

Manuscript version: Author's Accepted Manuscript

The version presented in WRAP is the author's accepted manuscript and may differ from the published version or Version of Record.

Persistent WRAP URL:

<http://wrap.warwick.ac.uk/108311>

How to cite:

Please refer to published version for the most recent bibliographic citation information. If a published version is known of, the repository item page linked to above, will contain details on accessing it.

Copyright and reuse:

The Warwick Research Archive Portal (WRAP) makes this work by researchers of the University of Warwick available open access under the following conditions.

Copyright © and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable the material made available in WRAP has been checked for eligibility before being made available.

Copies of full items can be used for personal research or study, educational, or not-for-profit purposes without prior permission or charge. Provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

Publisher's statement:

Please refer to the repository item page, publisher's statement section, for further information.

For more information, please contact the WRAP Team at: wrap@warwick.ac.uk.

Regulating work with people and ‘nature’ in mind: Feminist reflections

Ania Zbyszewska*

Traditionally, land and labor are not separated; labor forms part of life, land remains part of nature, life and nature form an articulate whole.

Karl Polanyi, *The Great Transformation* 2001 (1944), 187

Introduction

Whether labor law should deal with the issues of socio-ecological sustainability, and how it might do so, have been questions rarely considered in the many important debates on labor law’s normative foundations, boundaries, and goals.¹ ‘Nature’ is not, after all, labor law’s domain. But work – which *is* labor law’s domain, though what counts as work and which work relations ought to fall under law’s protective umbrella remain live questions – is both, implicated in the contemporary socio-ecological crisis and features prominently in various policy proposals on how to address this crisis and its uneven impacts on people and the biosphere.² With the discourse of sustainability espoused by all major policy

* Assistant Professor, University of Warwick School of Law. Different versions of this article were presented at the 2016 Socio-Legal Studies Association Annual Seminar, *Labor Law for a Warming World? Exploring the Intersections of Work Regulation and Environmental Sustainability* (University of Warwick, UK) in September 2016, at the Labor Law Research Network Conference in Toronto in June 2017, and at a seminar of the Labor Law Discussion Group (Oxford) in June 2018. I am grateful for comments I received from participants during all three events, as well as my colleagues Ann Stewart and Agnieszka Doll for sharing their constructive feedback. All errors remain my own.

¹ For a rare example of such engagement see: D. J. Doorey, *A Law of Just Transitions?: Putting Labor Law to Work on Climate Change*, OSGOODE LEGAL STUDIES RESEARCH PAPER NO. 55/2015 (2015). See also additional references in P.

Tomassetti’s contribution in this volume: *Labor Law and Environmental Sustainability* (2018).

² See, e.g.; C. MARTINEZ-FERNANDEZ, C. HINOJOSA, G. MIRANDA, GREEN JOBS AND SKILLS: THE LOCAL LABOUR MARKET IMPLICATIONS OF ADDRESSING CLIMATE CHANGE (OECD, 2010); P. Poschen and M. Renner, *Green Jobs*, IMF, 52(4) FINANCE & DEVELOPMENT (2015); A. Bowen, ‘*Green*’ growth, ‘*green*’ jobs and labor markets. POLICY RESEARCH WORKING PAPER NO. WPS 5990. Washington, DC: World Bank (2012); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and

actors, including the International Labor Organization (ILO)³, ecological thinking is making its way into human resources lexicons⁴, and the ‘green’ banner being increasingly taken up by the labor movement,⁵ it might be time also for labor lawyers to reflect on how we can contribute to this conversation. This is especially important in light of the fact that the mainstream engagement with sustainability – as its critics alert us⁶ – is far from trouble-free. On the one hand, while the ILO matches its ‘green’ agenda with the one on decent work and a ‘just transition’, most mainstream commitments to eco-modernization of the economy and the premise of ‘green jobs’ are still predicated on acceptance of the logics growth and efficiency, albeit of a modified kind. Their implications for workers are neither clear nor unproblematic, not least in light of uneven global development. On the other hand, the rejection of the currently proposed recipe for a ‘green transition’, as exemplified by Donald Trump’s decision to withdraw the United States (US) from the 2015 Paris Agreement⁷ on Climate Change and his electoral promise to revitalize mining, bring back industrial jobs, and restore American working class pride, is even more troubling, especially in light of its contemptuous instrumentalization of the very people it claims to empower. Either way, work, work systems, and working people are very much integral to, and implicated in, these contradictory narratives and events as they are currently unfolding. And labor law or work regulation more broadly will eventually play a role in them too.

With this backdrop in mind, in the following pages I will seek to clear some ground for labor law’s possible engagements in this conversation. With my vantage point being a critical feminist one, I am interested mainly in two questions. The first, relates to how we might explain labor law’s exclusion of ‘nature,’ or of considerations relating to work or labor’s place in the nature-society relation. The second concerns whether there is a way to contemplate a broader socio-ecological scope for labor law, and if so, how we might do so. I place ‘nature’ in inverted commas because, like other critical scholars, I

the Committee of the Regions. *Green Employment Initiative: Tapping into the job creation potential of the green economy*. COM(2014) 446 final, Brussels, 2.7.2014.

³ E.g. International Labour Organization, *Climate Change and Labour: The need for a just transition*, 2:2 INTERNATIONAL JOURNAL OF LABOUR RESEARCH (2010). For discussion of the ILO agenda on sustainability see Chelo Chacatergui’s contribution in this volume: *Workers’ Participation and Green Governance* (2018).

⁴ See, for example: K.D. Bone, *The Bioecological Model: applications in holistic workplace well-being management*, 8:4 INTERNATIONAL JOURNAL OF WORKPLACE HEALTH MANAGEMENT 256-271 (2015); J. Gutwenger, *Three Ways to Keep your Workplace Ecosystem Flourishing* #HR (22 October 2017).

⁵ See P. Tomassetti and C. Chacatergui’s contributions to this special issue for discussion of various ways in which the labor movement has engaged with issues of sustainability.

⁶ C. Wichterich, *Contesting Green Growth, Connecting Care, Commons and Enough* in W. HARCOURT AND I. L. NELSON, PRACTISING FEMINIST POLITICAL ECOLOGIES: MOVING BEYOND THE GREEN ECONOMY 72 (Zed Books, 2015).

