal work, where those hired were vulnerable in terms of their immigration status as well as their employment status. Contractual documents could designate these agricultural workers self-employed, albeit falsely, but that designation would be unlikely to ever be challenged, given the geographical and linguistic isolation of the workers concerned. Without laws enabling trade union access to the site of the work, which is for example not a matter of entitlement in the UK without order of a ballot under a statutory recognition procedure or formal recognition of the union by the employer,23 the scope for representation of this most vulnerable set of workers has not been possible. The scale of exploitation of seasonal agricultural workers in the UK was highlighted by the independent Anti-Slavery Commissioner shortly before she resigned; she has not been replaced.24 This matters also from a just transitions perspective because agricultural workers are most likely to be aware of environmental and ecological issues, being best placed to act as whistleblowers but perhaps more importantly advocates for change.25 Without their collective engagement, just transition processes are unnecessarily impoverished.

Also on the rise in Europe and elsewhere is platform work, consisting of task-based hire of services. This has been the subject of controversy, synonymous with insecurity of income, unregulated hours of work and wider health and safety concerns.26 Familiar issues with employment status arise, such that those who work in this sector find themselves outside standard employment law protections. Analysis in a recent World Employment Social Outlook (WESO) report, compiled with the advice of experts and published by the International Labour Office, advocated sustainable (in the sense of durable) regulation, which would entail ensuring access to freedom of association and collective bargaining rights.27 I have argued that issues of environmental importance arise here too, linked to the work performed (for example, in transport) and the relevance of the streets or home as a place of work.28 Health and safety concerns and awareness of the need for environmental protections connect here.

Again, while there is nascent trade union engagement here, for example the Independent Workers Union of Great Britain (IWGB) and the App Drivers and Couriers Union (ADCU) in the UK, there are also significant legal obstacles to recognition of ‘gig’ or platform workers as having ‘worker status’ which enables them to be counted for the purposes of trade union recognition.29 This is despite a more sympathetic statutory purposive approach advocated by the UK Supreme Court in the 2021 Uber judgment, which recognised the powerful controls which platforms can exercise over those who work for them.30

There are potential solutions to this employment status problem which so heavily impacts the identity of voice within just transitions processes. For example, at the ILO there have been important statements to the effect that employment status matters less than decent treatment of those in the ‘world of work’, broadly understood. The term ‘world of work’ emerged at the ILO in the preamble to the 2008 ILO Declaration on Social Justice for a Fair Globalisation.31 Article 2 of the 2019 ILO Convention No. 190 expressly stated that this ‘world of work’ should be understood to include ‘persons working irrespective of their contractual status’ and extends to ‘both the formal and informal economy’.32

ILO supervisory bodies have long recommended that trade union and collective bargaining rights, including the right to strike, be made available to even ‘self-employed’ workers.33 The ILO Conference Committee has likewise advocated paying particular attention to how collective voice could be achieved in relation to more precariously employed workers, whether in the platform economy or elsewhere.34 This has become a matter of increasing importance, and the compelling nature of such workers’ claims to collective bargaining, seems to be most recently reflected in a recent EU initiative. The European Commission Guidelines on ‘Collective Agreements regarding the Working Conditions of Solo Self-employed Persons’ state that even self-employed workers can be permitted to engage in collective negotiation of terms and conditions of hire without breach of competition law, albeit in certain limited circumstances in which they are at a disadvantage due to a clear power imbalance.35 The question then is how these nascent measures can be fostered in order to achieve greater representation of those in this wider world of work in deliberations concerning ecological, environmental and climate change issues, encompassing but also potentially extending beyond decarbonisation.

One barrier at present is the judgment of the European Court of Human Rights in the Pastoral Cel Bun (Romanian Priests) case,36 which curiously used the ILO Employment Relationship Recommendation No. 19837 as a key reference point for determining whether those at work can access rights to freedom of association under Article 11 of the European Convention on Human Rights, including trade union representation. This is a problematic use of an ILO soft law recommendation aimed at setting the parameters for each member state to adopt a ‘national policy’ to enhance access to employment law;38 it is also an obvious contravention of ILO supervisory norms established over a considerable period of time.39 Such an approach also has the potential to thwart political commitments now being made at the ILO and now in the EU.40 This is disappointing because, to be effective and legitimate participants in decision-making concerning just transition, trade unions need to be representative and inclusive of a wider world of work.

One possibility, suggested by James Brudney in the US, is that where we cannot secure access to trade union representation of those who are most vulnerable in the world of work, alliances or ‘co-governance’ will have to be forged with NGOs who do at least represent their interests.41 That said, as observed above, more membership-based organisations for those whose services are so precariously hired seems preferable, as it is likely to prevent ‘capture’ of their claims and more direct representations to be made; 42 the difficulty however lies both with securing their legal recognition as ‘trade unions’ and enabling them to speak out on the issues that are of importance to them.

