

# Implementation and dispute settlement in Transnational company agreements

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# Provisions of the texts on status and implementation

- ❖ Many texts declare their provisions being « legally binding » in all subsidiaries
- ❖ Some texts are intended to become legally binding through national implementation
- ❖ Some texts are an annex to the EWC agreement, some are company agreements under national law
- ❖ Most recent: specific projects to carry out implementation part of agreement

# **Provisions of the texts on follow-up and monitoring**

- ❖ Most texts include follow-up provisions**
- ❖ Usually an annual review by signatories or EWC**
- ❖ Some special bodies to carry out the follow-up**
- ❖ Some specific tools: reports, indicators, dashboard**
- ❖ Most recent: wide range of tools to monitor implementation**

# Provisions of the texts on dispute settlement

- ❖ Few texts include provisions on disputes
- ❖ Usually examination by signatories when anomalies arise
- ❖ Very few more precise procedures
- ❖ Some specifications as to applicable law, competent jurisdiction or linguistic version
- ❖ Some texts annex to EWC agreement: same regime

# **Views of the actors on implementation and disputes**

- ❖ Main challenge: collective “ownership” of the text and having it implemented everywhere**
- ❖ Need for respect by all management levels and monitoring**
- ❖ Need for adapting texts and solve interpretation issues**
- ❖ Major difficulty: change in ownership or management of company**

# Framework on dispute settlement

- ❖ **Difficulty to apply rules to determine applicable law and competent jurisdiction (international private law Rome and Brussels)**
- ❖ **National mechanisms to extrajudicial settlement not competent or not adapted**
- ❖ **Transfers of personal data to non EU-countries only through binding company rules with right to enforce compliance and lodging complaints**

# Issues related to implementation and dispute settlement

*How to allow social actors to*

❖ *Implement*

❖ *Protect*

❖ *Adapt*

*Transnational company agreements concluded*

*And to resolve any disputes in their*

❖ *Interpretation*

❖ *Application*

*To ensure wished results are achieved ?*