⁷ The Paris Agreement under the United Nations Framework Convention on Climate Change. 12 December 2015. C.N.63.2016.TREATIES-XXVII.7.d; *Paris climate deal: Trump announces US will withdraw*, BBC NEWS 1 June 2017: <http://www.bbc.co.uk/news/world-us-canada-40127326>.

wish to also trouble the notion that nature is separate from ‘us’.⁸ Indeed, as the opening quote from Karl Polanyi suggests, not only are we part of nature, labor is a key relation that constitutes the socio-ecological system. The fact that nature is vital to supporting our social reproduction, whether through subsistence activities, care and other forms of bodywork, and labor, especially women’s, is indispensable to its continuation, provides another point of entry into discussion on labor law’s exclusions. Thus, in my thinking about labor law’s anthropocentrism, I am inspired by and will be drawing on the rich feminist engagements with labor law’s gender blind spots and its inherent androcentrism. In trying to better understand labor law’s distancing from a broader socio-ecological conception of labor, I am not set on undermining its normative goals, especially those of protection and redistribution. Rather, by treating this law as an artifact of its history, I consider what boundary shifting is needed for a more socio-ecologically-attuned labor law or work regulation to be possible.

I begin by exploring the roots of labor law’s exclusion or marginalization of the socio-ecological realm from its scope of consideration. Thus, in section two I consider briefly the political and intellectual background against which the modern systems of labor law developed, especially taking account of the broader disjunction of society and ‘nature’ that crystallized during this time period. To better understand the potential implications of this disjunction, I turn to heterodox political economy, drawing particularly on Karl Polanyi’s account of the transformation of the society-nature relation as one of the constitutive conditions of *laissez faire* capitalism’s rise, its social and ecological crises, and the societal responses. In section three, I show how modern labor law norms subsequently replicated and naturalized this disconnection. Here, feminist labor law scholarship’s critique of labor law’s exclusion of social reproduction, serves as my inspiration for a parallel consideration of labor law’s distancing from ‘nature’. I also show how these two exclusions are entwined, by drawing on ecofeminist political economy writing on the nature-society interaction and on the compounded harms of the subordination of social reproduction and domination of nature. I end by considering possibilities this lens offers for critically engaging with labor law’s anthropocentrism, and imagining a labor law or work regulation that is more attuned to *both* social and ecological concerns.

2. Nature, Society, Labor: disconnections and points of convergence

The conceptualization of society and nature as separate realms has its origins in the scientific, intellectual, and social transformations that took place over the course of sixteen and seventeen century, culminating in the European Enlightenment.⁹ During this

⁸ All papers in this special issue take a perspective that questions the separation of nature and society. See for example S. Routh: *Embedding Work in Nature: The Anthropocene and Legal Imagination of Work as Human Activity* (2018) and P. Tomassetti: *Labour Law and Environmental Sustainability* (2018).

⁹ As Bruno Latour (1993) demonstrates, much of Enlightenment’s intellectual task was to explain not the ways in which nature and society (or culture) were entwined, but rather how it is that they are distinctive and separate: B. LATOUR WE HAVE NEVER BEEN MODERN (Cambridge, Massachusetts: Harvard University Press, 1993).

period, the longstanding organic (animistic) worldview centered on the principles of interconnection or the ‘living earth’ gave way to one based on a mechanistic (scientific) conception of nature as dead, passive matter, governed by external forces.¹⁰ One critical consequence of this shift was to cast non-human nature as something that is external, or ‘other’, and subject to human conquest, mastery, and control, or reserved for human pleasure and romanticized.¹¹ The notion that humans stand apart from nature, found particular synergy with a range of other political and ideological developments that prepared the ground for spread of *laissez faire* capitalism in Europe.

Labor – as an activity, a process, and an integral part of life – was implicated in and itself transformed by the re-articulation of society-nature relations during this period. Interestingly, the early heterodox political economic critiques of the capitalist transition tended to reproduce the nature-society dualism, albeit hinting at their mutual constitution through the laboring activity. From Karl Marx, for example, we get the notion of nature having ‘use value’ which labor metabolizes by transforming raw materials and resources, including its own physical ability, into something else.¹² This metabolic function of labor is not unique to capitalist societies, Marx noted, as role in the satisfaction of human needs and the reproduction of life renders it universal. However, the change in sites, conditions, and the rate at which labor is carried out ushered in by the capitalist mode of production had a considerable impact on the quality of this metabolic exchange and transformed the socio-ecology as a whole.

Accounts of this development offered by Polanyi¹³ or Silvia Federici¹⁴, for example, quite vividly demonstrate that the notion of society and nature as separate realms was in part *produced* through the physical parting of labor (and related forms of sociality) from land (or nature) during the period of primitive accumulation, which was a step towards the commodification of both these ‘resources’. Enclosures of the commons, land grabbing, and various types of land reforms by which the primitive accumulation was carried out, had the effect of, often very violently, removing people from land or restricting their rights of access and use.¹⁵ This process ‘freed up’ land (or nature) for commodification and marketization, at the same time rendering forms of social, economic, and community organization based on living and working of/in proximity with the land as a means of subsistence and reproduction of life highly precarious and increasingly impossible to sustain.¹⁶ Unmoored from the land (and its sustaining powers), labor too was forced into the realm of market exchange as a means of survival. Later,

¹⁰ C. MERCHANT, THE DEATH OF NATURE. WOMEN, ECOLOGY AND THE SCIENTIFIC REVOLUTION (Harper One, 1989) (originally published 1980).

¹¹ Interestingly, this dualism underpins also environmental law’s aim of protecting nature from harmful interference caused by human activity and, ultimately, its aim to preserve it also for human enjoyment.

¹² K. MARX. CAPITAL, VOL. III 949 (New York: Vintage, 1981).

¹³ K. POLANYI, THE GREAT TRANSFORMATION (Boston: Beacon Press, 2001) (first published 1944).

¹⁴ S. FEDERICI, CALIBAN AND THE WITCH. WOMEN, THE BODY AND PRIMITIVE ACCUMULATION (Brooklyn: Autonomedia, 2004) (revised in 2014).

¹⁵ FEDERICI 2012, *ibid.*

¹⁶ FEDERICI 2012, *ibid*; POLANYI, *supra*.

with the rise of mill and factory work, the disciplining of workers' bodies and minds to suit new temporalities and techniques of production represented a particularly stark application of the mechanistic principles to the human worker.¹⁷ Its effect was not only to sap life force and physical energy, but also, as Marx insisted, to deprive people of the inherently *human* capacity to work nature with intention, imagination, and creativity that the non-human producers (bees, for example) do not possess.¹⁸ This last point hints, again, at the fact that Marxian interpretation did not reject out right the dualist conception of the society-nature relations. Somewhat consistently with this, while Marx recognized and admonished the depletion and degradation of earth's natural resources, which he saw as the manifestation of a deep 'rift' between nature's broader metabolism and the social metabolism that capitalism ushered in,¹⁹ for him, the ultimate harms of the capitalist system were the alienation from the labor process itself, and the economic exploitation of the *human* worker.

