

Eco-Law – striving to be an ethical lawyer with impact

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While there may be some [dinosaurs](#) still rejecting even the concept of anthropogenic climate change, the rest of us are aware of the need not to ignore the scientific data.

The Special Report on Global Warming of 1.5 °C ([SR15](#)) was published by the Intergovernmental Panel on Climate Change on 8 October 2018. While this was not cheery reading, there was some good news; IT IS NOT TOO LATE! However, we may only have a [decade](#) to drastically reduce global carbon emissions in order to prevent climate disaster.

The time to act is now

The good news is that these issues are now mainstream, so it is no longer a leap of faith to embrace environmental issues. [YouGov](#) data reveals that the public is more concerned about the environment than ever before.

Last month saw the launch of the [UK's Green Finance Strategy](#), dubbed the 'Green Deal' and the Committee on Climate Change published its [progress report](#), while [Sir David Attenborough](#) has compared changing attitudes over plastic to the abolition of slavery.

Which side of history would you (and your organisation) like to be on?

The cynical can embrace these issues purely for [financial](#) reasons as, it does not take a genius to see that, if you want your business to be future proof, incoming laws and brand image are reasons enough to check your environmental impact and reliance. The proof is in the pudding, with many fund managers reporting that, where once you used to pay for your principles with returns of ethical investing being lower, now things have changed and companies that are more sustainable and have better

business models due to being environmentally friendly can yield good returns.

For the less cynical and for those who have been concerned about environmental issues for longer, this means we can finally be outspoken about our environmental concerns without being dismissed as yoghurt-weaving, lentil eating hippies. There are new movements like the [B-Corp movement](#), which now has almost 3,000 companies signed up worldwide.

Lawyers and the law clearly have a role to play

With climate change science now starting to show clear causal links between man-made climate change and harm, climate change litigation against governments and corporations is growing. There have been over [1,300 cases](#) worldwide since 1990 (of which 53 were in the UK).

The Employment Tribunal in 2009 found belief in climate change was covered under the [Employment Equality \(Religion or Belief\) Regulations 2003](#) and the [Companies Act 2006 172\(1\)\(d\)](#) requires company directors to have regard for the impact of the company's operations on the community and the environment in their decision making.

With shareholder activism on the rise, it is important that businesses don't just pay lip-service to their obligations. With the likes of [Extinction Rebellion](#) and [Greta Thunberg](#) raising the profile of people's ability and, arguably, moral duty to act to protect our natural world, we should all expect litigation in this area to keep increasing.

How can RIAA Barker Gillette make a difference?

The honest answer is at this stage, we don't yet know, but we're keen to find out with the help of corporate lawyer, [Veronica Hartley](#), who stood down as Head of Company and Commercial at RIAA Barker Gillette in July 2019, to

take a research sabbatical in order to explore where her skills as a commercial lawyer might best be deployed for maximum impact in trying to prevent climate breakdown and providing access to justice for communities and organisations dealing with challenging environmental problems.

The options are varied, wide-ranging and often daunting, and Veronica is under no illusion that she will be pivotal in the fight against climate change, but Veronica felt she could no longer sit back and do nothing.

She is very encouraged by how supportive both the firm and their clients have been and looks forward to turning her research into action, so watch this space!

Veronica Hartley
020 7299 6922
veronica.hartley@riaabg.com
www.riabarkergillette.com



Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

