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### Anyone Can Be an Individual. Even a Woman

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#### 1. *Introduction*

“There is no such thing as conversation. It is an illusion. There are intersecting monologues, that is all”<sup>1</sup>.

This sentence, written by Rebecca West in 1935, embodies at the same time the quicksand we are in and the opportunity to come out from it.

The present paperwork aims at describing the critical aspects of the firms' environmental transition from the standpoint of women. Then, it will try to identify a solution as a means to foster green growth while achieving gender equality.

In order to fulfil the mentioned intentions, the paper will firstly analyse the current situation (*par. 2*) and the needed changes of attitude towards the issue. Then, the challenges and the opportunities represented by the firms' transition in the labour market will be critically described (*par. 3*), introducing

<sup>1</sup> WEST, *The Harsh Voice: four short novels*, Penguin Books, Harmondsworth, 1956 (Reprint of 1935 edition), p. 63.

a focus on the Global Production Networks' relevance to the topic. After that, the focal point expressed by the woman figure will be added to the equation, considered as a workforce (*par. 4*), indulging in a brief comment on the COVID-19 pandemic's effects on women's condition. Further, the European Union's approach to the firms' environmental transition will be analysed (*par. 5*), in order to better understand the implications to the represented issue. Moving on to the solutions aimed at inserting women as an active part of the firms' environmental transition, an investigation of the historical roots of the intersectionality theory will be made (*par. 6*), to introduce a more recent perspective. Then, the method theorised by the present paperwork will be portrayed (*par. 7*), including a close examination of the green jobs sector's specific challenges (*par. 8*). Finally, a concise observation will close the present paper (*par. 9*).

## 2. *Changing the structure of the narrative: a starting point*

As a matter of fact, environmental transition is the centrepiece of any discussion about the future. Politicians, economists, jurists and, above all, scientists are aware of the challenges we, as human beings, will have to fight if they want to survive on this planet. Nevertheless, all this talking often appears to happen on narrative levels, and as Rebecca West said, there is no conversation, thus communication is useless and superficial.

In order to make the communication among the involved characters work, a scheme of concentric circles around the topic would be useful to be drawn. In fact, environmental transition is already affecting different sectors, some of which will benefit from it because of their nature while others could benefit from it only if they will be able to adjust to the transition. When a sector is touched by a revolution, and the environmental transition can be considered as a revolution, every aspect of its functioning changes, including the labour market at its base, which is indeed the most affected part of it.

Talking about the labour market includes the so-called direct market, which is composed of all the jobs figures of the sector, and the so-called expanded labour market, that consists of the jobs figures located along the sector's value chain<sup>2</sup>. According to this explanation, the green transition to be

<sup>2</sup> A value chain "describes the full range of activities that are required to bring a product

completed should encompass every step of the value chain, that should realise its own environmental transition while the sector it is part of, changes itself. For this reason, communication between players, such as jobs figures and entrepreneurs, workers and trade unions, politicians and businessmen, is required and communication between sectors, such as institutions and private sector's representatives, retailers and supply chain companies is needed.

Existing monologues, though, are the necessary starting point for a conversation. Where there is a monologue, there is self-awareness that can be spoken out loud to be listened to. Intersecting monologues become a resource when the speakers start to listen to each other. Listening is where the interaction begins<sup>3</sup>. It's not by chance that many private companies and even public administrations are introducing courses to learn how to put in place the so-called active listening<sup>4</sup>. This technique, usually, successfully applied to groups of few people, should be used also at a larger scale, such as the global debate on environmental transition.

In this respect, the 2030 Agenda<sup>5</sup> drafted by the United Nations needs to be recalled. In fact, it has been drawn like a circular system, in which every goal of the circle can be expanded into many smaller goals. These goals show the requirements that should be fulfilled in order to achieve the single objective they contribute to perform.

### 3. *The labour market in the environmental transition: challenges and opportunities*

The 2030 United Nations' Agenda for Sustainable Development identifies at least three sustainable development goals that are directly connected to the labour market. They are number 8, 9 and 12, respectively *decent work and economic growth*; *industry, innovation and infrastructure*; and *responsible consumption and production*. Nevertheless, as mentioned above, all the goals are

or service from conception, through the intermediary phases of production and delivery to final consumers, and final disposal after use". KAPLINSKY, *Spreading the gains from globalization: what can be learnt from value-chain analysis*, in *PET*, vol. 47, no. 2, 2004, pp. 74-115.

<sup>3</sup> See PLUTARCO, *De recta ratione audiendi*, in *Moralia*.

<sup>4</sup> To deepen the topic, see the Thomas Gordon's method.

<sup>5</sup> UN Resolution A/RES/70/1, *Transforming our world: the 2030 Agenda for Sustainable Development*, 25 September 2015.

connected, and each of them interferes with the current labour market's dynamics since they imply a change, often positive, of the *status quo*.

