

TRANSNATIONAL COMPANY AGREEMENTS

Dialogue, rights, anticipating corporate restructuring, actors: A new perspective

13th & 14th November 2008

Lyon Convention Center - France

PROGRAMME

WORK LANGUAGES : French, English, Deutch, Spanish, Italian

THURSDAY 13 NOVEMBER 2008

09.00 - 10.00 am Coffee reception

10.00 am Opening speeches

Jean-Denis Combrexelle – Director general for Labour, Ministry of Labour,
Industrial relations, family and solidarity

Nikolaus Van der Pas - European Commission, Director-General Employment,
Social Affairs and Equal Opportunities

SESSION 1

10.30 - 12.00 **Transnational social dialogue: state of play**

What do we understand by "Transnational Company Agreements"? This first session will provide an opportunity to review the development of initiatives at this level. The presentations will be based on research and analyses carried out, identifying the companies concerned, the issues discussed, the actors involved, and the signatory parties. The challenges involved in defining and formulating typologies are emerging from these studies. The discussion will be dedicated to transnational company agreements. European Work Councils (EWCs) and the revision of EWC directive are not issues covered by this conference.

In order to understand the dynamics at play in their integrity, the presentations will consider both the European and the International Framework Agreements, which cover a wider area.

This session is dedicated to information about this growing trend. It will also provide an opportunity to define the scope and the issues covered by the conference.

Moderator

Jean-Denis Combrexelle - Director general for Labour, Ministry of Labour, Industrial relations, family and solidarity

Présentations

Elodie Béthoux - IDHE- ENS Cachan

et Isabelle Daugareilh - COMPTRASEC - University Bordeaux IV

Konstantinos Papadakis - Social Dialogue, Labour Law and Labour Administration Branch
- ILO



Discussion

Isabelle Shoemann - ETUI-REHS

Nurhan Süral -Middle East Technical University, Ankara, Turkey

12.00 - 12.15

Presentation of the Commission's document

*"The role of transnational company agreements
in the context of increasing international integration"*

Moderator

Evelyne Pichot - European Commission, Labour Law Unit, DG Employment, Social Affairs
and Equal Opportunities

12.15 Cocktail buffet

1.45 - 3.45 pm

SESSION 2

Forum on restructuring

Anticipating change and restructuring in transnational agreements

While agreements concluded by some transnational groups, operating on a worldwide scale usually relate to fundamental rights or different aspects of company social responsibility, European agreements are often aimed at anticipating change and providing support for employees in the process of company restructuring. This analysis applies to half of the European agreements.

Three different approaches can be identified: in some cases, when there is no specific restructuring plan in place, these agreements cater for a forward planning for jobs and skills at European level ; in other cases, they establish methods and procedures to be followed in order to promote the management of change; finally in other cases, they relate to specific restructuring operations envisaged.

The aim of this "Restructuring Forum", which is an integral part of the conference, is to analyse these emerging mechanisms for partnership and anticipation of change, the approaches adopted by the groups using these instruments, the views of the actors on the added value and the results achieved, the difficulties encountered in the implementation process, and the role of these mechanisms have among all the measures taken at different levels when restructuring process are planned and assistance is provided to employees.

Moderateur-rapporteur

Mark Carley - SPIRE Associates, London

Presentations

Udo Rehfeldt - Institute of Economic and Social Studies - Noisy-le-Grand



Companies

Ford: Steve Evison - Human Resources Director, Ford Europe(tbc) and an employee representative (tbc)

Schneider: Danielle Nguyen - Europe Labour relations VP and Bart Samyn, Deputy General Secretary – European Metalworkers Federation

Discussion

Marie-Ange Moreau – Professor – European University Institute - Florence

Questions

3.45 pm - 4.00 pm Break

4.00 - 6.00 pm

SESSION 3

Transnational company agreements

The nature and effects of transnational company agreements:

Legal issues, questions relating to implementation

While transnational company agreements arouse increasing interest and are opening space for innovation, issues and questions that have always existed in industrial relations still have to be dealt with : the scope of these agreements, their legal status, their effects, their negotiation and implementation, potential arbitration mechanisms, the representativeness of the signatory parties, etc. Beyond the effects these agreements may produce in certain national systems, a specific framework for this transnational space, which strengthens the actions of labour and management at this level and guarantees the validity and effects of their initiatives, still has to be established.

