Transnational social dialogue at the sector and the company level *

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Summary:
Despite the development of transnational social dialogue at the sector and the company level, only few researches have been lead on the links between both levels. This article highlights the existing and potential links between transnational company agreements with a global or a European scope and the texts negotiated in the Framework of the European sectoral social dialogue. After a short presentation of both forms of transnational social dialogue, it analyzes the links regarding the actors, the subjects and the implementation procedures. The links are far from corresponding to a systematic and formalized articulation organized by the public authorities, as it is the case in some national systems of social dialogue. They illustrate, however, a progressive construction of a system of transnational industrial relations.

* This paper summarizes the main findings of research conducted between July 2008 and January 2009 for the French Ministry of Labour (DARES) on transnational social dialogue.
Transnational social dialogue at the sector and the company level

Over the last twenty years, there is a strong development of transnational social dialogue, in particular at the company (European Commission, 2008a; Schoemann & al., 2008) and the sector level (Pochet & al., 2009). This development illustrates the increasingly transnational activities of companies as well as the willingness of some actors to establish a form of social regulation for these activities. The phenomenon is mainly European, but not exclusively, as some companies have negotiated transnational agreements at a global scale.

The development of transnational social dialogue at both levels raises the question of their links. This is even more important since the experiences of transnational social dialogue at the company level do not benefit from a clear legal and institutional framework (Sobczak, 2007). Even if only few researches have been conducted on these links, their analysis represents a crucial interest for all involved actors. Creating links between the two levels of transnational social dialogue, favouring synergies and thinking about how to share the role of each level, would reinforce the efficiency of social dialogue at both levels. At the national level, the links between the different levels of social dialogue are of high importance and are continuously observed and discussed, and in many cases regulated by the public authorities.

This article aims at filling the existing research gap and at contributing to explore the existing and potential links between the transnational social dialogue at the sector and the company level, the first being almost exclusively limited to the European Union, whereas the second having in many cases a more international dimension. It is based on an exploratory research conducted for the French ministry of labour in the framework of the French presidency of the European Union between July 2008 and January 2009. The research has included an analysis of the existing texts and agreements at both levels, as well as about 15 interviews with experts and actors involved in transnational social dialogue. It highlights that despite the current lack of research in the field, there are links between the transnational social dialogue at the sector and the company level and they tend to be reinforced, opening new opportunities. These links cover the actors involved in both forms of transnational social dialogue, the subjects discussed and the implementation procedures.

In a first section, the article establishes a state of the art of both levels of transnational social dialogue. In a second section, it analyzes the links that may currently be observed between

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1 Several agreements have also been negotiated by the European social partners at the cross-sectoral level (Mias, 2004).
them. Finally, in the conclusion, the article discusses some ideas for future perspectives that may even reinforce the existing links.

1. The development of two levels of transnational social dialogue
Before analyzing the links between the two levels of transnational social dialogue, it seems necessary to present the main characters of each of the two levels.

1.1. Transnational social dialogue at the company level
Having appeared at the end of the 1980s, transnational company agreements have known an important development since 2000. In a working document published in 2008, the European Commission counts 147 agreements negotiated within 89 companies (European Commission, 2008a). Among these texts, 76 have a scope of application limited to the subsidiaries within the European Union, whereas 59 cover the whole world and 12 contain some provisions with a European scope of application and other with a global one. The European Commission itself considers that these numbers are probably underestimated, since some transnational company agreements, in particular those with a European scope of application, are not publicized by the social partners that have negotiated them.

It is possible to question the distinction between those agreements that have a European scope of application and those having a global one. Indeed, even for the text with a European scope, no legal or institutional framework exists, a part from the specific ones aiming at creating a European Works Council\(^2\) or defining the place of the workers within the European company statute\(^3\) that will not be covered by the present article. More importantly, even the agreements having a global scope of application are mainly negotiated within companies having their seat in the European Union. Without any doubt, there are thus certain common features between both kinds of transnational company agreements. Nevertheless, there are also some important differences between both categories, in particular regarding to the actors involved and the subjects covered, justifying thus their separate analysis.

\(^2\) Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees

\(^3\) Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees
There are currently about 60 transnational company agreements having a global scope of application, often labelled as international framework agreements (Sobczak, 2007; Hammer, 2008). The exact number differs slightly according to the researches in this field, since the scope of application is not always precise in the texts, creating sometimes a certain confusion with the agreements having a European scope. The great majority of these agreements are signed by companies having their seats in the European Union, in particular in Germany and France (Papadakis, 2008; Schoemann & al., 2008; Sobczak, 2006).