Goal number 8 (*decent work and economic growth*) deserves to be deepened, since the concept covered by it will be useful also farther in the paperwork, when the gender gap problem will be addressed. Delineating the boundaries of the definition of decent work is challenging, because it cannot be linked only to one aspect of the work sector. Undoubtedly, a building up decent work conditions' process begins with the creation of a fair labour market. As a matter of fact, nowadays the labour market is not fair. A disequilibrium exists, which finds its roots in geopolitical assets compounded by the multitude of crises that have been occurring in the last decade. Against this unhealthy scenario the individual will of States to commit to change for the better becomes essential. In fact, environmental transition still sees some of the richest and industrialised countries opposing elementary measures that would help preserving, thus restoring, Nature. Exploring new business models and industrial methods is probably the only path to be paved in order to make those countries aware of the opportunities that the environmental transition represents.

In the current labour market, workers are often put before a choice, working at any condition to survive daily life, but endanger long-term existence or even quitting any chance to stay alive in the long run. That's the reason why the definition of decent work must encompass the concept of a fair labour market. Environmental transition will represent at the same time a massive opportunity for the creation of new jobs positions and a scary challenge for those jobs figures that will be replaced by greener profiles. In fact, the structural changes triggered by the transition will not affect all workers at the same time and in the same way, since jobs are different "in terms of skill requirements and types of tasks to be performed"<sup>6</sup>. To correctly address these required shifts occurring in the majority of the production sectors, efforts should be made because imagining a simple switch towards the greener job profile within the same job sector would be unrealistic. It can happen only where the skill requirements are exactly the same and no additional training is necessary. As it is easily to be conceivable, this coincidence rarely happens.

The Organization for Economic Co-operation and Development

<sup>6</sup> OECD, *Impacts of green growth policies on labour markets and wage income distribution: a general equilibrium application to climate and energy policies*, ENV/EPOC/WPIEEP(2016)18/FINAL of 22 February 2018.

(OECD) has been testifying the modifications happening in the labour market subsequent to the green transition. The OECD's reports aim at understanding how workers shift within the labour market adapting to the countries' green policies. These data, correctly analysed, give the scholars the opportunity to identify functional strategies to adapt the labour market's structure to the environmental transition revolution. Even more important, the OECD's reports allow institutions and academic centres to recognise negative impacts of the green transition policies on specific categories of workers, such as women, so that making suggestions in order to overcome the unfairness created by the transition itself as unwanted bias.

In this respect, the ways through which green policies affect the labour market, as identified by the OECD must be briefly reported below, in the interest of understanding which category of workers is most affected by each channel. They have been divided in "four main categories:

- changes in production modes and technologies.
- changes in demand patterns.
- changes in aggregate income and other macroeconomic conditions.
- changes in international trade and competitiveness"<sup>7</sup>.

As it is recognisable looking at the list above, changes in production models and those in demand patterns will especially affect workers of the energy sector, which is one of the most touched by the environmental transition. As the present paper will explain in the following paragraphs, in this case the change does not affect women directly, but it can influence their private lives as wives, daughters and sisters. In fact, in the energy sector a lot of job profiles, occupied by male workers, risk not to be converted into their greener *aliases*, leading to the dismissal of that workforce. Dismissal, considered as a social event, produces its effects within the social group the dismissed worker lives in. The most common one is family. For this reason, when male workers are dismissed, women become involved. Scholars are expressing their concerns about the future situation of southern America, since in those territories, the lack of job opportunities often leads men to abuse substances or alcohol, which makes them dangerous to their own families' members.

In 2015 already, the International Labour Organisation (ILO)<sup>8</sup> suggested

<sup>7</sup> OECD, *cit.*

<sup>8</sup> ILO, *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, 2016.

social dialogue over these important themes and the IEA<sup>9</sup>'s Global Commission on People-Centred Clean Energy Transitions is taking up the baton in the energy sector<sup>10</sup>. Several initiatives have been thought in order to include women in the transition<sup>11</sup>. If considered as main characters in the energy transition, women are included in programs and initiatives that have multiple purposes. According to their geopolitical existing conditions, countries are activating different plans. Therefore, European countries are creating fundings and scholarships to foster female participation in colleges and universities' programs which include the STEM<sup>12</sup> subjects, since the presence of women in these courses, at a global level, has been accounted for around 35% of the total number of students. On the other hand, developing countries try to make women, and young girls, aware of their potential by investing in their job training to make out of them micro-entrepreneurs of the renewable energy sector. In rural areas, then, the main goal consists of making it possible for women achieving energy independence. Hence, for instance, "the Indian social service centre, SevaKendra, has a project for 'gender mainstreaming through solar technology' to provide rural women training in assembling and selling solar lamps"<sup>13</sup>.

Regarding the *changes in international trade and competitiveness* (point 4 of the OECD's list), the balance existing between western and eastern countries has been changing in the last twenty years. In point of fact, some countries that were considered as the main factories of the western economies, such as China, have developed their own consumption markets which are competitive also at a global level. The described shift is relevant to the labour market for mainly two reasons. The first one is represented by the need for skilled workers in the expanding markets. Resuming the previous example, China has become a big market itself, serving Chinese people and foreign people, considering the amount of population who lives in those territories, thus skilled workers are needed, since new job profiles are opened to Chinese people. The second reason is relevant to the present paper because emerging

<sup>9</sup> International Energy Agency.

<sup>10</sup> IEA, *The Global Commission on People-Centred Clean Energy Transitions' report*, October 2021.

<sup>11</sup> ILO, *Greening with Jobs and a Just Transition*, 2022.

