

Form and transparency in Transnational company agreements

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Various titles, forms and natures of texts

- ❖ **Wide diversity in titles given to the texts**
- ❖ **No correspondence between type of title, main issue and imperative/declarative nature of the texts**
- ❖ **Date, names and position of signatories, scope, addressees, duration,.. not always clear**
- ❖ **Some texts drafted as agreements, some as political declarations, most contain mixed drafting**
- ❖ **Some texts are an annex to the EWC agreement, some are company agreements under national law**
- ❖ **Some texts sent for « registration » to the Commission**

Type of provisions of texts dealing with restructuring

Three categories, not related to title of text

❖ Frameworks (most of texts)

- setting general, broad principles and/or fundamental rights or minimum standards
- having to be implemented at lower level

❖ Joint texts exposing the company social policy

- contain general rules
- sometimes with « plan of action »

❖ « Self-sufficient » texts

- contain concrete and detailed rules
- usually relate to specific restructuring events

Scope of texts dealing with restructuring

❖ Geographical scope

- stated in a major part of texts**
- frameworks are usually global**
- joint and self-sufficient texts usually European**

❖ Material and personal scope

- precise for texts on specific restructuring events**
- any operations usually covered for global texts**
- distinction between level of control on companies in more recent texts**
- suppliers and subcontractors often covered with severe consequences of non-compliance**
- successor covered where business disposal**
- local authorities sometimes involved**

Views of the actors on form and transparency

- ❖ Missing concepts for defining nature of text concluded**
- ❖ Main challenge: collective “ownership” of the text and having it implemented everywhere**
- ❖ Dissemination considered key to implementation
But employees not always informed**
- ❖ Developing European way of thinking, managerial action and follow-up by union representatives and EWC also felt necessary**

Areas for potential action

- ❖ **Title in correspondence with typology**
- ❖ **Clear drafting: date, signature, addressees, duration, implementation mechanisms,..**
- ❖ **Information of management and employees in scope**
- ❖ **Database to collect, analyse and make information available to stakeholders**

Issues related to form and transparency

How to give

Transnational company agreements

The appropriate

❖ *Title*

❖ *Form*

❖ *Dissemination*

To ensure necessary or useful transparency?