III. OBJECTIVES OF VOICE

Even when workers can form and join what are formally recognised as trade unions, a further series of constraints can be placed on trade union organising and bargaining activities under national legislation, especially as regards the legitimate aims of their activities. Indeed, this may be a deterrent for membership-based social movement organisations representing atypical workers to define themselves as trade unions. For, by doing so, they become subject to a series of legal constraints and potential civil liability where they cross these boundaries, which are not conducive to voicing concerns regarding sustainable development or just transitions.

There have been longstanding fears that trade unions will pursue in collective bargaining and industrial action objectives which present obstacles to (or even derail) environmental, digital and other labour market transformations. There may be a temptation to seek to protect jobs and terms and conditions for current members, rather than the kind of restructuring, relocation and retraining which just transition may require. This is a rational concern and reflects trade union conduct at certain times in various parts of the world.43

However, as observed in the introduction, the trend in trade union representation has been towards advocating longer term environmental protections. Concerns have been raised relating to the demography of trade union membership, and their perceived limitations linked to age, gender and race.44 Ironically, such limitations could be overcome if trade unions were permitted to represent those engaged in the wider ‘world of work’ outside a standard employment relationship, which now remains the preserve of only the more privileged members of the workforce.

The introduction of ‘green reps’ (representatives) by the UK Trades Union Congress (TUC) was beneficial, but their struggle continues to ensure that they have the same rights to time off as trade union health and safety representatives.45 More generally, trade union pursuit of broader environmental aims in collective bargaining and action, departing from their so- called traditional and more limited functions, remains blocked by legislation and even international labour standards. Even where trade unions seek to broaden the ambit of their activities, to act more responsibly within the communities in which their members live, and to take a longer term view of the need for preservation of the environment and cutting emissions, they are prevented from doing so. Instead, they need to demonstrate compelling issues directly confronting their members in the workplace affecting their members’ immediate material interests, for example, regarding health and safety, rather than the longer term effects of the work they do and its implications.

In the UK, for example the Trade Unions and Labour Relations (Consolidation) Act 1992 places limitations, not only on which organisations may be registered as trade unions (under Chapter I),46 but also their status and management of their property (in Chapters II and VI), and their administration (I the terms set out in Chapters III, IV and V and VII). Section 178 places constraints on the legitimate subject matter of collective bargaining;47 while section 244 sets out the legitimate aims of industrial action. Section 178 defines a ‘collective agreement’ and ‘collective bargaining’ by virtue of whether they relate to or are connected with one or more of the following matters:

(a) terms and conditions of employment, or the physical conditions in which any workers are required to work;

(b) engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;

(c) allocation of work or the duties of employment between workers or groups of workers;

(d) matters of discipline;

(e) a worker’s membership or non-membership of a trade union;

(f) facilities for officials of trade unions; and

(g) machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers’ associations of the right of a trade union to represent workers in such negotiation or consultation or in the carrying out of such procedures.

‘Physical conditions’ may be relevant to a safe and healthy working environment, but do not obviously embrace environmental concerns that reach beyond the workplace and the workers’ immediate self-interest. So, if in the UK, workers and trade unions seem to bargain only on matters in this list, this is not due to the self-absorption or self-centredness of the membership, or a lack of altruism or sympathy for the wider community. Their limited ambitions can be linked to these statutory limitations.

There are even greater constraints on the legitimate aims of strikes and other industrial action in section 244, which repeats this list but also requires that there is a ‘dispute between workers and their employer’ which relates ‘wholly or mainly’ to one or more of these matters. A mere relationship or connection, as per section 178, is not even sufficient. The requirement that a lawful trade dispute is focused on the relationship between workers and their employer, with a corresponding express statutory provision barring ‘secondary action’,48 prevents the kind of sympathetic strikes which could enable solidarity in a single workplace where, in an era of subcontracting and fissured employment relations, different workers are notionally hired by different employers.49 This statutory bar is also problematic in that secondary strikes could be of assistance in addressing the transnational activities of subsidiaries in corporate groups which operate across borders that have social, economic and environmental effects beyond any single national jurisdiction.50 The capacity to use collective bargaining and industrial action as a corrective is thereby limited in problematic ways.

#### That's empirically proven to be the most effective political praxis.

Rodenbaugh 23 – Associate, Vedder Price; JD, NW Law; MBA, Loyola

Christopher R. Rodenbaugh, J.D. from Northwestern Pritzker School of Law, M.B.A. from Loyola Quinlan School of Business, B.B.A. in Finance from Loyola Chicago, “The Effect of the PRO Act on Secondary Activity and International Trade,” NW. J. INT'L L. & BUS. 371 (2023), https://scholarlycommons.law.northwestern.edu/njilb/vol43/iss3/4

