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?