<sup>12</sup> Science, technology, engineering and mathematics.

<sup>13</sup> IEA, *The Global Commission on People-Centred Clean Energy Transitions' report*, October 2021, recommendation 7.

countries or industrialised countries, which are defending their power in the world scenario, are often fostering policies that hamper transition. They tend to maximise the profits with no concerns towards the environment, they are not working to realise the environmental transition, because they see it as an obstacle and a limit to the extent at which they could express their fullest potential.

The evidence that not every industrialised country is committed to the environmental transition underlines how difficult it has become protecting some workers categories, such as women, who are located along the product value chains all around the world. This is why a control of the GPNs<sup>14</sup> is required.

### 3.1. *The importance of the GPNs to achieve decent work conditions*

Global production networks (GPNs) can be defined as organisational chains through which international players can realise and upgrade their business models. GPNs are one of the products of globalisation, but they could also represent a risk for workers' conditions if they are misused<sup>15</sup>. Against this backdrop, it is necessary to add to the historical issues that GPNs have been facing, the battles that the world have been fighting against in the last decade, one for all the pandemic of COVID-19. Pandemic hit the labour sector not only because many industries shut down for a prolonged amount of time, but mostly because workers deployed along the GPNs have been forgotten, since for the first time after the second world war the excessive and omnipresent consumerism was silent.

An ongoing international policy research programme entitled “Capturing the gains: Economic and social upgrading in global production networks”<sup>16</sup> which is updated to 2022, identifies six key areas of intervention in its 2022 Program. Those areas have many similarities with the Italian PNRR<sup>17</sup>, and in a broader context, with the European Green Deal<sup>18</sup>. The more relevant areas to the present work are mainly two, dedicated to the

<sup>14</sup> Global Production Networks.

<sup>15</sup> As an overview see ILO, *ILO Decent Work interventions in global supply chains: a synthesis review on lessons learned; what works and why, 2010-2019*, 2019.

<sup>16</sup> See website [capturingthegains.org](https://capturingthegains.org).

<sup>17</sup> Piano Nazionale di Ripresa e Resilienza.

<sup>18</sup> See more at <https://www.consilium.europa.eu/en/policies/green-deal/>.

new social challenges and opportunities, and to the socio-economic drivers of global economic development. In fact, the Program aims at locking workers' safety (in terms of social security and wages) even through the application of information technology.

As the ILO often reports in its publications, defining social upgrading cannot take into account only an increase in wages. Therefore, investigating social upgrading (or downgrading) requires inserting the term *decent work* in the utilised vocabulary<sup>19</sup>. In this respect, a change occurred during the years that need to be recalled. To the global buyers known since the first globalisation, lots of smaller buyers should be added. Many SMEs<sup>20</sup>, especially in the fashion manufacturing sector, spoil micro GPNs, in order to be able to put on their clothes the label "handcrafted". Of course, numbers concerning these realities compared with those regarding the global buyers are very small but still the concept of decent work should be the leading character in the global discussion.

Regarding this, recalling the sentence pronounced by Amartya Sen can be useful to understand the reason why building a fair market is, nowadays more than ever, important. He said, "A society can be Pareto optimal (functioning) and still perfectly disgusting"<sup>21</sup>. The very same concern has been raised by the United Nations, which have intervened over the years to make the global community aware of what is happening and to underline that every aspect of what is happening in the world is connected. Therefore, decent work conditions and social upgrading are encompassed, as mentioned before, in the broader definition of sustainability, reported also in the UN 2030 Agenda<sup>22</sup>.

However, participation in GPNs represents an important source of employment and a great opportunity, especially for developing countries and workers' minorities<sup>23</sup>. In this respect, voluntary based instruments might affect workers' conditions in a positive way. In particular, collective bargaining agreements appear to be useful in those countries where trade unions have

<sup>19</sup> On social upgrading, see also HENRY, CHATO, *Economic and social upgrading in the Philippines' pineapple supply chain*, ILO, 2019.

<sup>20</sup> Small and medium enterprises.

<sup>21</sup> ATKINSON, *Economics as a Moral Science*, in *Econ*, 2009, vol. 76, pp. 791-804.

<sup>22</sup> ILO, *Decent work is not just a goal - it is a driver of sustainable development*, 2020.

<sup>23</sup> See among others ILO, *Moving the Needle: Gender Equality and Decent Work in Asia's Garment Sector*, 2021, Bangkok.



got power and the capability of influencing governments. Even in developed countries though, the bargaining dumping phenomenon has been implemented, since the number of people seeking a job at any condition is increasing lately. For this reason, for example, in Italy in 2018 the employers and employees' representatives signed the so-called *Patto di Fabbrica*, in order to guarantee a level playing field and ensure the respect of workers' human dignity.

The ILO Declaration on Fundamental Principles and Rights at Work already in 1998, stated that four fundamental principles and rights at work are universal, and apply to all people in all States, regardless of the level of economic development<sup>24</sup>. These are: the freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; the elimination of discrimination in respect of employment and occupation. ILO's approach to value chain's development has been considered as pivotal for the purpose of contributing to decent work "by:

- creating more and more equal opportunities for productive work for women and men.
- increasing incomes.
- providing greater income security.
- enhancing social integration.
- providing better prospects for professional development"<sup>25</sup>.