The Effects of Secondary Activity on International Trade

Domestic and international trade partners have not had to contend with many American strikes in recent history. Work stoppages and strikes have drastically decreased over the past seventy years.106 Only counting strikes involving over 1,000 workers, such stoppages reached a height of 400-500 per year in the early 1950s and decreased to only five in 2009.107 Even more recent increases in strike activity pale in comparison to the amount of workers on strike fifty years ago. In 1971, around 2,516,000 workers were on strike.108 In 2022, only 120,000 workers went on strike, a 50% increase from the year before.109

This drop in strikes correlates with the massive decrease in unionization over the past forty years. This decrease followed a time known as the “Great Compression,” in which incomes equalized in the mid-twentieth century.110 However, this progress frayed beginning in 1979, and income inequality rose throughout the 1980s and the 2000s in a period described by economist Paul Krugman as the “Great Divergence.” Unions could provide their members with as much as a 20% wage premium and have been demonstrated to decrease income inequalities;111 however, from 1983 to 2019, the percentage of workers who were union members fell from 20% to only 10%.112 This mirrors the stagnant wages experienced by many workers over the same period, as between 1979 and 2013, the real hourly pay of middle-wage workers rose by only 6% while the pay of lowwage workers decreased by 5%.113 This has occurred despite a 356% increase in real GDP per capita over the same period.114 The more dramatic incongruity with wage stagnation is the rate of realized (i.e., counting stock options only when cashed) real CEO compensation, which has risen by 1,322% since 1978.115

Secondary activity, with its industry-wide effects, raises the scope of labor disputes to the global level. After all, stagnant wages are not solely domestic problems; all international actors are engaged in a “race to the bottom” to compete in trade and investment by lowering wages and labor standards as far as possible.116 Globalization has transferred a significant amount of power from nation-states to multinational corporations, and “there is little evidence of any capacity to bring the transnational corporation within some kind of effective global regulation.”117 These companies even have difficulty regulating their own supply chains. Though several have made environmental, social, and governance-oriented pledges regarding their supplies, they do not and, in some cases, cannot always fulfill them.118 These pledges can only go as far as expecting their immediate suppliers to comply with their standards, who in turn purportedly expect their own suppliers to comply, and so on.119 However, this cascade effect rarely occurs.120 Because multinational corporations too often impose unrealistic deadlines and demands on the capacity of their suppliers, suppliers are forced to work under exploitative working conditions to prevent their customers from finding other suppliers to fulfill their orders.121 Because of this state of affairs, the most effective agent through which working conditions can be improved may not be governmental regulators or the companies, but rather the workers themselves.

As it stands, the prohibition on secondary activity means that workers cannot refuse to work with companies that engage in these practices. However, the PRO Act will not only allow workers to strike, picket, or boycott employers doing business with their primary employer, but it will also end the prohibition on “hot cargo” agreements.122 These agreements are a form of secondary activity in which an employer promises in the collective bargaining agreement not to force their employees to handle goods of other employers whose workers were on strike or picketing.123 These forms of secondary industrial action have major implications for international trade. In the era of globalization, supply chain networks (SCNs) have grown to monumental proportions, and products as simple as school blazers may have the input of labor and materials from seven or more countries.124 Secondary strikes and hot cargo provisions have a unique ability to disrupt SCNs. During the Strike Wave of 1946, America was brought to a standstill—transportation workers went on strike while freight trains remained idle.125 The ability of secondary strikes to paralyze SCNs is not only the result of striking at the primary company, but of inducing labor actions at companies both upstream (closer to the starting point of production chains) and downstream (closer to the final consumers) of the primary one.126 The magnification of this effect to the scale of global supply networks will likely cause even more significant trade disruptions. If a “hazard event” such as a strike occurs at a single node of an SCN, it can cause bottlenecking of shipping and production.127 The magnitude of the bottlenecking will depend not only on the size of the company affected but also on its centrality within the SCN.128 Suppose a large number of companies are dependent upon a particular firm’s manufacturing and shipping. In that case, a strike at that firm can cause their operations to slow or even cease altogether if they cannot find another supplier. Another factor in the magnitude of a strike is how upstream the firm is in its SCN. Bottlenecks due to strikes in more upstream industries can create much more significant effects than strikes in downstream industries because more companies depend on their product.129 For example, a bottleneck in energy commodities or semiconductors can cause industry-wide declines in output that are 3.5 to 4.5 times the size of the initial impact.130 Secondary strikes across company groups can cause much more significant bottlenecking than primary strikes alone. If several companies in a company group are involved in the same industry, a secondary strike at some or all would make it much more difficult for downstream industries to find substitute services and upstream ones to find substitute customers. Secondary strikes could even cause multiple nodes of an SCN to bottleneck if two or more companies in a company group are within the same SCN. Even the threat of a strike can have significant consequences for production. If labor negotiations begin to sour at a particular firm, other firms in their SCN may anticipate a strike in the future and choose to hoard their inventory of the firm’s product—which can further aggravate supply shortages if a strike is called.131 Further repercussions may be brought by the “bullwhip effect,” which states that when a retailer changes how much of a product it buys, wholesalers can misinterpret the demand signal and overcompensate by ordering even more product from suppliers.132 These companies see a one-off order as an increase in general demand, which will cause them to increase production, causing an inefficiency that will magnify in distortion as it travels upstream along the supply chain.133 The bullwhip effect could cause strike-related hoarding to magnify as it travels through the SCN. Furthermore, substitution orders by downstream firms attempting to find new suppliers may cause those suppliers and their own suppliers to misinterpret the temporary substitution as a demand signal and begin to overproduce as a result. Swings in supply and demand can wreak havoc upon SCNs as firms adjust operations in significant ways to cope with the perceived changing market. Given that many more employers could be exposed to industrial action through secondary strikes, there will be more opportunities for such disruptions.

