



**An Bille um Thrasdul Cóir (Cearta Comhshaoil Oibrithe
agus Pobail), 2021**
**Just Transition (Worker and Community Environmental
Rights) Bill 2021**

Meabhrán Míniúcháin
Explanatory Memorandum



**AN BILLE UM THRASDUL CÓIR (CEARTA COMHSHAOIL
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EXPLANATORY MEMORANDUM

Background

An important element of the Paris Agreement is the recognition of “the imperative of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities”. It identifies that workers are at the interface of the upheaval climate change threatens to impose and the need for States to adopt a just and fair transition to a zero-carbon economy.

A just transition means a transition that ensures the economic, environmental and social consequences of the ecological transformation of economies and societies are managed in ways that maximise opportunities of decent work for all, reduce inequalities, promote social justice, and support industries, workers and communities negatively affected, in accordance with nationally defined priorities, and based on effective social dialogue. In particular, just transition means countries must take into account the effect of climate action, or inaction, on those working in carbon-heavy industries and their communities.

Part of ensuring a just transition is providing a mechanism whereby workers and their communities can hold the Government, its departments, state agencies and other bodies to account in the development and implementation of climate action plans, mitigation and adaptation strategies which will underpin our national response to climate change.

Currently, there is no legal mechanism for workers and their communities to hold just transition policies to account. Workers can access the courts or the Workplace Relations Commission but these instruments do not cater specifically to the disruption caused by our transition to a zero-carbon economy, and its implications on workers, workers’ rights and employment issues affecting the wider community.

The Programme for Government commits to establishing a Just Transition Commissioner on a statutory basis, however this has not been carried out to date and recent responses to Dáil Questions by the Minister for the Environment, Climate and Communications indicate there are no plans in the near future to establish one with legal powers.

The Government did appoint Mr Kieran Mulvey as the Just Transition Commissioner to facilitate discussions and work with stakeholders to develop, mobilise and deliver opportunities for the Midlands for both the

workers directly affected and the wider community, however his remit was confined to one region in the country.

The global transition to a low carbon economy is now underway. More Governments have passed climate related legislation in recent years than ever before. In terms of Ireland's commitments, a whole new mechanism will be required to deal with the scale of the transition in a fair and just manner, available to all workers across the State and whose scope goes beyond any single particular region in the country.

Main provisions of the Bill

This Bill is a standalone Bill which aims to put into statutory footing a mechanism to facilitate a just transition for workers as we transition to a zero-carbon economy. This Bill previously reached Committee Stage in the Oireachtas in 2018 but fell when the previous Dáil term ended. It provides for the establishment of a National Just Transition Commission tasked with upholding the principles of transparency, independence and accountability and to monitor and evaluate sectoral adaptation, climate action plans and mitigation strategies.

The Commission will:

- Bring together workers, communities, employers, ecological experts and Government in social dialogue to drive the plans, policies and investments needed for a fair and just transformation to a zero-carbon economy;
- Provide a mediation service to allow communities a forum to discuss, and place on a legal basis, their chosen transition paths;
- Facilitate the development of just transition plans which will encourage new sustainable jobs, infrastructure, up-skilling, training and development for areas reliant on carbon-intensive industry;
- Ensure Government actively considers employment issues when developing climate policies and designs low carbon infrastructure with the aim of creating decent high value work;
- Advise Government on securing a fair transition away from fossil fuels that ensures specific carbon intensive industries, the people they employ and the communities reliant on those industries can maximise the opportunities of a zero-carbon future;
- Provide advice to Government Departments in their decarbonisation plans, and how to deliver fair work and tackle inequalities through a sustainable and inclusive labour market;
- Assist State bodies in planning for and invest in a transition to environmentally and socially sustainable jobs.

The just transition model, as proposed in this Bill, through the Just Transition Commissioner, while mainly focusing on workers' rights, provides a template model for other sectors and communities to ensure a fair and just transition as we tackle the advent of climate change and the devastating effects it could cause on the most vulnerable in our society.

Once implemented, this just transition model can open the door for many other forms of accountability measures for communities, organisations and for the environment itself.

Definition of ‘just transition’

Despite two pieces of legislation on climate action in Ireland, there is still no definition of a just transition in national legislation or a mechanism in statutory footing to provide protection for workers and communities most vulnerable to the transition to a zero-carbon economy. This Bill includes a definition of ‘just transition’ and ‘just transition principles’ based on the recommendations by the Joint Oireachtas Committee on Climate Action’s Report on the Climate Action and Low Carbon Development Act 2021 and definitions used in legislation in other jurisdictions. These definitions are amendments to the 2021 Act and ensure consistency in its meaning and application as we enter an intensive phase of climate action and as we aim to meet our international targets.

*Jennifer Whitmore, TD,
Meán Fómhair, 2021.*