As the GPNs move their tentacular schemes around the world, multi-actor global binding agreements could be an effective solution. Those types of agreements have been experimented in other aspects of industrialisation to foster sustainability, such as the fight against the use of plastic.

Concerning this aspect, luxury brands, mostly in France, are investing in their value chains, because their customers are starting to refuse to pay a lot for a product that walks over human beings' dignity<sup>26</sup>. Thanks to the attention they pay to the GPNs, luxury brands appear to be justified to ask

<sup>24</sup> See note no. 8.

<sup>25</sup> See note no. 19.

<sup>26</sup> In fact, one of the priority actions identified by the ILO in order to harness trade consists in ensuring "open, fair and contestable markets through competition and consumer policies, and collaborate at the multilateral level to address vulnerabilities in supply, transport and distribution chain infrastructure to increase resilience to conflict, future pandemics and climate change"; See United Nations, 2023, *The Sustainable Development Goals Report 2023 - Special edition*, p. 56.

for a high price, which means that in this situation social pressure has worked out. LVMH group is making transparency and traceability its distinctive feature, since the group provides customers with a QR-code which allows them to trace back the product they bought and all its components. These private initiatives need to be analysed and considered, when possible, since those brands have a privileged position in the market. They are at the opposite corner of the ring to the fast fashion brands; thus, the adopted solutions wouldn't be the same. In fact, in those other cases, workers are too often put before the option of choosing their dignity or being able to survive.

The usage of voluntary based agreements<sup>27</sup> added to governments intervention, appears to be the most effective path to follow. In the law field, we are familiar with concepts like the right interpretation or the right aim of the law, therefore it might be useful to match the concept of decent work with the thought of the right way to make business. Labour national and international regulation's role will become broader. In fact, it not only has to fuel economic growth, but also it must shape the market according to sustainable development principles. As a possible result, labour regulation could endeavour sustainable work conditions throughout the GPNs controlled by default.

#### 4. *Women as a workforce*

Women are often labelled according to one manifestation of their personality, they are alternatively considered as a citizen, as a mother, as a worker, as a housewife. But the only thing that these terms have in common is that they change as the observer changes. The woman itself stays the same, no matter the field of life she is walking through.

The partial view described above might influence the approach to the problem represented by the arising of the green jobs sector. To avoid the risk of a partial comprehension of the problem, analysing the effects that the green transition is having, and will have, on women, has been crucial to the present research. Before moving to solutions hypotheses, the different sets and patterns of women's life must be identified. These distinctions are pivotal

<sup>27</sup> On this topic, see LAAGLAND, *Decent Work in the Cross-Border Supply Chain: A Smart Mix of Legislation and Self-Regulation*, in *ECFLR*, 2023, vol. 20, n. 2, pp. 336–357.

to create a sort of bucket of contents, from which different features of a woman's life and lifestyle can be pulled out. Depending on the country where she lives, the culture she belongs, the choices she has made, or the choices she had to make, a woman occupies a different role in the labour market. Certainly, considering all the possibilities would become a statistics' matter and falls outside the goal of the present work. However, dividing the factors can be helpful to understand how much a precise women's condition is perceived and also can lead to the comprehension of the division between casual circumstances and potential discriminating situations existing in the labour market.

As mentioned above, dividing the types of risks that environmental transition comes in with into direct risks and indirect risks can be appropriate, due to the different aspects of a woman's life those risks would affect. Direct risks are those consisting in the loss of jobs occupied by women because of the company's environmental transition. These risks lie in the countries where the production happens, and as seen in the paragraph dedicated to the GPNs, those countries are often insensible to the environmental matters, thus they will be hit by the transition and many people will lose their jobs, as soon as the production mechanisms will be forced to change. In the manufacturing sector, countries like India and China, where dyeing fabric is still making workers use cancerous materials<sup>28</sup> and personal protection devices are not utilised, we will assist to a massive loss of jobs when committing countries will start to apply more restrictive regulatory measures. Besides, indirect risks are represented by all those situations in which women find themselves forced into, because somehow the transition would affect an aspect, or more, or their lives.

In this respect, theoretically, the firms' environmental transition represents a massive opportunity to women, since greener jobs profiles which will replace their non-green correspondents, are going to be created and will need to be fulfilled. But, as a matter of fact, replaced jobs would result in a high number of unemployed people, the majority of which (according to the surveys<sup>29</sup>) are men, whose frustration and sadness would affect the social micro-system they live in, such as their families. Furthermore, several studies

<sup>28</sup> See SINGH, CHADHA, *Textile industry and occupational cancer*, in *JOMT*, 2016, no. 11, article no. 39.

<sup>29</sup> ILO, *Green Jobs: Towards decent work in a sustainable, low-carbon world*, 2008.

have already evidenced that women who share home with those unemployed men, are often victims of physical or psychological violence coming from their frustrated partner, or they are forced to choose a job only to provide for their family without concerns about their future careers<sup>30</sup>. These women, who would eventually become mothers, would not be the example they wanted to be for their daughters, and the race to equality would be stopped for another generation of women. Therefore, the chain of consequently connected effects, started from that single firm's decision of being more sustainable, would continue, since its consequences will be passed on to the children of that family fostering a culture which does not respect gender equality. In practice, the initial firm's choice of being more environmentally sustainable would translate into a less socially sustainable choice.