Just as important is the effect that secondary strikes will have on transnational business groups. Massive transnational companies such as Amazon134 and Google135 can be composed of dozens of subsidiaries with operations across many countries. Legalizing secondary activity in the United States would mean that American workers could engage in industrial action along with workers in other countries with legalized secondary activity, such as Belgium, Sweden, and Italy.136 This means that if the employees of a multinational’s subsidiary in Italy go on strike, then American employees of the multinational’s subsidiary in the United States may also go on strike, picket, or boycott their company or their trading partners.

Recent labor organization efforts at Amazon provide a good illustration of the effect that the PRO Act could have on industrial action. These organization efforts and failed votes, which in general have spurred renewed energy behind the PRO Act, have outlined the difficulties associated with unionization.137 These difficulties can be compounded by fissured workplaces in which potential bargaining units may only be able to negotiate with their direct employers, who themselves are constrained by their contract with the lead business.138 Secondary activity, in particular, adds to the tools available to Amazon workers, as it can allow them to engage in actions such as encouraging strikes among subcontracted and subsidiary workers across the globe while also removing Section 8 barriers to their free speech. Workers may also decide to engage in picketing or boycotting of companies upstream and downstream of Amazon on its supply line, causing severe bottlenecking in Amazon’s operations.139 Hot cargo provisions can further bolster union power. If nearby Amazon warehouses go on strike, unaffiliated transportation workers can refuse to carry Amazon packages so long as such a provision is included in their collective bargaining agreement. All these actions would heighten the pressure on Amazon to settle on the union’s terms. These strategies could be deployed against any firm in the United States—even those that may not be able to survive the economic effects. Secondary strikes will doubtlessly lead some businesses to close their operations, as has resulted from primary and sympathy strikes such as those at Hostess Brands and Eastern Airlines.140 However, even these closures were not brought about solely due to labor strikes but by larger market forces and an inability to adapt. In the case of Hostess, consumer tastes changing away from junk food made the company fatally outdated.141 Rather than shifting to more profitable operations, the company decided to severely cut wages and benefits, which Forbes contributor Adam Hartung described as “tantamount to management saying to those who sell wheat they expect to buy flour at 2/3 the market price.”142 Thus, putting more tools at the disposal of unions may ultimately create a greater drive in American capitalism toward efficiency and adaptation. The risk of closure was even an acknowledged effect of the New Deal slate of legislation; in fact, President Franklin Roosevelt stated that “no business which depends for existence on paying less than living wages to its workers has any right to continue in this country . . . . [A]nd by living wages I mean more than a bare subsistence level—I mean the wages of decent living.”

#### Fourth, the plan prohibits at-will employment, which stops retaliatory firings.

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William Herbert, “What Is “At-Will Employment,” and Why Does It Matter?” Jacobin, 12-22-2022, https://jacobin.com/2022/12/at-will-employment-just-cause-nyc-caban

In the United States, we often take for granted the immense power our employers have over us. Consider, for instance, the fact that your boss could fire you tomorrow for absolutely no reason. Didn’t get a hearing to defend yourself? What about an opportunity to come up with a plan to improve your job performance? Doesn’t matter — for most workers in the United States, none of that is required. Your boss isn’t even legally required to explain why you’ve been let go.

This near-total lack of protection from unfair firings has a name: the at-will employment doctrine. This doctrine doesn’t come from some old dusty law on the books that voters could mobilize around. Instead, the rule that governs the most important economic relationship of our lives comes from a nineteenth-century lawyer who lied.

The short version of the story: in his 1877 treatise called “Master and Servant,” lawyer Horace Wood gave four examples that prove that bosses legitimately can fire workers for no reason. Those examples, as it turns out, were made up. But no matter. Judges across the country used his reasoning, and to this day, the at-will doctrine remains precedent.

Earlier this month, New York City Council member and Democratic Socialists of America (DSA) member Tiffany Cabán introduced legislation that curbs this power bosses have over their workers. The Secure Jobs Act requires employers to actually have a reason for firing a worker — or “just cause” for their termination.

Cabán’s bill expands just-cause rights that New York City’s fast-food workers recently won to workers across all of the city’s sectors. Instead of firing employees on the spot, employers would be required to give advance notice of a worker’s termination and a written explanation of their firing. Workers who are wrongfully terminated — say, for asserting their health and safety rights in the workplace — would have an opportunity to be reinstated. The bill also limits employers’ ability to use technology to surveil workers on and off the clock, along with other worker protections.