Given the lack of a legal framework for transnational company agreements, many questions are raised on the legitimacy of the actors negotiating these texts. In practice (Sobczak, 2008), they are negotiated and signed on the one hand by the managers of the headquarters of the company, and on the other hand by one or several global union federations, in more and more cases supported by the European Works Council and/or national unions in the country of the headquarters. None of these actors has been conferred a right to conclude transnational company agreements by national, European or international labour law.

The content of transnational company agreements with a global scope differs largely from one text to another, even if all existing texts have been negotiated by a limited number of global union federations and if two of them have defined model agreements as a basis for negotiating a new agreement with a company\(^4\). Almost all agreements contain the commitment of the management to respect the fundamental rights at work\(^5\) by referring explicitly to the relevant conventions of the International Labour Organization or to its Declaration on Fundamental Principles and Rights at Work. Some agreements go further and contain also provisions on working and employment conditions, such as the protection of health and security, the respect of national standards regarding wages and working time, the development of training, and less frequently social measures in the case of restructuring. Finally, some transnational company agreements, in particular the most recent ones, refer to the area of corporate social responsibility going thus beyond the traditional scope of labour law by including subjects such as the protection of the environment, the involvement in the local community, the prevention of AIDS or the fight against corruption. They contribute thus to link the social, environmental and economic dimensions of companies’ activities (European Commission, 2008a & b; Papadakis, 2008; Schoemann & al., 2008).

\(^4\) International Metalworkers’ Federation (IMF) and Building and Wood Workers’ International (BWI).

\(^5\) Prohibition of child labour, forced labour of discriminations and freedom of association.
Company agreements with a European scope

Other transnational company agreements have a scope of application limited to the European Union. According to the working document of the European Commission, these agreements are even more developed (76) than those having a global scope (59). Even if the legal status of both categories of texts is the same, each one presents certain specificities regarding the actors involved and the subjects discussed.

Unsurprisingly, the vast majority of transnational agreements having a European scope of application are negotiated within companies whose seat is located in one of the member States of the European Union, France covering 34% of these agreements and 39% of the companies having signed them (European Commission, 2008b). Curiously, nevertheless, there are also some companies having their seat in the USA that have been particularly active in negotiating such agreements whereas only one US company has signed a transnational agreement with a global scope. This situation may be explained by the fact that the directive on the European Works Council applies also to US companies having a sufficient number of workers within the European Union having made it thus mandatory for these companies to start some form of transnational social dialogue and favouring so the conclusion of agreements in other fields.

As the agreements with a global scope, transnational company agreements with a European scope are signed by the managers of the companies’ headquarters. According to the European Commission (2008a), only 6 out of the 89 having signed one or more agreements have signed both a European and a global agreement. Concerning the sectors represented, it is possible to highlight, as for the agreements with a global scope, the predominance of the metalworkers sector. However, it is interesting to notice that within certain sectors, the companies are much more involved in the transnational social dialogue at European level than at the international level. This is in particular the case for companies in the financial sector that have negotiated only very few global agreements, but that are very active in negotiating European agreements.

To a certain extent, this is also true for the companies in the food sector.

As to the workers’ representatives, it is possible to identify the same categories of actors for the agreements with a European scope than those involved in negotiating agreements with a global scope, even if the European union federations take the place of the global unions. A major difference exist however on the respective weight of each of these actors. Whereas

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6 Article 4 of directive 94/45/CE
global union federations sign all transnational company agreements with a global scope, the European union federations only sign about one forth of the company agreements with a European scope. The most active actors at this level are the European Works Councils. 77% of the agreements with a European scope are signed by a European Works Council. In 75% of these cases, the European Works Council is the only workers’ representative, and in 23% it co-signs together with a European or a global union federation. The remaining 2% are co-signed by the European Works Council and national unions.

The legal and institutional framework may explain this difference. At the global level, no workers’ representation exists at the company level. The only possibility for those companies that want to establish a transnational social dialogue is thus to negotiate with the global union federations organized at the sector level. At the European level, on the contrary, the European Works Council offers a framework for transnational social dialogue at the company level, even if its role is formally limited to information and consultation and if its legitimacy may be discussed in the field of collective bargaining. It seems thus a normal evolution that managers that want to conclude agreements start negotiations with this transnational actor.