As reported by the ILO, requested profiles for the green jobs sector often correspond to a low educated profiles and require physical strength, thus they seem to be dedicated to young men<sup>31</sup>. Another factor that should not be underestimated consists in the low rate of female students who pursue a college curriculum, and then a career, in scientific subjects (STEM), as mentioned above. The lower number of women approach the labour market as scientific profile job candidates, the higher number of men will occupy powerful and prestigious positions in scientific fields, such as board members in a company. Hence, covering the gender gap in the labour market slips further away.

#### 4.1. *The COVID-19 pandemic: an inequality's amplifier*

The OECD has reported how COVID-19 pandemic affected young women who live in developing countries<sup>32</sup>. In fact, usually girls who live in those countries have to move far from home in order to attend school. Thus, they live at schools' residences for a few months, and then they come back

<sup>30</sup> SWANBERG, *Domestic Violence and Employment: A Qualitative Study*, in *JOHP*, 2005, no. 1, pp. 3-17; TOLMAN, *A Review of Research on Welfare and Domestic Violence*, in *JSI*, 2000, n. 56, pp. 655-682.

<sup>31</sup> UNEP, ILO, IOE, ITUC, *Green Jobs: Towards decent work in a sustainable, low-carbon world Policy messages and main findings for decision makers*, United Nations Environment Programme, 2008.

<sup>32</sup> See LAVADO ET AL., *COVID-19 disparities by gender and income: evidence from the Philippines*, in *ILR*, 2022 vol. 161, n. 1; ILO, *Socioeconomic impact of the COVID-19 pandemic in Indonesia: labour market analysis and policy recommendation* (1st. ed.), 2022.

home for the following ones. They also are too poor to pay fees, as so private scholarships cover for their payments. During the pandemic though, these female students have been forced to stay home, taking care of family and household. Because of the lack of Internet connection infrastructures and because of the cultural belief according to which if they are at home, they cannot be spared by home working, they couldn't follow lectures and tasks. As a result, the majority of them drop out of school, losing the opportunity of being a working citizen, who could have had a relevant role in the society. In this specific case, firms are not the cause of the change of the labour market, but they are subjected to the lack of workers' offer. Considering that firms are adaptive to the market, their transition has the secondary effect that consists in definitely cutting out those women from qualified jobs positions. Moreover, firms for several reasons, including saving money and energy resources, are implementing smart-working. As long as many countries still are not connected properly to the Internet, the firms will be the unconscious authors of gender discrimination.

5. *European Union's approach to the firms' environmental transition: sustainability*

The labour market represents a complex playing field, where gender equality could exist, but it does not because of diverse reasons. In fact, it is crucial to take into account that gender equality is one of the aspects of sustainability, thus recalling how the European Union is addressing the problem can be useful.

Regarding the measures implementing corporate sustainability's put in place in the EU borders, taxonomy should be remembered. The EU taxonomy would provide companies, investors, and policymakers with appropriate definitions of economic activities that can be considered environmentally sustainable. Moreover, EU taxonomy has been recently implemented by the *Climate Delegated Act*<sup>33</sup>, which sets out, among other relevant cataloguing, the criteria functional to identify when an activity is a help for climate change mitigation<sup>34</sup>. These criteria are useful, before all, to overcome information asymmetry and then, to guarantee market integrity.

<sup>33</sup> Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council.

<sup>34</sup> Reg. (EU) 2021/2139, Annex I.

Furthermore, *April Package* indicates as one of its initiatives the *New Corporate Sustainability Reporting Directive*<sup>35</sup>, which amends the requirements identified by the Non-Financial Reporting Directive (NFRD). With the aim of helping SMEs throughout the difficulties they have to face these days, like COVID-19 pandemic effects, the CSRD applies only to a small group of them and only three years after being applied by big companies. Investors ask for sustainability information from companies, especially big companies listed on regulated markets. Therefore, the draft standards developed by the *European Financial Reporting Advisory Group*<sup>36</sup> in February 2021 are tailored to the EU policies.

Linked to the CSRD's goals, the proposal for the *Directive on Corporate Sustainability Due Diligence*<sup>37</sup> upheld by the EU Commission in February 2022, responds to the fact that voluntary actions have not been enough to reduce significantly negative externalities inside and outside European boundaries. Hence, this Directive will complement the current NFRD "by adding a substantive corporate duty for some companies to perform due diligence to identify, prevent, mitigate and account for external harm resulting from adverse human rights and environmental impacts in the company's own operations, its subsidiaries and in the value chain"<sup>38</sup>. Article number 15 of the draft contains a reference to long-term interests and sustainability, useful to stress the importance of a long period approach. Structured like this, as an objective to be fostered using tools such as business strategy, the directive offers a huge opportunity to insert the gender gap as an issue to be reported by companies.

### 5.1. Sustainability and the gender gap issue

As briefly mentioned before, the United Nations have identified, among others, gender equality as one of the objectives of the 2030 Agenda and the

<sup>35</sup> Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU. Entered into force on 3 January 2023.