Marx's concept of the 'metabolic rift' has inspired a surge in recent materialist theorizing of the socio-ecological crisis.²⁰ However, the tendency to foreground certain conditions and harms of capitalism at the expense of others makes Marx only partly useful for understanding the consequences of and the subsequent social response to *laissez faire* capitalism's re-articulation of the socio-ecological relations. Here, Polanyi's account in *The Great Transformation* is more compelling in my view, not least because he attends better to what Nancy Fraser calls the 'background conditions' capitalism's ascendance, among which she lists exploitation of nature and subordination of social reproduction.²¹ As already noted, Polanyi saw the disconnection of society and nature as inherently *constructed* through the physical separation of labor from land; a disconnect which he saw as also reinforced by the intellectual discourse of that period, especially the

¹⁷ Eventually perfected in Taylor's scientific management.

¹⁸ K. MARX. CAPITAL, VOL. I. (London: Penguin, 1976).

¹⁹ MARX, *supra* 11.

²⁰ For example: M. FISCHER-KOWALSKI AND H. HABERL. SOCIOECOLOGICAL TRANSITIONS AND GLOBAL CHANGE (Cheltenham, UK: Edward Elgar, 2007). J. B. Foster and B. Clark. *Marx's Ecology and the Left*. 68:2 MONTHLY REVIEW: AN INDEPENDENT SOCIALIST MAGAZINE (2016); P. ODIH, WATERSHEDS IN MARXIST ECOFEMINISM. (Newcastle upon Tyne: Cambridge Scholars Publishing, 2014); A. SALLEH, ECO-SUFFICIENCY AND GLOBAL JUSTICE: WOMEN WRITE POLITICAL ECOLOGY (New York: Pluto Press, 2009); E. Swyngedouw, *Metabolic Urbanization: The Making of Cyborg Cities*, in IN THE NATURE OF CITIES: URBAN POLITICAL ECOLOGY AND THE POLITICS OF URBAN METABOLISM N. C. HEYNEN, M. KAIKA, E. SWYNGEDOUW (EDS.), 21-40. (Taylor and Francis Press, 2006).

²¹ N. Fraser, *Behind Marx's Hidden Abode: For an Expanded Conception of Capitalism*. in CRITICAL THEORY IN CRITICAL TIMES: TRANSFORMING THE GLOBAL POLITICAL AND ECONOMIC ORDER, P. DEUTSCHER AND L. LAFONT (EDS.), 141-159 (New York: Columbia University Press, 2017). The third of the backstories, according to Fraser, was that of consolidation of political power.

emerging science of political economy.²² Crucially, he clearly suggests that the attempts at commodification of both land and labor were fated to unleash a crisis across a range of domains (including social reproduction and ecology) precisely because of how inherently bound-up with each other land and labor, and by extension nature and society, had always been. This presumption of a priori entwining is evident in his description of land, which he calls ‘an element of nature inextricably interwoven with man’s institutions’: ‘[Land] invests man’s life with stability; it is the site of his habitations; it is a condition of his physical safety; it is the landscape and the seasons. We might as well imagine his being born without hands and feet as carrying on his life without land’²³. Land’s isolation from its social context was, in Polanyi’s words, ‘the weirdest of all the undertakings of our ancestors’²⁴. The consequences of this ‘undertaking’ included the ‘defiling neighborhoods and landscapes’, endangering the ecological conditions of production and living conditions of human beings, and paralleled the demoralization of human beings and fracturing of communities, families, and social bonds in ways undermining social reproduction, which stemmed from attempts to make labor subject to unregulated market exchange.

Significantly, Polanyi’s account of the multifaceted resistance and pushback that followed these attempts at commodification suggests also that the fracturing of this nature-society link had important impact on the possibility of alliance between peasants and the working classes, whose interests were ultimately set on a different course. Both were eventually brought under the wings of protectionism, in the forms of factory acts and protective workplace legislation one the one hand, and agrarian tariffs and land laws on the other hand. Importantly, the latter forms of protection benefited land owners rather than farm workers.²⁵ And yet, the working classes were more inclined to challenge the market system than the peasants²⁶, and eventually came to equate the latter and land (and ‘nature’) itself with private interests and capital. The enduring construction of nature as labor’s other, and the labor movements’ narrow engagement with environmental causes is a legacy of those developments.²⁷ And yet, in Polanyi we also find the basis for precisely

²² POLANYI 2001(1944), *supra*, 117-121 notes that despite political economy being designated a *human* science, paradoxically, its leading figures, including Adam Smith and Robert Townsend, continued to rely on biological determinism. One effect of this was that the growing disconnection between society and nature, which they undoubtedly observed in their contemporary environment, was also naturalized and reproduced in their political economic thought.

²³ POLANYI 2001(1944) *ibid.*, 187.

²⁴ POLANYI 2001(1944), *ibid.*, 187.

²⁵ Indeed, the incentive to mobilize and lobby for low food prices, which for the industrial workers meant access to cheaper food, contributed also to poor work conditions, especially low wages, for farm workers. The legacy of exclusion of farm workers from labor protection, endures as protection set at a much lower level in many jurisdictions.

²⁶ POLANYI 2001(1944), *ibid.*, 200.

²⁷ N. Rathzel and D. Uzzell. *Mending the breach between labor and nature: environmental engagements of trade unions and the North-South divide*, 4:2

the opposite possibilities – the possibilities of alliance. This is because as the geographer Scott Prudham observes, Polanyi articulates not only a relational conception of land (nature) and labor as inherently intertwined (though pried apart by forces of history) but also ‘a politics of social relations with the nonhuman world that are *internal* to the critique of capitalism and *laissez faire* liberalism’²⁸.

In the next section, I turn my attention to labor law to consider how the above insights into the nature-society relation and the process and consequences of its disconnection (or its particular re-articulation), may help us see differently labor law’s normative assumptions and adopted scope. However, because Polanyi’s account raises the possibilities of even more significant connections but only partially develops them,²⁹ I pair my interrogation of the socio-ecological rupture with a feminist critique of labor law’s other exclusions.

3. Modern labor law norms and their blind spots

Generally speaking modern labor law regimes and norms developed out of, or in relation to, the types of social upheavals Polanyi described. Beginning with factory laws and other forms of social legislation, these legal regimes were eventually stabilized through a range of contextually specific political and social settlements of the post-Second World War era. As such, they took a variety of shapes, and were nested within different institutional models. However, despite the structural correlations between the exploitation of labor and the crises of society and ‘nature’ that characterized early industrial capitalism, most modern labor bargains and associated legal norms aspired to address only the first of these problems: the exploitation of human labor. By contrast, only indirect or limited accommodations were made within the developing labor law regimes for the support of the daily and generational maintenance of the working population, or social reproduction, (e.g. though institution of family wage).³⁰ Similarly, apart from the narrow focus on the ‘environment at work’, these new regimes of labor law largely left out the society-nature relations. While to question this last ‘exclusion’ as a ‘blind spot’ in labor law might appear absurd at first sight, the fracturing of the constitutive relation between the social and ‘natural’ realms, with laboring process’ key

INTERFACE: A JOURNAL FOR AND ABOUT SOCIAL MOVEMENTS 81-100 (2012).