Jacobin contributor Melanie Kruvelis spoke with William Herbert, distinguished lecturer at Hunter College and an expert on New York labor law, to discuss the significance of Cabán’s legislation and what its passage would mean for New York City’s workers.

Melanie Kruvelis

Whether we’re talking about the National Labor Relations Act (NLRA) or local labor legislation, labor law in the United States is fundamentally about regulating the balance of power between bosses and workers. So, let’s start with the basics: What is at-will employment? And between bosses and workers, who has the power under at-will?

William A. Herbert

The at-will employment doctrine was developed in the nineteenth century, as part of the common-law legal system in the United States. Under the at-will doctrine, an employer can fire a worker for any reason or no reason, period. The doctrine grants employers a tremendous amount of power over workers and the ability to discharge or otherwise discipline them for any reason or no reason at all.

The at-will doctrine remains the default rule when it comes to employment, particularly in the private sector. One of the few checks on this power are laws prohibiting discrimination, which generally require proof that the employer was unlawfully motivated based on race, gender, or other specific protected classes.

The power dynamic created by the at-will doctrine places limits on the willingness of workers to assert workplace rights out of fear of being terminated.

There is obvious unfairness when a worker is fired for no reason, without any notice, any investigation, or any hearing. Under the at-will doctrine, employers have the right to proceed in that manner. The only legal recourse for the worker is to file a claim that the employer was motivated by an unlawful discriminatory or retaliatory reason. However, proving unlawful motivation is difficult, and being successful often requires hiring an experienced and knowledgeable employment lawyer. The time and cost required for that can be out of reach for many workers.

The power dynamic created by the at-will doctrine places real limits on the willingness of workers to assert workplace rights they have out of fear of being terminated. Think about during the pandemic: the fear of raising issues about health and safety, out of fear the employer can fire someone for raising those or other workplace issues. This fear exists despite the fact that the Occupational Safety and Health Act and other laws were enacted to protect worker health and safety.

Melanie Kruvelis

Just-cause legislation aims to change this balance of power. Can you explain what just-cause protections are? Do these protections exist in other cities, states, or countries? How would passing this legislation change the balance of power for workers in New York City?

William A. Herbert

The just-cause doctrine is the antithesis of at-will employment. Simply put, it mandates the core value of due process in the workplace. Under just cause, before an employer can take adverse action against an employee, employees must be given notice, an opportunity to be heard, and a fair investigation into the nature of the alleged misconduct. It also mandates progressive discipline, meaning that a penalty should match the severity of the alleged misconduct, and take into account an employee’s work record.

#### Fifth, the plan makes climate action a mandatory subject of collective bargaining, which means employers are legally required to bargain in good faith about climate mitigation.

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Sharon Block, “How Labor Law Could Help – Not Hinder – Tackling Big Problems,” Onlabor, 12/6/19, https://onlabor.org/how-labor-law-could-help-not-hinder-tackling-big-problems/

Lately we are seeing workers trying to enforce demands that their employers address the climate crisis. Leaders of the “Bargaining for the Common Good” movement have made addressing the climate crisis a focus of their innovative bargaining campaigns. In September, Amazon workers at the Seattle headquarters walked off the job to protest the company’s failure to take bolder action on climate. OnLabor’s own Jared Odessky recently provided an overview in “In These Times” of provisions in collective bargaining agreements that address climate protection goals.

I fear, however, that these efforts to deal with climate change at the bargaining table are destined to have limited success because of the fundamental structural problems with our labor law. Enterprise bargaining severely limits the scope of what workers can accomplish through bargaining, including what they can accomplish on climate, because collective bargaining agreements apply only to one firm (at best). No single employer can make a meaningful difference in climate change, no matter how much the company reduces its carbon footprint or advocates for clean energy policies. A single employer at best can influence the after-the-fact effects of climate change, like giving workers more water breaks during periods of high temperatures. In this way, the NLRA’s enterprise-based bargaining system precludes workers from demanding a say in any issue that is bigger than what their own employer can tackle.

Moreover, the law’s definition of mandatory subjects of bargaining raises questions about whether unions in our enterprise-based bargaining system can even get the climate issue to the bargaining table.

I’ve written previously about how the NLRA’s narrow definition of mandatory subjects of bargaining is an impediment to workers being able to weigh in on the full range of issues in which they are interested, including the response to the climate crisis. To be a mandatory subject of bargaining, a proposal must not only be related to a term or condition of employment, it must also be within an employer’s influence or control. See Eastex, Inc. v. NLRB, 437 U.S. 556, 568 n. 18 (1978). If workers’ frame their objective in putting climate-related proposals on the enterprise-based bargaining table as impacting the climate crisis and reversing the trend of increasing temperatures, their proposals are going to fail the mandatory-subject test. No single employer can be understood to influence or control climate change.