<sup>36</sup> EFRAG, *Final report proposals for a relevant and dynamic EU sustainability reporting standard-setting*, 2021.

<sup>37</sup> Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, COM (2022) 71 final of 23 February 2022.

<sup>38</sup> Directive (EU) 2019/1937, p. 4.

UNITAR have organised several round tables on the topic. During one of them<sup>39</sup>, the speakers explained that the gender gap problem's roots are difficult to eradicate, since they are the outcome of a persistent stereotypical reasoning which is indeed outdated. In fact, firms in which women have powerful positions, the speakers said, are keener to environmental transition and, thus, adjust their policies faster in response to governments' requests.

All the analysed circumstances make clear the need for the creation of a labour market that can make the firms' environmental transition truly sustainable. Furthermore, since many firms are compliant with sustainable certifications, because of reputational effect or because they believe in it, the labour market demand and offer system should help neutrality.

The gender inequality problem affects the society as a whole, therefore a discussion table between all the Labour Relations parties involved is required. However, imposing rules to firms is an option but it could raise doubts since it could be in contrast to constitutional principles, such as entrepreneurship freedom. Besides, several constitutions, including the Italian Constitution<sup>40</sup>, have already added the environment as a good to be taken care of. In addition to that, article 41 of the Italian Constitution seems to open a way to a broader concept of sustainability, since it comprehends human dignity as a value to be respected even in the work sector, as suggested by the SDGs.

The first step to overcome the difficulties coming from the green jobs sector and from the prejudices connected to the green jobs is represented by achieving gender neutrality. The theory of intersectionality comes in to help to avoid prefixed differences between men and women. An intersectional system might allow firms, which are planning an environmental transition, to identify potential candidates through their jobs profiles considering the female factor only as a factor.

Before analysing intersectionality as currently considered, a description of its roots and history is required to pay tribute to those scholars who firstly raised the problem and to understand how to properly use this powerful tool.

<sup>39</sup> UNITAR, Navarre University, *Virtual roundtable on sustainable development goal 5 (SDG5) into environmental policies and practices*, 2022.

<sup>40</sup> Articles 9 and 41 of the Italian Constitution.

## 6. *Black Feminist Legal Theory*

In order to respect the framework in which intersectionality belongs, the Black Feminist Legal Theory<sup>41</sup> must be recalled and explained. The Black Feminist Legal Theory takes the move from the critics to the Critical Legal Studies (CLS), which state “that the creation and application of law propagates an intrinsic ‘political dimension’ that serves to structure mass consciousness and contributes to the reproduction of the social and political structures of liberal society”<sup>42</sup>.

The main problem of this theory, according to the Black Feminist Legal Theory’s scholars, lies in the lack of universality. In fact, the CLS consider women as a whole, dismissing the racial component. Therefore, the Black Feminist Legal Theory was born to encompass diverse discriminating factors, which black women must face in the labour sector. Here they are “*multiply-burdened*”<sup>43</sup>. The prominent author Crenshaw has defined intersectionality through the metaphor of the intersecting traffic, where discrimination follows different paths simultaneously, as traffic does.

Application of the intersectionality theory in court disputes is particularly challenging because the concept is often misused. In fact, since intersectionality has been taken from the black community and borrowed by the LGBTQ+ community, scholars complain that it has lost its power of representing marginalised people. The reason why it happens is represented by the so-called “but for” approach, according to which people who are both part of the LGBTQ+ community and found themselves in a privileged position are protected, while the true minority groups stay in their corners, even more marginalised. Described like this, the intersectionality theory appears to have been misused and it seems to have lost its connection with the Black Feminist Legal Theory.

The present paper wants to use the intersectionality theory’s main concept in order to suggest a labour market system that could overcome the gender gap and protect *multiply-burdened* women, who find themselves hit

<sup>41</sup> COMBAHEE RIVER COLLECTIVE, *The Combahee River Collective Statement*, 1977; CRENSHAW, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, in *UCLF*, 1989, Vol. 19890, Iss. 1, Article 8.

<sup>42</sup> KUPUPIKA, *Shaping Our Freedom Dreams: Reclaiming Intersectionality through Black Feminist Legal Theory*, in *VLRO*, 2021, 107, pp. 27-47.

<sup>43</sup> KUPUPIKA, *cit.*



by all the challenges that the environmental transition has implied for them. But it aims at staying true to the path paved by the Black Feminist Legal Theory, as well, and being respectful in the application of the concept to a broader group of female individuals.

Therefore, the last sentence of the author Kupupika's article (cited before) deserves to be reported untouched, because it embodies the spirit of the theory, which is needed to be amplified: "Only fierce commitment to Black feminist practice can transform modern feminist movements into vehicles for achieving our freedom dreams"<sup>44</sup>.

### 6.1. *Intersectionality: a metaphysic approach*

Relevant to the present paper is also a study, which considers intersectionality through metaphysics<sup>45</sup>. The author of the mentioned study explains the inseparability of intersectoral identities in terms of explanatory unity.

Intersectionality is described as the representation of various dimensions of discrimination that intersect each other building up a new form of oppression, while the original forms still are in act. This model is functional to understand today's women's dimension as workers in the environmental transition. Hence, social categories are assumed as determinables and determinates, where determinables are inseparable, while determinates are not, but one woman can belong to different determinables and determinates at the same time. To solve the problem of the inseparability two processes can be used, that are the destruction conception and the intact category conception of inseparability.