²⁸ S. Purdham, *Men and things: Karl Polanyi, primitive accumulation, and their relevance to a radical green political economy*, 45 ENVIRONMENT AND PLANNING A 1569 – 1587, 1578 (2013).

²⁹ N. Fraser, *A triple movement? Parsing the politics of crisis after Polanyi*, 81 NEW LEFT REVIEW 119-132 (2013).

³⁰ By contrast, a more robust accommodation of social reproduction was present in the new state socialist systems of labour law, which developed after the Second World War. Because women’s paid labor was presumed in accordance with the and egalitarian ideology of the worker state, labor law made a range of accommodations and protections for women’s ‘unique’ reproductive functions: A. ZBYSZEWSKA, GENDERING EUROPEAN WORKING TIME REGIMES: THE WORKING TIME DIRECTIVE AND THE CASE OF POLAND (Cambridge: Cambridge University Press, 2016).

role in their mediation, was also, after all, one of the conditions of capitalism' existence, and contributed to its early crisis. To not see it re-articulated somehow in response to that crisis was not a given, especially as the labor movements at the end of the 19th century and in the first half of the 20th century did take some interest in 'nature' through campaigns for spaces of leisure and recreation, as well as conditions of healthy life. Yet by then 'nature' tended to feature not as inherently interconnected with the social realm through labor, but rather as labor's 'other'.³¹

As feminist labor law scholars have already shown with respect to labor law's exclusion of social reproductive labor, the political choices related to the question of how labor law's boundaries ought to be drawn were neither neutral nor without consequence. The critical work of writing social reproduction and women's unpaid work back into the story of labor law has been an important corrective to its dominant narrative, even if it remains at its margin. After first considering briefly this scholarship's contribution, I will reflect on whether a similar corrective might be proposed with respect to labor law's bracketing off of 'nature' (or the socio-ecological system).

a. Social reproduction and labor law's (male) subjects

In a critical essay published in *Feminist Legal Studies*, Judy Fudge draws on the concepts of gender, social reproduction, and jurisdiction to argue that labor law has been central to demarcating and maintaining the boundary between the domains of family and work, and the sites of home and workplace.³² She builds here on her own long-standing engagements with labor law and on the work of other feminist scholars who have critiqued this law's blind spots and inherent bias.³³ A key contribution of this scholarship has been to reveal how labor law's standard (male) norms have historically ignored and/or disadvantaged women, and to illuminate how these norms continue to reflect and reproduce gendered (as well as classed, racialized, heteronormative) assumptions about labor law's appropriate objects or scope (what counts as labor or work) and subjects (who deserves voice and protection).

Crucially, as Fudge reminds us, these assumptions about the scope and subject of labor law are not preordained but rather a product of time and place.³⁴ Labor law's

³¹ Rathzel and Uzzell 2012, *supra*.

³² J. Fudge, *Feminist Reflections on the Scope of Labour Law: Domestic Work, Social Reproduction, and Jurisdiction*, 22 FEMINIST LEGAL STUDIES 1–23 (2014).

³³ Among others, N. BUSBY, A RIGHT TO CARE? (Oxford: Oxford University Press, 2011); J. Conaghan, *Work, family, and the discipline of labour law*, in LABOUR LAW, WORK AND FAMILY: CRITICAL AND COMPARATIVE PERSPECTIVES, J. CONAGHAN AND K. RITTICH (EDS.), 19–42 (Oxford: Oxford University Press, 2005), J. Conaghan and K. Rittich, *Introduction: interrogating the work/family divide*, in LABOUR LAW, WORK, AND FAMILY: CRITICAL AND COMPARATIVE PERSPECTIVES, J. CONAGHAN AND K. RITTICH (EDS.), 1–18 (Oxford: Oxford University Press, 2005); S. FREDMAN, WOMEN AND THE LAW (Oxford: OUP, 1997); J. FUDGE, AND R. OWENS (EDS.), PRECARIOUS WORK, WOMEN, AND THE NEW ECONOMY: THE CHALLENGE TO LEGAL NORMS (Oxford: Hart, 2006).

³⁴ Fudge 2014, *supra*.

historical constitution is of course widely accepted in mainstream scholarship; indeed, the law's current adaptation problems and shortcomings in face of ongoing changes in global economy, labor markets, and the modes and techniques of work organization are frequently explained from the vantage point of this law's historical specificity and the underlying (and now waning or absent) social, political, and economic conditions of its making. Nonetheless, in even the more expansive (non-explicitly feminist) considerations on labor law's limitations and its potentials, there remains a stubborn reluctance to let go of its exclusion of unpaid household or care labor.³⁵ However, Fudge urges that labor law's jurisdictional boundaries do not encompass the household, and especially the unpaid work that goes on within it, can be seen as a valid normative choice only if we ignore the historic separation and subordination of social reproduction (and women's unpaid labor) from the realm of 'productive' activity.³⁶

The concept of social reproduction is derived from feminist political economy, and it has been an important element in the theoretical toolkit that feminist labor law scholars used to unravel labor law's narrative. Feminist political economics have shown not only that social reproductive work has been always entwined with what is considered 'productive' activity, but also that the latter has always relied on it.³⁷ In the 'western' world, the historical splitting of the two types of labor – an outcome of the interplay of political, technological, ideological developments – occurred during the transition from agrarian feudal societies to industrial ones.³⁸ It not only became physically more challenging to reconcile paid work in manufacturing and other industrial enterprises with the already gender-coded work of care, the subordination of social reproduction and its assignment to the sphere of private responsibility was tied to the maximization of profits.³⁹ Thus, capitalism drew the boundary between the two particularly sharply.

As many feminist lawyers contend, the law played a crucial role in enacting and institutionalizing this process of separation, while simultaneously becoming marked by it.⁴⁰ While the labor law regimes that developed out of the crises and ruptures of the sort depicted by Polanyi were no doubt results of negotiated social (class-based) settlements, these regimes and the legal norms within them nonetheless referenced a very particular model and organization of work, enabled only by institutionalization of parallel

³⁵ Fudge 2014, *supra*.

