

# **Second study seminar**

## **Transnational agreements**

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**Complementary study:**

**Method**

# Objective

**Building on the results of the previous studies and of the first seminar**

**Determining**

- **The reasons leading to the conclusion of transnational agreements**
- **The intentions of the parties as regard the commitments taken**
- **The way transnational agreements work in practice**
- **The difficulties faced and the way to resolve**

**Contributing to a common base of knowledge**

# Companies and texts concerned

**Out of the transnational texts recorded, study on**

- **The texts signed by two parties before 2006**
- **Applying mainly in Europe**

**51 transnational texts**

- **Concluded between 1988 and 2005**
- **Dealing with restructuring (14), CSR & HR policy (8), H&S (8), data protection (5), employment skills & mobility (5), social dialogue (4), equality (2), Others (5)**

**In 27 companies from different sectors**

- **11 French, 5 American, 4 “European”, 7 others**

# Interviews

**HR management and EWC of the 27 companies  
European union federations involved  
French, Italian and Nordic unions involved**

**Same 7 questions on every text:**

**Reasons for signing, relations between levels, how the text is seen, the commitments, the mutual or unilateral character of commitments, how the text has worked in practice, the difficulties and solutions**

**First findings on interviews of 21 company actors  
(12 HR and 9 EWCs) and 6 union organisations**

# Further steps in the study

- **New interviews**
- **Integrating the outcomes of the second seminar**
- **Analysing the texts**
- **Integrating bibliography, other data**
- **Final results early 2007**



# Reasons for engaging in the process

**Main reasons for both sides :**

- **Adapting to the structure of the company**
- **Aimed at enhancing social dialogue**
- **Helping facing restructuring and key social issues**
- **Addressing specific needs or objectives on H&S, financial participation, data protection or procedures in social dialogue**

**In some cases linked to a German culture in HR-EWC**  
**More on management side :**

- **Part of a communication process and of the image**
- **Diminishing social risks and enhance control of risks**



# How do you see the text concluded?

**“Kinds of”, “not really” or “not only” a declaration or a collective agreement**

**Management, EWC and union views quite in line**

**Views expressed range from**

- **Not really or not only a political declaration (more on management side)**
- **An agreement, but not really a collective agreement**
- **Clearly a collective agreement, but a company one (accord d'entreprise, Betriebsvereinbarung)**
- **Also the result of the EWC's activities**

# **First findings - questions 1-2**

## **The process towards the signature of a transnational agreement**

# The levels involved in the process

**From Centralized process to local involvement:**

- **European Mgt negotiates with EWC select committee**
  - **Check with local/business management before signing**
  - **Step by step process with National bodies involved**
  - **Process involving fully the National/local actors**
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- **On employee side: Role of union coordination in EWC**
  - **On management side: linked to HR committees, executive committee, operational committee, during negotiation or afterwards**

**Will to implemented European frameworks in some cases**



# **First findings - questions 4-5**

## **The commitments in a transnational agreement**

# **The commitments taken**

**Management, EWC and union views quite in line**

**For all interviewed but one manager, commitments are taken**

**Views differ from one agreement to another, as for the legal dimension of this commitment:**

- In some cases: Commitments , but not in a logic of rights**
- In others; the agreements are legally binding or parties act as if they were**

# **Mutual or unilateral commitments**

**Some managers consider the commitments as rather unilateral in practice or from a legal perspective**

**It depends on the issues**

**It is often unclear or and some EWC and union reps consider that commitments on employee side would need to be clarified**

**In some cases, management, EWC and unions all consider that both sides are clearly committed. The commitment on employee side might even be the main objective of Management in restructuring cases**





# How has the text worked in practice ?

**Management, EWC and union views in line**

**In order to know: dissemination, follow-up and time needed, monitoring processes are established**

**There is a positive impact on**

- **Social dialogue: trust, bringing things to an end**
- **Understanding: for ex.restructuring, data processing**
- **European dimension, dynamism for further actions**

**Concrete results: H&S, no closure, transfer back employees, competitiveness, solved local problems,...**

# Difficulties and solutions

**Most important challenge: collective “ownership” of the agreement and having it implemented everywhere :**

- **It has to be known: dissemination & communication**
- **Need to take actions to develop a “European thinking”**
- **Managerial actions, union follow-up, compensation**

**Status of the agreement :**

- **Ways to resolve differences in interpreting are needed**
- **Need for adapting the agreement : amendments**
- **Questions on uncertainties regarding the legal aspects, notably in case of a takeover or merger**