The subjects covered by transnational company agreements with a European scope differ to a certain extent from those covered by global agreements. The European agreements tend to deal with more specific subjects. Restructuring is the subject that is the most represented within European agreements, the aim being both to prevent job losses and to develop social measures for those whose contracts are terminated (Papadakis, 2008). Some agreements also deal with life-long training to reinforce the workers’ employability. Another subject covered is the one of social dialogue or information and consultation procedures. Other transnational agreements with a European scope deal with similar subjects as the ones with a global scope, such as health and safety, corporate social responsibility, relations with subcontractors or equal opportunities. Finally, some agreements with a European scope cover technical issues, such as data protection of financial participation.

1.2. European social dialogue at the sector level

Contrary to transnational company agreements that may have a European or a global scope of application, the transnational social dialogue at the sector level remains almost exclusively limited to the territory of the European Union. The maritime sector is the only example of the negotiation of an international sectoral agreement (Lillie, 2008).

Within the European Union, the transnational social dialogue at the sector level benefits from a clear legal and institutional framework. Articles 138 and 139 of the EC Treaty recognize the
importance of the European social dialogue at the cross-sectoral and the sectoral level and offer a legal status to the texts that may be negotiated in these arenas. The social partners meet within the committees of European social sectoral dialogue whose legal regime is defined by the Commission’s decision of May 20th, 1998 (Dufresne & al., 2006).

Today, 36 sectoral committees have been recognized and some further ones are waiting for a formal recognition. The integration of these committees is subordinated to the respect of three criteria defined by the European Commission and linked to the representativeness. The actors have to “consist of organizations which are themselves an integral and recognized part of Member States' social partner structures and have the capacity to negotiate agreements, and which are representative of several Member States; and they shall have adequate structures to ensure their effective participation in the work of the committees” (Decision of the European Commission of 20 May 1998).

On the side of the workers, the members of the social dialogue committees are the European union federations that are affiliated to the European Trade Union Confederation. On the side of the employers, however, the members are not affiliated to Business Europe. In many cases, the union federations are members of several sectoral social dialogue committees, whereas on the employers’ side there is a fragmentation of the members of the different committees.

As to the subjects covered by the sectoral social dialogue committees, the social partners have to deal with a twofold subsidiarity principle. Horizontally, the European social partners have to take into account the political agenda of the institutions of the European Union (Pochet, 2006). Vertically, they have to insure that the subjects are relevant for all or at least parts of their national members, without limiting the autonomy of the latter. Thus, even if the scope of European sectoral social dialogue is potentially very large, it is in reality limited by the action of the public authorities and the national social partners.

The analysis of the contents of the texts adopted within the European sectoral social dialogue committees shows that a first group of texts has a direct link with the policies of the European Union, be it in the field of social, industrial or economic policies, or concern the enlargement process. Many texts also deal with the organization of social dialogue at a transnational level. Finally, the European sectoral social dialogue also covers subjects that are traditionally dealt with in industrial relations, such as health and safety, working and employment conditions.

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7 The list of sectoral social dialogue committees may be downloaded on the European Commission’s website: http://ec.europa.eu/social/main.jsp?catId=480&langId=fr
working time, training, or more recently issues like corporate social responsibility, sustainable
development or diversity (Pochet & al., 2009).

2. The links between the two levels of transnational social dialogue

Until now, academic research has only paid little attention to the links between the different
levels of transnational social dialogue. The development of transnational social dialogue has
lead to an increasing number of publications, be it in law, management or sociology. These
publications deal with the current or potential contribution of transnational social dialogue to
social regulation in the era of globalization (Béthoux, 2006; Jobert, 2008; Moreau, 2006), the
need for a legal framework at the European or global level (Ales & al., 2006; Bourque, 2005;
Sobczak, 2007), or the links between the transnational social dialogue and the social dialogue
at the national, régional or local level (Marginson & Sisson, 2004). Other publications analyze
the impact of experiences of transnational social dialogue on industrial relations and working
conditions. Most of these researches, however, focus on one particular level of transnational
social dialogue, without adopting a global or comparative perspective or trying to question the
existing or potential links between the different levels.

