

**European Commission
Employment, Social Affairs and Equal Opportunities DG**

Database on transnational company agreements: Contents development

**Planning meeting with the Commission
Meeting of the expert group
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Our team



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Points of departure

- ◆ Collection of “transnational company agreements” or better “texts” by the Commission services since 2005
- ◆ Various Commission reports, documenting, analysing and mapping TCAs
 - ▶ Staff working document “The role of transnational company agreements in the context of increasing international integration”, July 2008
 - ▶ Annex lists 147 “transnational texts” (as of mid-2007)
 - ▶ Restructuring Forum dedicated to TRANSNATIONAL AGREEMENTS AND TEXTS NEGOTIATED OR ADOPTED AT COMPANY LEVEL: EUROPEAN DEVELOPMENTS AND PERSPECTIVES under the French Presidency in November 2008
- ◆ Research undertaken by other EU level and international organisations
 - ▶ Eurofound project on “Codes of Conducts and international framework agreements: New forms of governance at company level” (2008)
 - ▶ Eurofound project on “European and international framework agreements: Practical experience and strategic approaches” (2009)
 - ▶ ILO research on cross-border dialogue and agreements
 - ▶ ETUI database on EWCs: compiling and analysing “substantive EWC agreements”
- ◆ Expert group on TCAs initiated and coordinated by the EU Commission with two meetings since May 2009

What we know

- ◆ *IFAs, EFAs, TFAs, TCAs etc.* – significant variety and unclear definitions
- ◆ Transnational Company Agreements – definition of EU Commission:
 - ▶ ‘transnational company agreement’ means an agreement comprising reciprocal commitments the scope of which extends to the territory of several States and which has been concluded by one or more representatives of a company or a group of companies on the one hand, and one or more workers’ organisations on the other hand, and which covers working and employment conditions and/or relations between employers and workers or their representatives.” (EU Commission 2008)
- ◆ Transnational texts are described as:
 - ▶ (...) companies and workers’ representatives have begun agreeing texts in various forms, drawn up jointly for application in more than one Member State. (EU Commission 2008)
- ◆ Figures - documented TCAs and texts
 - ▶ Eurofound research (as of 2008) has identified and documented 68 IFAs and 73 EFAs, i.e. 141 TFAs
 - ▶ Commission 2008 documents 147 transnational texts (until first half of 2007)
 - ▶ Since then more than 40 new texts have been concluded according to the EU Commission
 - ▶ ETUI EWC Database lists 67 “substantive agreements” negotiated by EWCs

Database - overall objectives

- ◆ General purpose:
 - ▶ “Collect, analyse and make available information concerning transnational company agreements via the website of the European Commission's DG for Employment, Social Affairs and Equal Opportunities. The information should be made available to the European institutions, to the European social partners and to company actors, to use both as a monitoring tool and as a case management tool.”
- ◆ Specific tasks to be carried out:
 - ▶ Data collection on transnational company agreements (TCAs)
 - ◆ Compile texts already available to the public
 - ◆ Documentation of relevant studies, publications, research
 - ◆ Identifying and exploring sources of potential information on TCAs
 - ◆ Description/documentation of methods and ways used to collect TCAs
 - ▶ Analysis of data on TCAs and the companies in which they are concluded
 - ◆ **Company:** Sector, membership in EU associations, sectoral social dialogue committee concerned, headquarter country, number of employees EEA/global
 - ◆ **Text:** title, data, geographical scope, main field, secondary fields, name and nature of signatory parties, brief content description, status of text, applicable law, relation to subcontractors, provision on dissemination, provision on implementation, provisions on monitoring, provisions on dispute resolution, duration and review
 - ▶ Input of data and dissemination of information concerning transnational company agreements
 - ◆ Input the data collected on the DG's website
 - ◆ Support the promotion of the database on TCAs

Our approach: Data collection

- ◆ In addition to collecting and compiling existing texts, we need to be a process of validation against the definition of “transnational company agreement” in the project proposal. For example the Generali “agreement” listed is a company document that has been discussed at their EWC but has not been agreed or signed – this is not because the employee representatives do not support it – but because the company prefers a “statement” rather than an “agreement”. It should be noted that although the key challenge of the project is to collect “new” texts, a more robust examination of some existing texts against specific criteria will result in the elimination of some currently “identified agreements”.
- ◆ The extension of the search into CSR related texts is likely to be fruitful – particularly in identifying existing US and/or Japanese texts. It may also be useful to explore in more detail organisations working in the areas of training and development where lifelong learning agreements may not have been uncovered.
- ◆ A major area of added value will be in the use of less formal networks to identify “new” texts” and will rely heavily on the strength of informal networks in companies, trade unions, employers’ organisations, academia and NGOs active in the area of CSR and labour standards.
- ◆ The tracking of “routes and sources” will not only provide invaluable guidance for keeping data up to date in the future, but will also be informative as to why texts remain uncovered. We suspect that “trust” will be a very important element in both finding new texts and assuring that they may be put into the public domain.

Our approach: Analysis of texts

- ◆ The indicators/aspects defined by the EU Commission for the contents analysis contains the essential key categories however the input of the terms of the text into these categories is not a simple administrative task. The work involves transposing very variable text forms and contents into a consistent format. Both the design of the database and the data input will be crucial and rely on considerable expertise of working with employee relations related agreements.
- ◆ The design of the “content” section will be important to those seeking to interrogate the texts. Of clear interest is the application of ILO core labour standards and the reference point used (e.g. the ILO Declaration on Fundamental Principles and Rights at Work, Global Compact, the standards themselves or a company’s own definitions). Also interesting is the inclusion of other issues related to working hours, fair wages, health and safety, restructuring, training and lifelong learning etc.
- ◆ The applicability of the agreements to “subcontractors” should probably be increased to cover the notion of the “value chain” which may go beyond the first subcontractor (particularly in global agreements) and may also incorporate distribution channels.

Our approach: Data input and dissemination

- ◆ Clearly there are critical technical IT requirements that have to work effectively – particularly if the database is to be user interactive. These skills will be important.
- ◆ In addition to the identification of potential users to maximise access to the database, key features will be site design, the usefulness of content to users and reliability. These features will be important if new agreements are to be identified and reported.
- ◆ A facility on-line that allows the signalling of “new agreements” by members of the user population would be a very useful addition.
- ◆ Tasks under this heading will be implemented by the PlanetLabour IT team in cooperation with the EU Commission services
- ◆ Network of correspondents covering the whole EU-27 will be able to identify potential target groups and institutional actors in the context of disseminating results

Project Timeline

