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?*