

A LEGAL ANALYSIS ON THE MULTIPLE IMPACT OF CLIMATE CHANGE ON LABOUR

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ABSTRACT

Most of the civilizations of the world were declined due to extreme climatic conditions and they acted as push factors in human migration and resultant in mass exodus of Peoples. Now, the Earth is facing extreme weather conditions due to climatic change and the labours are directly affected by these changes. According to International Labour Organisation, Workers are directly prone to the climate change issues like excessive heat, Vector borne diseases, extreme weather events, UV radiations, pollutions and agrochemicals and in additionally it describes the impact of climate change as “Cocktail of hazards”. Green jobs initiatives can be good for both the Labours and earth planet. To ensure the safety and to maintain good health of the workers it is essential for the legislature to enact legislations to mitigate the impact of climate change. A holistic approach is needed to address the challenges of climatic change. Legal dearth on the subject of climate change and labour rights are discussed in this paper. Furthermore, this paper focusses on the adverse effects of climate change on labours and how the labours can be legally prevented from these inevitable hardships by comparing with international best practices.

Key Words:

1. *Climate Change*
2. *Labour Health*
3. *Health Hazards*
4. *Green Jobs*
5. *Just Transition*

INTRODUCTION

Decent Work and Economic growth, Industry innovation and Infrastructure, Responsible consumption and production are some of the sustainable development goals 2030 which are directly related to Industries. In order to achieve these goals Climate Action should be taken and Climate resilience should be achieved.ⁱ Industries plays a major role in climate change especially when it relates to intensified heat waves, forest fires, floods, desertification,

and droughts.ⁱⁱ The world of work is affected by these extreme and unpredictable climatic conditions. In the COP, 29 which was held in Baku, the International Labour Organisation highlights the impact of climate change on Labour and it proposed the Just Transition policies and its significance in protecting the labour rights. Every day, environmental activists and global community are creating awareness to reduce the earth heat to pre-industrial level. To address the climate crisis, it is important to create more green jobs, which is a win-win situation for both the labourers and environment. This paper focusses on the Climate Change challenges and consequences on Labour rights.

CLIMATE CHANGE CHALLENGES:

COCKTAIL OF SERIOUS HEALTH HAZARDS:

The ILO report which is ensuring safety and health of workers at work in a changing climateⁱⁱⁱ elaborated the various health hazards due to extensive heat, Vector borne diseases, agrochemicals, air pollution, Ultra Violet Radiation exposures and extreme weather events. These six climate change factors are considered as reasonable threat to the workers who can be directly affected by all these serious health hazards, this report extensively analysis the prevailing global conditions.

CLIMATE CHANGE CONSEQUENCES ON LABOUR:

i) IMPACT ON LABOUR PRODUCTIVITY

It has been pointed out in a recent study ^{iv}the labour productivity may reduce to 40% in our county by the end of this century due to climate change impacts. Not only in our country majority of countries in South Asia, Western and Central Africa and South America. This research is based on more than 700 heat stress trials conducted among workers. It was suggested that the heat stress among the workers can be mitigated by shifting the working time to night time or shade work. Furthermore, this study warns that this heat stress or extreme wind are not only affecting the agricultural workers but have its implications on food security of the world because of the reduced crop sizes. U.N identifies the productivity slows down at temperature above 24 – 26 degree Celsius and workers performance will be reduced to 50 % if tended to work at 33-34 degree Celsius.^v

ii) IMPACT ON LABOUR ALLOCATION

One of the significant effects of long-term climate change is on labour allocation.^{vi} This hedonic approach of empirical study conducted in the country China which is a second populated country in the world helps to identify the long-term climate change impacts and individual adaptation to that than the shorter weather changes. The main consequence of climate change on Labour is identified as Migration and adaptation. Labour as an important production factor and shift of them from agricultural to other sectors have definite implications on Labour market. In addition to that, this empirical study focussed on the labour migration from climate change affected severely damaged sectors to less vulnerable sectors with pertaining to the country China. The World Economic Forum is identified that the workers as emergency responders, outdoor workers and workers working in hot indoor environments are directly affected by the climate change impacts.

iii) IMPACT ON LABOUR SUPPLY ESPECIALLY NUMBER HOURS OF WORK:

In this study ^{vii} temperature exposure responsive functions (ERF) are assessed between the indoor work and outdoor which has direct exposure to sun light. Based on the number of hours of work by the employees. Workers are prone to Heat strokes, heat exhaustion or even death are identified as potential threats of climate change effects. These temperature shocks can be mitigated through the thermoregulatory infrastructure otherwise it will hinder the economic growth. The World Economic forum identified that 3.8% of total working hours could be lost due to climate induced-high temperature.^{viii}

iv) IMPACT ON JOB SECURITY:

United States Environment Protection Agency said that the poor air-quality, disease carrying insects, flooding, hurricanes and wildfires affect the workers ability to work and those have potential to damage business assets, transport routes, industrial and agricultural infrastructure. It is anticipated by the Deloitte as “that is around 13 million workers in U.S can lose their job due to extreme climate change conditions and economic transition policies .”^{ix} 1.8 billion labour hours can be lost by 2100 and with the significant loss of 170 billion dollars.

v) **IMPACT ON HEALTH OF THE WORKERS:**

Respiratory illness, heat related ill-health, physical and mental health of firefighters and healthcare workers, vector borne diseases are direct impacts of climate change on health of the workers.