These links may be envisaged in two different ways:

- A first scenario is based on the complementary role of both levels of transnational social
dialogue. In this perspective, transnational company agreements and texts negotiated in
the framework of the European sectoral social dialogue committees illustrate the slow
emergence of a transnational system of industrial relations, taking example on the systems
existing in certain nation States. In this scenario, the role and the missions of each level of
social dialogue would have to be clearly defined.

- The second scenario is based on the competition between both levels of transnational
social dialogue. In this perspective, transnational company agreements simply illustrate
the tendency to a more decentralized social dialogue that may also be observed at the
national level (Ferner & Hyman, 1998). However, decentralization does not mean that the
sectoral level has abandoned any kind of co-ordination (Traxler, 1995 & 2003).

When comparing both levels of transnational social dialogue, a first difference appears as to
the legal and institutional framework. To the lack of a legal framework at the company level
corresponds a clearly established institutional framework at the sectoral level. At the sectoral
level, the European sectoral social dialogue committees strongly supported by the European
Commission offer a clear structure and rules of functioning to the social partners whose
legitimacy is recognized through norms defining their representativeness. The texts adopted
within these committees fit into a typology established by the European Commission and may benefit from their support in the implementation process. On the contrary, the development of transnational company agreements takes place without any specific legal framework. Beyond this first difference, a more in-depth comparison allows to identify some similarities and links between both levels of transnational social dialogue, regarding the actors involved, the subjects covered and the implementation procedures.

2.1. Actors

Creating links between transnational company agreements and the European sectoral social dialogue might be difficult insofar as workers’ and employers’ representatives tend to favour different levels of transnational social dialogue. Marginson (2007) highlights that employers tend to favour the company level for developing transnational social dialogue, whereas unions give a priority to the sectoral level. This situation might lead to a parallel development of both levels without particular links, the employers’ aiming at promoting transnational company agreements and the unions trying to develop the European sectoral social dialogue. In reality, however, certain global and European union federations actively promote the development of transnational company agreements, also because they have integrated the fact that employers are reluctant to negotiate at the sectoral level. Furthermore, the development of transnational social dialogue at both levels supposes the involvement of both social partners. The analysis of the actors involved in the conclusion of transnational company agreements and of texts in the framework of the European sectoral social dialogue committees reveals indeed that certain actors are common to both levels and may thus foster links and a mutual enrichment.

This is in particular the case at the side of the workers’ representatives. The European union federations intervene both in the transnational social dialogue at the company and the sectoral level. They play a key role in the negotiation and the implementation of transnational company agreements with a global or a European scope. The European Metalworkers’ Federation (EMF) and the European Mine, Chemical and Energy Workers’ Federation (EMCEF), for example, are both members of several European sectoral social dialogue committees and have negotiated several transnational company agreements, in particular with a European scope of application.

For the EMF, the negotiation of these agreements clearly illustrates a strategy implemented since the middle of the 1990s aiming at co-ordinating social dialogue among the different European countries (Pulignano, 2009). EMF wants to avoid as much as possible any kind of competition between the countries and thus a risk of race to the bottom in terms of wages and
working conditions. Several concrete actions illustrate this strategy: creation of committees, organization of conferences, definition of common minimum standards for wages, definition of rules for co-ordinating national negotiations, creation of a network enabling the members to exchange on practices shared with the textile and chemical sector called “Eucob@n” (Pugliano, 2009). This strategy relies on the common commitment of EMF’s national members to conform to the guidelines and principles defined at the European level. Within this framework, EMF has defined in February 2006 an internal procedure for negotiating transnational company agreements. This procedure aims in particular to guarantee that the negotiation of these agreements involves the national unions but not the European Works Councils. According to the EMF, “it is in the interest of EMF and its affiliates to guarantee the total involvement in any potential negotiation process, including at the European level” (EMF, 2006:1). This procedure defines the different stages of the negotiation process, but does not deal with the content of the agreements.

Bourque (2008) underlines that such examples of transnational co-ordination by the European union federations may create some tensions with the national members. It must be highlighted that such strategies are thus rather exceptional and not developed by many European federations.

On the employers’ side, the actors involved in the transnational social dialogue at the sectoral and the company level are in principle different. The sectoral level involves the European employers’ associations that have been recognized as representatives, whereas transnational company agreements are negotiated by the managers of a particular company. In some sectors, however, the European employers’ association are represented by national members that in certain cases may be managers of companies. This is in particular the case in the postal or electricity sector in which the national representatives correspond to the big companies in these sectors. In these situations, the same persons may be involved both in the European sectoral social dialogue and the negotiation of a transnational company agreement.