Moving to sectoral bargaining, however, would expand the scope of collective bargaining agreements in a way that would enable unions to better address climate change. Imagine if workers could create a coordinated movement to demand in bargaining that lots of employers reduce their carbon footprints – maybe together employers could actually impact climate change. The climate crisis is so massive and all-encompassing there are legitimate questions as to whether even a coordinated approach among employers could have a meaningful impact. Legislation that mandates radical change in the U.S. climate policy, along the lines of the Green New Deal, is necessary to save the planet. I suggest, however, that a worker-driven coordinated sectoral policy on climate change could be a positive step in making big needed changes.

Although such a worker-driven industry-wide approach is not possible under the NLRA, labor law reform could move the U.S. to a sectoral bargaining system. Take, for example, how a sectoral approach could work in the auto industry. Many environmentalists believe that a big move in the U.S. to electric cars is a necessary step in reaching the U.S. obligations under the Intergovernmental Panel on Climate Change. What if all of the auto manufacturers in the U.S. were at a sectoral bargaining table where the unions made a demand for a transition to electric vehicles? The size of the U.S. market could influence the global market for electric cars. Even if that is not true, sectoral bargaining in the U.S. also could facilitate a global sectoral push for more electric cars. Let’s now imagine if unions engaged in a transnational strategy to pressure automakers around the world to increase production of electric vehicles. Because most of the rest of the world engages in sectoral bargaining such coordination is not beyond the realm of possibility. If successful, we could be on our way to tackling one of the most significant contributors to carbon pollution.

Electricity generation is another sector that must be reformed to arrest the climate crisis. Unions that represent workers in the energy sector could bring clean energy generation proposals to a sectoral bargaining table and negotiate the terms of a just transition – one that leads to cleaner energy and support for workers whose jobs change as a result of such a transformation. Germany recently engaged in such an exercise. In January 2019, the German Coal Commission brought together industry players, unions and other stakeholders to negotiate an agreement to phase out coal by 2038. This form of sectoral bargaining also negotiated financial support for coal miners and their communities. While the Coal Commission was not formally a part of Germany’s sectoral bargaining system, it demonstrates the potential of an industry-wide approach to tackling big climate goals.

Facilitating sectoral bargaining over climate crisis strategies would be beneficial for two reasons. First, it would create a new tool to put pressure on corporations to change their behavior. So far, relying on voluntary corporate commitments or our gridlocked political system has not yielded the results we need. Second, it would ensure that workers have a direct voice in influencing how corporations address the climate crisis. Workers are already on the front line of suffering from our inaction on climate – it makes sense to reform labor law so they can have a chance to spur much needed action.

#### That solves the twin crises of climate change and inequality.

Johnson 19 – President of the Washington State Labor Council and Chair of the Board of Labor Network for Sustainability.

Jeff Johnson, “Bargaining for the common good,” International Centre for Trade Union Rights, Vol. 26, No. 4, pp. 18-19, 2019, https://www.jstor.org/stable/pdf/10.14213/inteuniorigh.26.4.0018.pdf?refreqid=fastly-default%3A66bc0f71953b55a00b5bb672342157a3&ab\_segments=&initiator=&acceptTC=1

Collective bargaining can and should be used to address climate change and to redistribute economic and environmental justice beyond the workplace.

In 2014, newly elected President of the Amalgamated Transit Union Local 1316, Mustafa Salahuddin, and his members in Bridgeport, Connecticut were able to do just that. Union members concerned with health, safety, and design issues of the buses they drove eight hours a day began negotiating for a union seat on the procurement committee for new buses. The union negotiated over design features that would make the buses safer for drivers, passengers, and pedestrians and that would phase out diesel-fuelled buses that often made drivers sick and fouled the air for passengers and community members. They also argued that cleaning up the air, reducing carbon emissions was a legacy issue for the company and the union. The result was an agreement to purchase a half-dozen hybrid and a half-dozen electric buses, with a goal to have a completely electric bus fleet by 2030. Now all of Connecticut’s Transit Authorities are aiming to electrify their bus fleets.

This is an example of providing benefits for union members as well as bargaining for the common good of the community as a whole. Without taking anything away from the brilliant efforts of Local 1316, there was a pretty tight nexus between improving the bottom line for the Transit Authority and addressing a common good for the community.

We need to encourage and support all union bargaining efforts, even when the nexus is not so close, whenever and wherever they are aimed at addressing climate change and the common good. The most well known examples of bargaining for the common good are the Los Angeles and Chicago teachers, who have gone on strike not just for a better contract but for affordable housing and immigrants’ rights.

Someday, when the Protecting the Right to Organize (PRO) Act1 passes, and many of the well- documented hindrances to union organising in the US are removed, not only will millions of workers have a fair shot at organising into unions but their right to strike, protest, and boycott over issues at the workplace and the broader community will result in significant leaps forward in social justice. We can and must organise for the passage of the PRO Act. But today, we also have to work on a level even higher than that. The labour movement needs to use every means available to us to organise with other movements to confront the two existential crises facing our planet: climate change and inequality.