ILO CONVENTIONS:

Various international labour standards are created by International Labour Organisation to govern the health and safety of the world workers. The future of work is not only governed by technological advancements but also going to be impacted by the effects of climate change. So, as a pioneer in protecting labours rights ILO took numerous measures which includes the intensive study on the subject, practically analysing world workers situation and propose measures to prevent them from health hazards. Some of the conventions which are pertaining to the Occupational Safety and Health of the workers are given below,

- i) The Occupational Safety and health Convention, 1981^x (No.155)
- ii) The Occupational Safety and Health Recommendation, 1981 (No. 164),
- iii) The promotional framework for Occupational Safety and Health Convention, 2006 (No.187),
- iv) The Prevention of Major Industrial Accidents Convention, 1993 (No.174) and Recommendation, 1993 (No.181)
- v) The Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No.148) and Recommendation, 1977 (No.156)
- vi) List of Occupational Diseases Recommendation, 2002 (No.194)

INDIA AND CLIMATE CHANGE:

Among the Green House Emitting Countries India as third largest country which is emitting CO₂. India ratified Kyoto Protocol on 2005 but not obligated to reduce the emissions under that protocol because it was not included in Annexure, I party of UNFCCC. But India committed to reduce the climate change effects by taking various measures includes the sustainable development, extended produce responsibility, Carbon offsetting and establishment of Environmental Courts National Green Tribunal.^{xi}

- i) **NATIONAL COUNCIL ON CLIMATE CHANGE**

Importantly India has formed a high-power National Council on Climate change on 2008 under the head of Prime Minister and its main is to protect its economy from green house gas emissions. It has following 8 missions,

- a) National solar Mission
- b) National Mission for enhanced energy efficiency
- c) National mission on Sustainable habitat
- d) National Waste mission
- e) National mission on Himalayan sustainable eco system
- f) Green India mission
- g) National mission on sustainable agriculture
- h) National Mission on Strategic knowledge for climate change

Separate Ministry of New and Renewable Energy was established to encourage non-conventional energy generations. Different Schemes were created under the above 8 categories. The climate change adaptation and mitigation is effectively done under this Action Plan.

ii) INDIAN LABOUR AND CLIMATE CHANGE

Labouring through climate crisis report ^{xii} identified climate change impact on informal economy in India. Various unorganised workers are affected by the climate change are categorised and different impacts of climate change have been specified. Agricultural workers, construction workers, conservancy workers, transport and tourism employees are more vulnerable to climate change.

In Deccan Herald Article ^{xiii} it has been explained that around 259 billion hours of labour were lost in India between 2001-2020 due to humid heat and will lead to displacement of 37.5 million workers by 2030.

V.V. Giri National Institute of Labour which was established under Ministry of Labour and employment specifically conducting various training programmes on the title of managing livelihood and social protection in the light of Climate Change.

The number of gig workers in digital platforms like food and grocery delivery service app providers and app drivers are more prone to the effects of climate change especially because of heat stresses. More workers are diverging into digital platforms and also exposure to extensive heat.

a) LACK OF HEAT ACTION PLANS:

India doesn't frame any heat action plans for the workers especially who are working in outdoor from extreme heat waves and some part of the country is facing extreme climate. Heat strokes, cardiovascular disease and kidney disease are some of the diseases may happen due to extreme heat which may extend up to 50 degrees Celsius^{xiv}

b) LACK OF LEGAL PROVISION:

Lack of legal provision in Indian Labour laws to protect the workers from the effects of climate change reflects the law has not been transformed based on the climatic transformation.

JUST TRANSITION:

The term "Just Transition" is emerged on 1970's and it was used by International Trade Union movement to protect the workers and their jobs from environmental hazards and later ILO has given guidelines for Just transition and also included in Paris Agreement, 2015.

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In India the term Just Transition is used in the above case which was filed to protect the Great Indian Bustard and the Lesser Florican while developing renewable energy infrastructure.

Heat waves are categorised under the disaster of Natural hazards by the National Disaster Management Authority.^{xvi}

JOB CREATORS-GREEN JOB INITIATIVES

The World is moving towards the Net zero by 2050 which means zero emissions, that could be possible by global green transition. One of the positive elements of climate change is creation of green jobs. World is transiting towards the sustainable energy which demand for green skills example sustainability specialists, Renewable energy engineers and solar energy installation engineers. Green talent should be encouraged and upskilling the existing workers with green skills at this time will reap a good result.

INTERNATIONAL SOLAR ALLIANCE:

¹ W.P.(Civil) 838 of 2019

India and other tropical countries of the world formed a grouping called International Solar Alliance in 2015 with the aim to develop Solar Energy and wanted to make benefit of the extreme heat of the Sun instead of using non-renewable energy and to produce clean energy. First International Organisation which was established in India and India headed this International Solar Alliance and as a leader to world countries. Moving towards sustainable energy will create more green jobs with green skills ^{xvii}.

CONCLUSION

A multi-pronged approach is needed to mitigate the climate change impacts and at the same time it is essential to protect the labour from the adverse effects of climate change. So, separate legislation is needed to protect the labours of India especially to govern the problems of climate change and to reap the positive element of world transition towards the renewable energy. As a large demographic dividend potential country, India can utilise its large workforce population in green economy by upskilling them with green skills.

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