³⁶ *Ibid.*

³⁷ A. PICCHIO, SOCIAL REPRODUCTION: THE POLITICAL ECONOMY OF THE LABOR MARKET (Oxford University Press, 1992); K. RITTICH, RECHARACTERIZING RESTRUCTURING: LAW DISTRIBUTION AND GENDER IN MARKET REFORM (New York: Kluwer, 2002).

³⁸ PICCHIO, 1992 *ibid*; L. Leete, *History and Housework: Implications for Work Hours and Family Policy in Market Economies* in L. GOLDEN AND D. FIGART (EDS.), WORKING TIME: INTERNATIONAL TRENDS, THEORY AND POLICY PERSPECTIVES, 233-41 (New York: Routledge, 2000).

³⁹ PICCHIO 1992, *supra*.

⁴⁰ J. Fudge and B. Cossman, *Introduction*, in B. COSSMAN AND J. FUDGE (EDS.) PRIVATIZATION, LAW AND THE CHALLENGE TO FEMINISM, 3-37 (Toronto: University of Toronto Press, 2002).

‘reproductive bargains’⁴¹ or gender contracts.⁴² As such, even if these ‘new’ regimes instituted better system of redistribution, representation, and protection for some working people, they were based on explicitly gendered division of labor. Even if not all men and women’s actual practices and realities of work and life fit these models, their normative power was decisive in reproducing the separation of social reproduction (care especially) as something that is primarily, though not exclusively, confined to the private sphere of the home and family⁴³; a domain not belonging to labor law. The historic and ongoing misrecognition and undervaluing of the (also economic) contributions women make through their unpaid and paid affective and physical labor of maintaining lives, households, and communities, women’s economic dependency and insecurity, their exclusion from or disadvantage in labor markets and social life are among some of the key artifacts and consequences of these particular policy choices.

In post-Fordism, the emergence of ‘work-family conflict’ alongside efforts to increase women’s labor market participation, and of new societal problems of which aging population and the ‘crisis of care’ are but two, employment law and policy have been certainly subjected to some rethinking and adaptation. References to unequal sharing of the unpaid work inherent in social reproduction (of which care is one key aspect) as a major explanation for persistence of gender gaps (in employment participation, wages, working hours, life chances, leadership, etc.) are now prevalent in policy analyses and instruments.⁴⁴ Nonetheless labor law has been slow to change.

b. Human subjects and labor law’s social domains

Labor law’s second point of disconnect - from the sphere of ‘nature’, or the socio-ecological system, - in a certain way echoes the naturalization of the boundary between its rightful sphere of intervention into (or jurisdiction over) paid work/productive activity, but not the spheres of family, household, and social reproduction. This is perhaps unsurprising given labor law’s inherently social functions, and in light of what we have learned from Polanyi about the fissures that developed and the divergent interests taken by the working classes and the peasants. Yet if we take seriously Polanyian insights about the key role that the processes of primitive accumulation and the fracturing (or re-

⁴¹ R. Pearson, *Renegotiating the Reproductive Bargain: Gender Analysis of Economic Transition in Cuba in the 1990s*, 28 DEVELOPMENT AND CHANGE 671-705 (1997).

⁴² On the concept of ‘gender contract’: B. Pfau-Effinger, *The Gender Contract and Part-time Paid Work by Women: A comparative perspective*, in S. Duncan (ed.) SPATIAL DIVISIONS OF PATRIARCHY IN WESTERN EUROPE. 26:2 ENVIRONMENT AND PLANNING A (SPECIAL ISSUE): 1355-76 (1994).

⁴³ S. MOLLER OAKIN, JUSTICE, GENDER, AND THE FAMILY (Basic Books, 1989).

⁴⁴ See, for example: OECD, *Gender Inequality in Unpaid Work*, in THE PURSUIT OF GENDER EQUALITY: AN UPHILL BATTLE (OECD, 2017) 189-197; EUROPEAN COMMISSION, 2017 REPORT ON EQUALITY BETWEEN WOMEN AND MEN IN THE EU (Belgium: European Union, 2017) Unequal sharing of unpaid work is also recognized in the UN’s Sustainable Development Goal (SDG) 5, which is part of the UN’s 2030 Agenda.

configuration) of the underlying socio-ecological order played in the commodification of both labor and land, and how the social and ecological crisis were in fact connected, it is less obvious that the subsequent efforts to decommodify labor should have left aside any concerns with labor's role as a connective tissue between the social and natural world (or the socio-ecological system).

How have socio-ecological concerns figured in the modern labor law systems? To the limited extent that standard labor law norms addressed the realm of 'environment' as such, as in the case of regulations pertaining to health and safety at work or rules prohibiting work under certain 'dangerous' conditions, their aim remained primarily the protection of workers from a range of environmental hazards created by the productive activity. Special rules on seasonal work and work under certain atmospheric conditions are other examples. Indeed, in these latter cases, the law either extended protection (most often in industrial sectors) or, yielding to nature's unpredictability provided additional exceptions to protective norms, or otherwise relaxed them (as in agricultural or other seasonal forms of work). Notably, agricultural labor – one type that directly relies on land and is more obviously subject to nature's rhythms –, apart from being subject to onerous work conditions and many derogations from minimum standards, happened to be often historically excluded from forms of collective representation and action available to workers in other sectors.⁴⁵

Thus, while undoubtedly important, labor law's main focus on protection of people but not nature – since the latter's protection became later the purview of environmental law –, embodied not just the society-nature dualism discussed earlier, but also to parallel the 'boundary issues' akin to those involved in the sectioning off the sphere of social reproduction or the family from that of paid work. Of course, I am not suggesting that 'nature' and 'social reproduction', or their exclusions, are exactly alike. While social reproduction at its most basic level often (and certainly historically or in subsistence economies) depends on Earth's resources and life-supporting capacity, feminists have long rallied against casting the gendered division of labor as something natural and (only) biologically determined.⁴⁶ Likewise, feminists have warned of essentialism involved in claims that women are somehow closer, more attuned to the natural world than men.⁴⁷ Clearly, the labor that goes into social reproduction – whether

⁴⁵ See, for example: B. Barnetson, *The Regulatory Exclusion of Agricultural Workers in Alberta*, 14 JUST LABOUR: A CANADIAN JOURNAL OF WORK AND SOCIETY 50 (2014); J. F. Perea, *The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act* 72:1 OHIO STATE LAW JOURNAL 95-138 (2011); H. Jensen, *A History of Legal Exclusion: Labour Relations Laws and British Columbia's Agricultural Workers, 1937-1975*. 73 LABOUR/LE TRAVAIL 67-95 (SPRING 2014).