To the extent of the present work, the latter is the most performative, since it leaves the conceptualisation of the woman category intact. In fact, it allows the components to survive the process, creating, though, a multiplication of entities which belong to the main category. As a result, the category woman becomes divisible into many categories which describe her. This aspect is the most relevant to the present work because the intersectionality theory thus becomes lowered into the reality, where categories are often faded and adjoining.

<sup>44</sup> KUPUPIKA, *cit.*

<sup>45</sup> BERNSTEIN, *The metaphysics of intersectionality*, in *PhilS*, 2020, no. 177, pp. 321-335.

### 7. *Intersectionality in the transitioning labour market*

The present work wants to underline the importance of the intersectionality theory in order to overcome the effects that the environmental transition of the firms have on women, rematching intersectionality with its roots in the labour field.

Before considering the translation of the intersectionality theory in the firms' environmental transition and its effects on the labour market, it is important to stress that the present paper does not take into consideration the practise consisting in covering the gender indication on jobs requests' profiles or not reporting it in the *curriculum vitae*, as already happens in some employees' seeker companies. This method has been used until now to help transgender people to avoid discrimination when they approach the labour market. The idea fostered by the present paper, as further deepened in the text, considers a broader approach, which includes the gender indication, as a factor, of the human being who is seeking for a job.

Even though some scholars are reluctant to the application of the intersectionality theory to situations which differ from the ones hypothesised by the Black Feminist Legal Theory's scholars, the present work wants to explore a way to use the theory that is respectful of its roots and that is also in line with its application in a more complex historical framework. Since the conceptualisation of the intersectionality theory, in this case, is immersed into the labour field reality, it does not appear to put in danger the main aspect of the mentioned theory. Avoiding the risk of the *but for* approach, mentioned before, is necessary in order to endeavour the protection of female workers who are *multiply-burdened*.

In sociology, categories of social differentiation are key to mark the differences existing between individuals, but also to enlighten the common aspects. In fact, in this way a multitude of minority groups can be created. Once the groups have been defined, observing how they interact with each other and their internal dynamics helps to understand which individuals are the most marginalised, thus the categories implicated. This sociological method is used, especially in the USA, in the health sector, to understand which people are cut out from medical treatments. Another field where the method has been experimented is the social care services field, where people with disabilities, and especially if they are immigrants, would face more obstacles being listened to and assisted by the social service system.

The same approach has been barely used, in the labour sector only to portray the labour market dynamics, since statistics are often used to describe reality not to change it. Therefore, the first step to overcome the difficulties coming from the labour market and from the firms' environmental transition is represented by achieving gender neutrality. The theory of intersectionality comes in to help to create a system of intersection. Intersectionality is based on mathematical set-theoretic, where circles with different contents can intersect each other in accordance with the characteristics of that precise pattern of contents. As such a method is used, people will be seen as individuals more than as men and women.

In this respect, recalling that the mathematical set-theoretic includes algebraical addition, not simple addition, is key not to contrast the Black Feminist Legal Theory, which represents the roots of the intersectional theory, as already said. In fact, a simplistic addition of a person's characteristic would be not only unproductive but also dangerous in terms of creating a privileged situation in a marginalised group of people. As explained before, somebody can be at the same time a privileged person and be part of a marginalised group. For these reasons, utilising algebraical addition allows one to analyse the labour field from a woman perspective through a set-based mathematical lens. It also contributes to creating a multi-axes Cartesian plane where different social markers intersect each other.

In Europe, companies in the labour market tend to hide data referred to personal conditions to avoid discrimination in the jobs selecting process. Also, when a person is hired, his/her/their data are treated in a careful manner and some of them are inaccessible to the employer, according to the General Data Protection Regulation (GDPR) - Reg. EU n. 679/2016. The need for privacy required to be balanced with the need for considering all the distinguishing factors. In fact, treated as prescribed by law, those data become essential to be considered in order to achieve gender neutrality and gender equality.

Native gender, chosen gender, culture, family status, age, academic studies level, race, ethnicity, disabilities' affection, are all social markers that can be applied to women as well as to men. But, if only some of them are considered in the labour market, transitioning enterprises would have a partial view of the person who could be their next employee. If gender could really be only one of those factors, its power would be reduced exponentially. Such a system would be also more adhering to those cases where the native gender is different from the chosen one.

As a matter of fact, a woman can fulfil more than one of the social markers listed above, since they mirror the boxes where a woman is often put, when a simplistic description of her (being) is given. Seen just as a social category, despoiled of the conceptual burden, different in each culture, being a woman becomes an attribute of a human being, considered in his/her corporal form.

#### 8. *Intersectionality in the green jobs sector: a step towards a green society*

Gender neutrality represents a step before gender equality, but it goes, at the same time, beyond it. Inasmuch as the green jobs sector is a new-born, it represents the optimal opportunity to achieve all those goals that are still far from be accomplished in the traditional sectors.