The dynamics between transnational companies, company unions and their sectoral federations must be enhanced. Their initiatives have impacts on principles, practices and social norms - all areas in which hard law and soft law converge into new forms of regulation. The experience of transnational actors also gives rise to new questions on the role of law in international social regulation, the roles of the players and of the international institutions concerned. Finally, this experience further corroborates the idea that some questions can no longer be settled at national level, and that the experiences at European level – in a shared context – also provide an opportunity for progress in setting up mechanisms for dealing with these problems, at this strategic level, including legitimate actors.

Moderator

André Sobczak - Director of the Centre for Global Responsibility, Audencia – Nantes



Presentations

Sylvaine Laulom - Lecturer, University of St-Etienne
Fernando Valdes dal-Re - Professor, Complutense University – Madrid

Experience

Per Karlberg - Assistant General Secretary, Head of Policy Department Finansförbundet
Harald Wiedenhofer - General Secretary of EFFAT / European Federation of Food, Agriculture and Tourism Trade Unions
Muriel Morin - Social Relations Manager - GDF-Suez
Stéphane Gannac - Head of social relations - Dexia
Holger Kimmes - Human Resources General Motors Europe (tbc)

Réaction

Jean de Munck - Professor – Université Catholique de Louvain

Questions

6.30 pm Cocktail and Gala dinner

FRIDAY 14 NOVEMBER 2008

8.30 - 9.00 am Coffee reception

9.00 - 11.00 am

SESSION 4

What relations do exist between levels and between those involved in social dialogue, and how do they interact?

Are the actors of the social dialogue different at different levels? In any event, they are all interested in the debate on the emergence of a transnational social dialogue. Do discussions in transnational companies reflect and influence discussions within the sectoral social dialogue committees? How are transnational agreements disseminated and put into practice within the companies concerned and, beyond this level, in their subsidiaries or by their subcontractors? What effects do they have at these levels? How are initiatives taken, how roles are shared with EWC reps? What is the interplay between “European” and “international” agreements? Does the emergence of a transnational level of social negotiation impact on the national systems of industrial relations? Does the content of these agreements help to spread national and European social norms beyond Europe, and if so, to what extent?

The conference will present a first study on these questions. This field, which is vast and varied, will be better known in the next few years. The conference will therefore come to an end on open questions, which will be based on the input from experiences made by the key actors.



Moderator

Jean-Paul Tricart - Head of Unit Social Dialogue, European Commission, DG Employment, Social Affairs and Equal Opportunities

Presentations

Evelyne Leonard - Professor, Université Catholique de Louvain

Christian Welz - Research Manager, European Foundation for the Improvement of Living and Working Conditions

Experience

Bart Samyn - Deputy General Secretary, European Metalworkers Federation

Simon Marsh - Chemical Industries Association, UK, Director of Communications and Employment Relations

Bernard Caron - Industrial Relations Director, EDF

Javier Chercoles - Head for Corporate social responsibility at Inditex

Dwight Justice - International Confederation of Free Trade Unions

Discussion

Ulrich Mückenberger - Professor, University of Hamburg

Questions

11.00 - 11.15 am Break

11.15 - 12.45

SESSION 5

Ministerial closing session

This session will provide the institutional players – representatives of governments, of the Commission and European Parliament, of management and labour at European level - with an opportunity to express their ideas. Mr X. Bertrand will conclude the conference in the name of the Presidency of the Council.

Representative of the European Parliament (tbc)

Petr Simerka, State Secretary, Deputy Minister, Ministry for Labour, Czech Republic

Armindo Silva - Head of Unit "Labour Law", DG Employment, Social Affairs, Equal Opportunities, European Commission and acting director of "Social Dialogue, Social Rights, Working conditions, Adaptation to change"

Walter Cerfedda, European Trade Union Confederation

Emmanuel Jahan, CEEP

Michael Stein, BusinessEurope





Gilles de Robien, Delegate of French government at the Governing Body of the International Labour Office (ILO), Ambassador in charge of the promotion of social cohesion

1.00 pm Cocktail buffet



With the support of the European Union