⁴⁶ D. Elson and R. Pearson, 'Nimble Fingers Make Cheap Workers': An Analysis of Women's Employment in Third World Export Manufacturing, 7 FEMINIST REVIEW 87-107 (1981).

⁴⁷ MERCHANT 1980, *supra*. This is also one of the critiques leveled at some ecofeminist scholarship. Interestingly, the concern with women's characterization as being closer to nature was in part question on the basis that it naturalized women's biological differences at the expense of the social construction of gender. More recent feminist thinking seeks to

paid or not – is labor after all, and through a critical feminist frame, its marginalization is inherently problematic, even if on that basis alone. The exclusion of ‘nature’ from the purview of labor law and the case for whether or not it should be encompassed within it is admittedly less clear. However, if we accept that labor is central to the mediation of the relation between society and ‘nature’ – and its role in the constitution of the socio-ecological system – why should labor law limit itself to only governing the *immediate* environmental hazards that productive activity might pose to people in the course of work?⁴⁸ Why should it not be appropriate for it to consider more consistently also the impact of particular models of work and working practices for the broader environment – beyond the workplace – that also affects people’s (and nonhuman others’) health, safety, and the quality and conditions of life? Moreover, if we take seriously the suggestion that as we transform (non-human) nature it simultaneously transforms us (that we co-evolve), why should not labor law have something to say about the worker’s capacity to relate to the nonhuman ‘others’ or ‘materials’ with which they are co-engaging, co-working, co-transforming, and about the quality of that relation or its impact on the worker?

I realize that all these questions, while broadening the scope of what might be appropriate labor law considerations, are still posed from the perspective of primarily human wellbeing and interest – as such, they do not at a fundamental level question the anthropocentrism of labor law, even if they seek to overcome in some way its disconnection from ‘nature’. Whether or not a deeper interrogation of labor law’s anthropocentric bias is indeed appropriate depends on how we conceive of this law’s appropriate subjects, which incidentally *is* a question at the heart of debates about labor law already. Scholars in other legal fields, including in environmental law, animal law, and even labor studies are already proposing expansion of legal subjectivity to encompass non-human species or non-organic ‘hybrid’ ‘things’.⁴⁹ Another question, is whether the delimitation of labor law’s objectives as protective of people against exploitation and harm within their work environment vis-à-vis environmental law’s goal of protecting nature against human (including industrial) activity has contributed to reproducing the notion that the two sets of interests are in opposition and conflict with each other.⁵⁰ While these are both interesting issues to consider, I bracket them off for another occasion.

overcome both the nature-society duality and extreme social constructivism in favour of a more interconnected position based in materiality and hybridity that could be either ‘softly’ anthropocentric or posthuman.

⁴⁸ See however, P. Tomassetti (2018) and C. Chacartegui (2018) in this special issue for discussion of occupational health and safety practices in some jurisdictions that already expend the notion of work environment beyond the workplace.

⁴⁹ G. Teubner, *Rights of Non-Humans? Electronic Agents and Animals as New Actors in Politics and Law*, 33:4 JOURNAL OF LAW AND SOCIETY 497-521 (2006); M. Deckha, *Animal Bodies, Technobodies: New Direction in Cultural Studies, Feminism, and Posthumanism*, 20:2 YALE JOURNAL OF LAW AND FEMINISM (2008). K. COULTER, *ANIMALS, WORK AND THE PROMISE OF INTERSPECIES SOLIDARITY* (Basingstoke: Palgrave MacMillan, 2016).

⁵⁰ In a manner not dissimilar to that by which male workers in trade unions historically saw their interests as in tension with non-unionized, non-standard workers, including women workers.

Returning to the more preliminary question of how we might think about labor law or work regulation from a perspective that incorporates into its scope concerns of social-ecological kind or at least helps us think about how labor law might better relate to environmental matters, in the next section I turn to consider how political ecology and ecofeminist literature might assist us in this task, much as feminist political economy provided some of the conceptual tools that feminist scholars used to reveal labor law's gender bias and social reproduction's (and unpaid work's) exclusion. Of course, socio-ecological considerations already figure in discussion about work – whether through the more traditional focus on health and safety, or the more recent concern with 'green jobs' or sustainable work systems. However, while some of these latter debates are promising, they are frequently articulated in a way that obscures, or 'green-washes', an otherwise shallow modification and adaptation still driven by the 'logic of efficiency' and 'green' growth. It is my contention that this is not a sufficient basis for thinking about a labor law that cares for people and the Earth. It is for this reason that we must look beyond these debates to find models that promises to actually overcome, not merely accommodate, our multiple challenges. In the next section, I consider how insights from feminist political ecology might help us in this task.

c. Feminist Political Ecology: the connective tissue for labor law's blind spots

The common starting point of feminist political economy and ecofeminist political economy is the materiality of what tends to be defined as 'women's work', whether or not it is all and always done by women, and by all women alike.⁵¹ As Mary Mellor explains, for ecofeminists, there exists also 'a connection between exploitation of women's labor and the abuse of planetary resources. Women and environment are both marginalized in their positions within the formal economy'.⁵² Unsurprisingly, the best examples of this literature very powerfully weave together the labor, social reproduction, and ecological problematics in their critiques of capitalism, patriarchy, and domination over nature.⁵³ Ecofeminists problematize the 'naturalization' of the gender division of labor and of women's unpaid work (whether to provide care or other forms of provisioning and subsistence) as the key condition for the reproduction of labor power on which capitalism is structurally dependent yet which it fails to account for. In this optic, the rampant exploitation, and depletion,⁵⁴ of what capitalism deems 'infinitely available' and 'free' inputs (of both, women's labor and nature's resources) on which it relies

⁵¹ M. Mellor, *Ecofeminist Political Economy. Integrating feminist economics and ecological economics*, 11:3 FEMINIST ECONOMICS 120-126 (2005).

⁵² Mellor 2005, *ibid.*, 123.

⁵³ A. SALLEH, ECO-SUFFICIENCY AND GLOBAL JUSTICE: WOMEN WRITE POLITICAL ECOLOGY. (New York: Pluto Press, 2009). For an early example see: M. MIES, PATRIARCHY AND ACCUMULATION ON A WORLD SCALE. WOMEN AND THE INTERNATIONAL DIVISION OF LABOUR (London: Zed Books, 2014) (first published, 1986).