Transition is inevitable, but on whose terms?

At a trade union event held in parallel to the COP21 talks in Paris in December 2015, Clara Paillard, president of the cultural section of the Public and Commercial Services Union, commented: ‘If the planet were a bank, we would have already saved it’. She couldn’t have been more right. Under cover of ‘so-called’ free markets, climate change and climate disasters will continue to kill off a profound number of species, including a significant number of human beings, exacerbate food and water shortages, force tens of millions of people to migrate from uninhabitable areas of the planet, destroy Island countries and coastlines, and dramatically and negatively impact jobs, health and safety, and income all around the world. Today, the majority of the world’s population are already unable to afford the price of a latte at Starbucks – never mind nutritious food and clean water. Extreme corporate greed and the political policies and systems that support it, are the driving force behind these existential crises. Fossil fuel companies are spending hundreds of millions of dollars in advertising to extoll their efforts in investing in clean energy. These efforts include investments into solar, wind, and algae biofuels. The ads are also aimed at convincing people that a transition to clean, renewable energy by the year 2050 is too ambitious, despite the UN study projection of the need for major advancements by 2030. Instead they offer the year 2070 as an appropriate and achievable time frame. At the same time, since the signing of the Paris Climate Accord in 2016, the world’s largest 33 banks have financed an additional $1.9 trillion in fossil fuel projects around the world! According to CDP, an international non-profit organisation that works with companies, cities, states and investors to prevent climate change impacts, the major oil companies have only invested 1 percent of their capital expenditures this year in low carbon ventures, despite record breaking revenues and profits over the past several years. If transition is to happen on the terms of the banks and fossil fuel industry then we will soon bust through 1.5 and 2.0 °C limits. Wealth and power will continue to rise to the top.

Aligning values towards just transition

While on the steps of the Capitol in Alabama in 1965, Dr Martin Luther King was asked, ‘Are the efforts of the civil rights movement working?’ He replied, ‘The arc of the moral universe is long, but it bends towards justice’. After passage of the Civil Rights Act and Voting Rights Act, Dr King’s work transitioned towards creating a peoples’ movement – a movement of black, white, immigrant, union and non-union workers, young and old to create a vision of racial, economic, and social justice and to organise around this vision.

Today we must add climate justice to the mix. But the point is, today with an economic paradigm that has brought us to the brink of extinction and where so many have so little, we have an opportunity as labour, communities of colour, immigrants, indigenous people, and those of other movements to come together and create a vision of a truly ‘just’ transition, one based on equity of income, wealth, voice, and power, one that can achieve the significant and deep changes necessary to prevent the worst effects of climate disaster and inequality.

We need to start with aligning values. When the labour movement talks about just transition it’s about creating good family wage jobs for workers who will lose their fossil fuel-based jobs in the transition to a clean renewable energy economy. Environmentalists talk about a just transition in terms of lowering carbon emissions and the price of clean renewable energy while protecting clean water, air, forests and the ocean. Environmental justice communities usually talk about a just transition by investing in ‘fence line’ communities, those communities most negatively impacted by carbon pollution, so that those historically left behind by the economy have access to decent jobs in the clean energy economy, don’t suffer negative cost impacts from the transition to clean energy, and gain improved health outcomes. In Indian Country, just transition is all of the above as well as concern for the physical, spiritual, and cultural healing process from centuries of genocide, land theft, white Christian supremacy and colonial oppression.

Aligning these values is about building trust across movements and sharing leadership. The best way for labour to represent their current and future members is by joining the climate justice movement and making demands for a just transition at every level, from the streets to the bargaining table to the legislative floors of cities, counties, states, and the Federal Government.

In 2018, Washington State had a ballot initiative (Washington Carbon Emissions Fee and Revenue Allocation Initiative, I-1631) that aligned these values while hastening the transition to clean renewable energy economy, lowering carbon emissions, improving health outcomes, creating tens of thousands of family wage jobs with high quality labour standards, and giving voice to communities of colour, indigenous peoples, trade unions, environmentalists and civil society. I-1631 would have empowered those most affected by carbon pollution and climate change to make investment decisions for over a billion dollars a year in clean energy, clean water and air, and healthy forests. At the same time a ‘Just Transition Fund’ would have provided for the retention of wages, health care, and pension benefits for dislocated fossil fuel workers, protecting the standards of living of thousands of workers and the tax revenue base of impacted communities.2 In Spring of 2019, the Governor of Colorado signed a bill authorising a ‘Just Transition Office’, after Colorado AFL-CIO Leader Dennis Dougherty, working with the Peoples’ Climate Movement, pulled together a coalition of community, unions, faith, youth, and environmental groups to organise around equitable responses to climate change. The Just Transition Office, working with the Coalition board and others, is to develop a plan by summer of 2020 and funding of dislocated workers and communities will begin by 2025. The coalition fought for the provision of wage differential benefits for coal workers so that for a period of time the difference between what they had been earning and their new, likely lower, earnings would be replaced through the Just Transition Office.