As explained in the previous paragraphs, women in the labour market are considered as one of the expressions of their lives' aspects, thus they are a minority even if as a gender they represent the predominant one numerically. Moreover, a prejudice exists in the green jobs sector, according to which the majority of the available jobs are thought as more suitable for men than for women, without evidence of it.

The ILO has explained the existing relationship between green jobs and decent work conditions, and the need for an employment shifting due to the environmental transition<sup>46</sup>. More recently, the ILO has reported on how green jobs contribute to the SDGs. Thanks to the environmental transition massive “opportunities will arise for job creation and skills development, improvements in job quality and incomes, as well as advances in equity and social inclusion”<sup>47</sup>. The mentioned positive effects are not automatic, though, since policies which foster gender equality and social inclusion are needed to make the environmental transition a just transition.

Reaching gender equality in the transitioning labour market, according also to the ILO, is important not only in terms of fairness, but it seems the better way to make the transition profitable for the countries involved and a positive effect for the population of those countries. In 2013, the Global Gender Gap Report reported “a strong correlation between a country’s gen-

<sup>46</sup> See note no. 25.

<sup>47</sup> ILO, *Green Jobs*, The ILO DW for SDGs Notes Series, 2015, p. 2.

der gap and its national competitiveness, income and development. The studies conclude that a nation's competitiveness in the long term depends significantly on whether and how it enables women to access the same rights, responsibilities and opportunities as men"<sup>48</sup>. Nonetheless, in 2022 the Global Gender Gap Report still underlines the difficulties faced by women to get into the labour market. Difficulties that have been exacerbated by the pandemic.

Women play a key role in every society system also on the consumption side, because they indeed lead the family expenses even in those countries where they have no rights to work or to have their own money, simply because they provide for the family basic needs, using their money or using their husbands' money. Therefore, women are fundamental in the environmental transition even as customers, thus investing in their education will produce a benefit for the economic system of the country where they live.

Against this background, according to the ILO "the transition to environmentally sustainable economies and societies offers the potential to address existing gender inequalities in the labour market and access women's untapped potential to further sustainable and economic development"<sup>49</sup>. The intersectionality theory method, as described above, can represent the suitable tool to pursue a fair environmental transition.

Furthermore, since many countries' constitutions have recognised Nature as a value to protect and they have also committed to international initiative such as the UN 2030 Agenda, a half-mandatory system can be envisioned. In fact, including women in the environmental transition is a matter of sustainability, therefore binding rules could push firms to become not only possible but also legit. The new green jobs profiles require some skills that are new compared with the ones of their non-green *alias* and some which are the same.

In this context introducing a list of attributes in which the woman factor is only a social marker would allow a woman to be considered as an individual, with specific characteristics rather than a woman who is also a worker. Such a calculation could be imposed by binding agreements or even by the law, in those countries whose constitutions consider Nature as a good to be protected, to the extent it would never become discriminatory for any

<sup>48</sup> ILO, *Green Jobs*, cit., p. 13.

<sup>49</sup> See note no. 41.

of the individuals involved. The choice of the most suitable legal tool would depend also on the legal system of the country which applies the method. In a not so broad context, like the European Union's one, it is possible to imagine the utilisation of regulatory obligations, which could fix a minimum level of requirements, in order to let member States free to implement the system, as pre-built. Besides, at a global level in those realities that encompass very different legal systems, binding agreements could be the preferred instruments to achieve women's inclusion. In fact, for instance when multinational enterprises are involved the issues do not reply to themselves in different scenarios, instead they are shaped variously, according to the reality from which they are born. The larger the territorial context is, the more commitment is needed from all the stakeholders in furtherance of reaching the wanted purpose.

### 9. *Conclusion*

The shift needed in the conception of the woman would require a profound cultural revolution, to be mirrored in the transitioning labour market. Nevertheless, the inverse process could be possible, and it wouldn't be the first time that the practical needs would precede the cultural change. It already happened during unfortunate global circumstances, such as the world wars, when women found themselves in charge of households, companies, shops and even plantations.

Therefore, covering the gender gap through the practicalities of the labour market field does not appear so inconceivable. Moreover, even talking about an environmental transition, which should lead to a green economy, without addressing the gender gap problem would be inconsistent with the United Nations' 2030 Agenda. But even more importantly, it would be inconsistent with the movement that is emerging underneath the dusty vision of national institutions.

Freeing women from the labels they are conceptualised in by men, and unfortunately sometimes by themselves yet, would be the only way to achieve a more sustainable global society. In this respect, recalling the words of Kofi Annan's statement, delivered at the Conference on African Women and Economic Development, in Addis Ababa, in 1998, seems to be indispensable: "Gender equality is more than a goal in itself. It is a precondition for

meeting the challenge of reducing poverty, promoting sustainable development and building good governance”<sup>50</sup>.

<sup>50</sup> Press Release SG/SM/6544 REC/27, 30 April 1998.

**Abstract**

The gender inequality problem affects the society as a whole, and the environmental transition risks to exacerbate the gender gap. If gender could really be only one of the many features of a human being, its power would be reduced exponentially. The present paper aims at using the intersectionality theory, properly declined, as one of the tools useful to solve the gender inequality issue happening in the firms' environmental transition while fostering green growth.

**Keywords**

Intersectionality, Women, Multiply-burdened, Environmental transition.