⁵⁴ S. Rai, C. Hoskyns and D. Thomas. *Depletion: The cost of reproduction*, 16:1 INTERNATIONAL FEMINIST JOURNAL OF POLITICS 86-105 (2014).

renders the crisis of social reproduction and the ecological crisis⁵⁵ entwined with each other, and with the broader crisis of capitalism. Of course, the constitution of ‘nature’ and women’s labor as ‘up for grabs’ is not an accident. To return once again to Fraser and Polanyi, their historical constitution as the background conditions for capitalism’s emergence and then stabilization are two of the latter’s ‘backstories’ that are connected also with the commodification of labor and its particular forms of institutionalization (also in labor law). Colonial ‘conquest’ and the use of the colonies as a source of raw materials and labor is another such backstory⁵⁶, the contemporary artifacts of which are particularly visible and exacerbated in light of capitalism’s global expansion, the international division of labor of both productive and social reproductive kind, and the use of the Global South as a carbon ‘sink’.⁵⁷

The clarity with which ecofeminists perceive these various connections, especially in the parallel exploitation of nature and women’s unpaid labor in part stems from the fact that they often work from or research and write with reference to contexts of poor countries, where issues of livelihood and subsistence – still primary sites of most people’s, especially women’s labor – are bound up with questions about gender, access to power, control over land, water, and other resources, and ecological crisis. In places where subsistence economies are still practiced, climate change and the new processes of primitive accumulation by way of commercialization of nature and enclosure of the commons whether for the purpose of recreation or expansion of extractive industries are rendering social reproduction highly precarious, much as they did in transition to *laissez faire* capitalism in Europe and colonial expansion that supported it. Where they involve expansion of industrial or extractive activity, these developments often raise the wicked problems such as trade offs between rights to work for some, and rights to subsistence or a clean, healthy environment for others.⁵⁸ Indeed, as Silvia Federici points out, these contexts are often key flashpoints of resistance and struggle for direct access to the means of (social) reproduction. This collective struggle is often driven by women and involves strategies such as the reclaiming of spaces in African cities for the production of food, restoration of forests and protests against mining and dam-construction projects in India, creation of ‘money commons’ or collectivization and economization of social reproduction (community kitchens in Peru and Argentina).⁵⁹

⁵⁵ Mellor 2005 *supra*; V. PLUMWOOD, FEMINISM AND THE MASTERY OF NATURE (London and New York: Routledge, 2002); V. SHIVA, ECOLOGY AND THE POLITICS OF SURVIVAL: CONFLICT OVER NATURAL RESOURCES IN INDIA (New Delhi/London: Sage Publications, 1991).

⁵⁶ POLANYI 2001 (1944) *supra*; FEDERICI 2004 (2014) *supra*; MIES 2014 (1986) *supra*.

⁵⁷ FEDERICI 2004 (2014) *supra*; see also).

⁵⁸ See, for example: A. VALENCIA, HUMAN RIGHTS TRADE-OFFS IN TIMES OF ECONOMIC GROWTH: THE LONG-TERM CAPABILITY IMPACTS OF EXTRACTIVE-LED DEVELOPMENT (Palgrave, 2011).

⁵⁹ S. Federici, *Feminism and the Politics of the Common in an Era of Primitive Accumulation*, in S. FEDERICI, REVOLUTION AT POINT ZERO: HOUSEWORK, REPRODUCTION, AND FEMINIST STRUGGLE (Brooklyn: Autonomedia, 2012) 143-4.

Of course, it is important to remember that these diverse practices of resistance are also examples of how women's labor expands to fill gaps in provision, where its institutional forms have been removed or never existed. Indeed, in countries like Peru and Argentina, the experiments in commoning and collectivization emerged from crises spun by neoliberal policies. At the same time, these efforts are a part of a broader questioning of the logics of capitalist economy, its modes of production, and its particular articulation of the socio-ecological system. Recuperation of factories in Argentina, practices of social economy in Columbia, and proposals related socialization of social reproduction being formulated in Ecuador and Bolivia tied to *Buen Vivir* (or the notion of 'living well') are only some examples.⁶⁰ All of these developments call for a reconsideration of what labor is and how it mediates the relations between differently situated people, but also between people and nature. As such, they provide an excellent context for thinking about how legal norms related to labor might be reconceived.

4. Time for a socio-ecologically attuned labor law?

By bringing the socio-ecological realm together with the realms of social reproduction and production (paid labor), and showing how they are of consequence for one another, the ecofeminist perspective suggests that their current dis-articulation – or lack of attention to two of these realms – *should be* a concern for labor law and for the people who care about it. This is made especially clear and urgent by the fact that concern for sustainability is already shaping the policy discourse on the future of work. In light of the challenges posed by climate change in particular, it is not just policy-setting and regulatory bodies like the ILO, but also the Organization for Economic Development and Cooperation (OECD), the World Bank, and the International Monetary Fund (IMF), that are exploring how work practices and systems should figure and facilitate a shift to more sustainable modes of production.⁶¹ The predominant focus of their research and policy outputs thus far has been in relation to the development of 'green jobs' and 'green skills'. Their objectives are to promote sustainable growth and better match labor supply and demand to avert the labor market, social, and economic consequences of future job loss in sectors that will become eradicated due to regulatory requirements in greenhouse gas reduction targets, and as climate change-related loss of biodiversity affects traditional livelihoods. The labor movements at the international and national levels have also become engaged in this conversation by forming green-red coalitions (or blue-green, 'teamsters and turtles' alliances) and or by advocating for a 'just transition,'⁶² albeit there

⁶⁰ N. Quiroga Diaz, *Decolonial Feminist Economics: A Necessary View for Strengthening Social and Popular Economy*. VIEWPOINT MAGAZINE. 2015. Although there is also some developing critique of the ways in which the possibility of *Buen Vivir* may itself be underpinned by acceptance of 'sacrifice zones' and displacement of indigenous populations as necessary cost for some in exchange for the benefit of collective sustainable development: L. Shade, *Sustainable Development or Sacrifice Zone? Politics Below the Surface in Post-Neoliberal Ecuador*, 2: 4 THE EXTRACTIVE INDUSTRIES AND SOCIETY 775-784 (2015).

⁶¹ *Supra* note 2.

⁶² See, e.g.: TUC, A GREEN AND FAIR FUTURE: FOR A JUST TRANSITION TO A LOW CARBON ECONOMY <https://www.tuc.org.uk/economic-issues/touchstone->

are important frictions between the interests of labor and ‘green’ industry, and, more crucially, between the labor unions in the Global North and the Global South.⁶³ At the level of a workplace, the notion of a workplace as ‘ecosystem’ has taken off in HR vernacular with references to a successful workplace being like ‘a natural habitat... a place of abundance, oxygenated and breezy with energy’, where ‘everything is flourishing’ and at best times ‘blooming with scent of success’.⁶⁴ Since 2013, the Health Promotion Board of Singapore has been coordinating a number of ‘Healthy Workplace Ecosystems’, which are models designed to bring ‘workforce together in the pursuit of better health.’⁶⁵

Despite the promising tone of these initiatives, critical scholars and policy think tanks have expressed concerns about the underlying instrumentality of what some simply see as a ‘green reconfiguration of capitalism’, in which economy is ‘ecologized’ and nature ‘economized’.⁶⁶ These approaches do not necessarily guarantee that jobs created within the new model of sustainability will be more secure or dignified (or safe), even if they are green, nor do they fundamentally challenge the commodification of everything, including biosphere, whether it is privatized and bought for the purpose of conservation or to be used as a ‘sink’ by corporations or rich individuals to offset carbon emissions. Even the more promising notion of a workplace as an ecosystem, at least as it is currently conceived, is also ultimately premised on the logic of efficiency – it seeks to create propitious conditions (including supporting healthy living) to ultimately boost productivity and extract more from workers; as such, it does not challenge the upward arrows of growth. Nor do supports for care and other forms of provisioning feature as prominent elements either.