In October of 2019 the Maine State AFL-CIO – under the leadership of president Cynthia Phinney – passed a Convention Resolution ‘to Address the Climate Crisis and Inequality Crisis and Create Union Jobs’. The Resolution addresses the need to expand collective bargaining, pass the PRO Act, create a fair and equitable Just Transition, and ‘to provide union career opportunities for Maine workers and invest in working class, rural, people of color, and indigenous communities historically disproportionately impacted by pollution, environmental injustice, and economic insecurity’.

The labour movement can try to go it alone – and lose. Or we can become part of a wider movement to change the rules of the game and develop a vision of a just transition for the benefit of all people. Time is not on our side. We need to act with great urgency and sense of purpose.

#### It’s desirable to prevent mass death, including potential extinction. Life is valuable and we should prevent suffering.

Moya 23 – Ph.D. in Philosophical Pessimism, U of Western Ontario

Ignacio L. Moya, "Human Extinction in the Pessimist Tradition" (2023), *Electronic Thesis and Dissertation Repository*, 9318, https://ir.lib.uwo.ca/etd/9318

Up to this point I have said that life as something valuable in itself is an idea uncritically accepted by most. Yet, this statement requires some additional probing and questioning. This is because if it really was that clear that life is valuable and something evidently in need of protection, then where does the need to actively promote the value of life through philosophical arguments arise? Why does an entire academic discipline need to devote itself towards disseminating, calculating and quantifying the goodness of existence over nonexistence? Who is the intended public? Presumably, all of us. And we need to be told (or reminded) that life is good because, perhaps, deep down we are not really convinced that life is so great. For this reason the overall desirability of existence may not be an evident or uncritically accepted truth –we therefore need to come to its defence. Indeed, no one denies that bad things happen in the world and that humans and animals suffer. The philosophical differences lie in the explanations and in how much suffering there actually is. The problem of evil, optimism and pessimism are all answers to the same question: what are we to make of the suffering in the world? Faced with the undeniable fact of suffering, it is possible that ERM philosophers may have come together because they have realized that a new contemporary defence of existence is needed. And that defence would take the form of this new discipline called Existential Risk Management. Could this be the case? As it turns out, the answer is no. This is because ERM philosophers do not do this –they do not really engage with arguments about the inherent value of life. Instead, the idea that life is generally good and that existence possesses much value is a premise only lightly defended by them. More often than not, it is simply accepted that life is good. This suggests that ERM is not really about convincing people that life is good and that therefore the arguments they present in defence of our continued existence have a different purpose. What is that purpose? 169 One possibility is that these arguments are directed at the elites that resist implementing the required changes that would prevent the catastrophic anthropocentric risks that we currently face. In other words, it is already true that most people may accept the claim that existence is good –including those in power. Yet in spite of this (for reasons that I will not explore because they far exceed the scope of this work but are possibly related to the protection of wealth, power, privileges and a certain hubris brought on by the position of influence they occupy in society ), those same people in power may not be willing to do anything about it because they value present wellbeing over potential future wellbeing. Ord does suggest something along these lines when he says that “the attention of politicians and civil servants is frequently focused on the short term. Their timescales for thought and action are increasingly set by the election cycle and the news cycle. It is very difficult for them to turn their attention to issues where action is required now” (60). If this is the motivation behind the ERM project –spurring people into action– then insisting on the value of life and on the accomplishments that humanity could achieve far out in the future is but a means, only a way to make those in power react to the many threats that we are currently facing. It is a way to pressure them, to force them into action. We do not need to be convinced that life is good. We only need to be reminded that it is. Another possibility –or possibilities– is that as Ord says, there are in fact several reasons that would seem to justify the urgency of presenting the ERM project. What these reasons all have in common is that they are directed at people that do not take existential risks seriously (58)146. So if Ord is correct (that although there are different reasons for promoting ERM they are all directed at those that do not take the threats seriously), then it is crucial to not conflate two distinct issues here; the preference of existence over nonexistence and the need to convince people that our lives are at risk and that we should do what we can to ensure our survival. Although the two issues appear related, there are subtle differences between them that need to be taken into account. It is one thing to convince people that life is overall good, that existence is preferable. This is what, for example, Leibniz tried to do. And it is another to tell people that our lives are actually at risk, that our disappearance is a real possibility, that it may be violent and that we should therefore take very seriously the threats that we face. And this is what the ERM philosophers largely do. For these reasons it is correct to say that ERM philosophers are not so much interested in convincing us that life is good, given that we already know that it is good, as convincing us that it is under threat. This is, perhaps, why they dedicate much less time to defending the idea that existence is in itself a good and more time telling us how much we would lose with our extinction and how much we would gain with our continued existence. Quite tellingly, Ord says that