The fact that the labor movement is now engaged in this conversation and in alliance building with environmental movements is very important, as are other, more radical alternatives. In Europe, the Green Parties at the EU level and in some national contexts, as well as think tanks like the Heinrich Boell Foundation, are proposing the *Green New Deal* that draws inspiration from the original New Deal introduced in the

pamphlets/social-issues/environment/green-and-fair-future-just-transition; ITUC, JUST TRANSITION CENTRE: <https://www.ituc-csi.org/just-transition-centre?lang=en>; ILO, GUIDELINES FOR A JUST TRANSITION TOWARDS ENVIRONMENTALLY SUSTAINABLE ECONOMIES AND SOCIETIES FOR ALL (ILO, 2015).

⁶³ Ratzel and Uzzell 2012 *supra*.

⁶⁴ Gutwenger 2016, *supra*.

⁶⁵ See: <https://www.hpb.gov.sg/workplace/healthy-workplace-ecosystem>.

⁶⁶ C. Wichterich, *Contesting Green Growth, Connecting Care, Commons and Enough* in WENDY HARCOURT AND INGRID L. NELSON, PRACTISING FEMINIST POLITICAL ECOLOGIES: MOVING BEYOND THE GREEN ECONOMY, 72 (Zed Books, 2015); J. Goodman and A. Salleh, *The Green Economy: Class hegemony and counter-hegemony*, 10:3 GLOBALIZATIONS, 411-24 (2013); MCAFEE, K. NATURE IN THE MARKET-WORLD: SOCIAL AND DEVELOPMENT CONSEQUENCES AND ALTERNATIVES (UN, 2011) www.unrisd.org; N. Castree, *Neo-liberalizing nature*, 40:1 ENVIRONMENT AND PLANNING A 131-73 (2008).

1930s.⁶⁷ Its focus is mostly on reforms to finance, taxation systems, and new energy conservation and renewable energy strategies. Another approach is that of ‘*degrowth*’, which builds on the notion of finitude of natural resources to radically question capitalist economy’s production and consumption patterns, and the assumption that greater material prosperity brings happiness and increased satisfaction.⁶⁸ *Solidarity economy*, another broad umbrella concept, points to the possibilities inherent in a range of alternatives to living and producing already in practice. These include cooperatives, urban gardening projects, bartering clubs, and other community or collectivity based initiatives.⁶⁹ The values of reciprocity, interconnection, and solidarity, as well as provision of care and attention to meeting human needs are at the heart of what solidarity economy stands for. This is an economy deeply critical of capitalism yet keen to enact its critique from the bottom up.⁷⁰

Unlike the models of *Green New Deal* and ‘*degrowth*’, which are not attentive to gender and social reproduction, the *solidarity economy*, unique in its resonance with the forms of reclaiming the commons or socializing (or collectivizing and economizing) social reproduction practiced worldwide, as described by Federici⁷¹, seems to come most closely to what might be a socio-ecologically attuned way of organizing work that also values care and human needs. In a similar key, Ariel Salleh and James Goodman has proposed that a sustainable economy, guided by what she calls the ‘logic of sufficiency’, would entail work models that take account for and value all work people perform in society.⁷² Such ‘mixed work’ systems, resonant with Miriam Glucksman’s concept of the total social organization of labor (TSOL)⁷³, would account for care, community, and other forms of socially useful and necessary work alongside paid employment. Aside from properly valuing care, these models of work, Salleh proposes, would de-centre the prominence of paid work and eventually reduce the outputs and consumption on the basis of needs and sufficiency, rather than on the basis of want.⁷⁴ In this way, these work models would be both, ecologically and socially sustainable.

Of course moving towards these sorts of ‘mixed work’ models would necessitate a wholesale reassessment not only of what we consider as work, but also of what it means to have a good life. The second of these concerns is a question of a different order

⁶⁷ C. Bauhardt, *Solutions to the crisis? The Green New Deal, Degrowth, and the Solidarity Economy: Alternatives to the capitalist growth economy from an ecofeminist economics perspective*, 102 ECOLOGICAL ECONOMICS 60-68 (2014).

⁶⁸ *Ibid.*

⁶⁹ For a discussion of cooperatives see C. Chacatergui’s contribution in this special issue: *Workers’ Participation and Green Governance* (2018).

⁷⁰ *Supra* note 68. See also J.K. Gibson-Graham, *The Feminist Project of Belonging for the Anthropocene*, 18:1 GENDER, PLACE & CULTURE 1-21 (2011); J.K. GIBSON-GRAHAM, A POSTCAPITALIST POLITICS (Minneapolis: University of Minnesota Press, 2006).

⁷¹ FEDERICI 2012, *supra*.

⁷² Goodman and Salleh 2013, *supra*.

⁷³ M. A. Glucksman, *Why ‘Work’? Gender and the ‘Total Social Organization of Labor’*, 2:2 GENDER, WORK & ORGANIZATION 63-75 (1995).

⁷⁴ Goodman and Salleh 2013 *supra*.

entirely, but certainly not out of bounds for those rethinking work-life articulation. Thinking about what sorts of activities we deem as work for the purpose of labor law, and how labor law draws its boundaries are key labor law questions, which matter also from the perspective of this law's ability to respond to the challenges posed by the current socio-ecological crises. Feminist scholars have already denaturalized labor law's exclusion of social reproduction, especially unpaid work, showing it to be an artifact of its historical development, which is not only deeply consequential from a gender perspective, but also has no resonance with contemporary societies and workplaces. Working in parallel with this scholarship, I have tried to show that labor law's abstraction of labor from its socio-ecological system is also a historical artifact, and one that is entwined with its gendered blind spots. While engaging with the mainstream sustainability discourse by 'greening' labor law might be a tempting fix, a more sustained reconsideration is necessary to simultaneously move beyond its masculine and anthropocentric bias.