The French electricity company EDF, for example, has signed a transnational company agreement with a global scale and is actively involved in the European sectoral social dialogue committee where it represents France in the committee dealing with the electricity sector. Even if the company’s representatives in both negotiation processes are not the same, they co-ordinate their activities and favour thus the links between both levels. EDF’s transnational company agreement deals with corporate social responsibility, a subject that is also discussed within the European social dialogue committee of the electricity sector. Within this committee, a common text has been adopted on corporate social responsibility in
December 2004 (EMCEF, Eurelectric & EPSU, 2004), and the subject figures since several years on the committee’s working programme (Pochet & al., 2009). In November 2006, a workshop has been organized within the framework of the committee and EDF’s representatives have shared their experiences on developing a transnational social dialogue at the company level on this subject. Nevertheless, the European employers’ association Eurelectric continues to refuse the negotiation of a sectoral agreement in this area.

2.2. Contents

The links between the transnational social dialogue at the sectoral and the company level may also be analyzed from the point of view of the subjects covered at each level. Are the subjects common to both levels and are they covered with the same degree of detail? This comparison is not easy insofar as the classifications of the subjects dealt with by transnational agreements differ and insofar as many agreements deal with several subjects. It must also be admitted that a textual analysis only covers the subjects included into a formal text and not all those that have been discussed by the social partners. Nevertheless, this exploratory analysis of the contents of the texts adopted within the transnational social dialogue show that certain subjects are specific to one level whereas others are common to both levels. Several texts adopted within the European sectoral social committees deal with subjects that are directly related to the policies of the European Union’s institutions. No transnational company agreement includes these subjects. On the contrary, some subjects are specific to transnational company agreements and figure in no, or only very few, texts adopted within the European sectoral social dialogue. This is in particular the case of fundamental social rights that figure in almost all transnational company agreements with a global scope. In a similar vein, many company agreements with a European scope cover the subject of restructuring that is almost never covered by texts at the sectoral level. The same is true for some specific subjects included in some transnational company agreements with a European scope, such as data protection or financial participation.

Beyond these specific subjects, many others are common to both levels of transnational social dialogue. This is the case for working conditions, health and security, employment, training, equal opportunities, corporate social responsibility or sustainable development that figure in transnational company agreements and in texts adopted within the European sectoral social dialogue.

The fact that these subjects are common to both levels of transnational social dialogue does not mean that there is a co-ordination between both levels, aiming for example at using the
transnational company agreements as a way to adapt a text negotiated before within the
European sectoral social dialogue, or, on the contrary, at defining a framework at the sectoral
level after several company agreements have been concluded. The situation rather reflects a
“convergence without co-ordination” that, according to Hancké (2002), leads social partners
at different levels to find similar solutions to comparable problems without any organized co-
ordination.
A more in-depth analysis of the texts negotiated at both levels of transnational social dialogue
reveals that important differences exists as to the degree of details in the contents of the texts.
In many cases, transnational company agreements are more precise than the texts negotiated
at the European sectoral level, but this is not always true, in particular if it comes to the rules
on implementation.

2.3. Implementation
The analysis of transnational company agreements and texts adopted within the European
sectoral social dialogue reveals that despite very different legal and institutional frameworks,
similar procedures are developed to insure the implementation of both categories of texts.
Within the European sectoral social dialogue, the European Commission has established a
clear classification of the different texts negotiated by the social partners, using as criteria the
implementation procedures (European Commission, 2004). A first category of texts refers to
“agreements” that impose the signatory parties an obligation to implement the text within a
certain time frame. This category corresponds to two kinds of agreements defined by Article
139 of the Treaty: agreements implemented by a Council decision, and so-called autonomous
agreements implemented by the national social partners. A second category of texts comprises
texts based on procedures, such as “framework of action”, “guidelines”, “codes of conduct” or
“political orientations” that contain recommendations for the national members in order to
insure a regular monitoring and evaluation process. The third category of texts corresponds to
“joint opinions” and “declarations” that have a role of information and contain no particular
provisions on their implementation. The forth category refers to procedural texts that establish
rules for the social dialogue between the signatory parties. Finally, the last category of texts is
composed by reports that jointly evaluate the implementation of another category of text.
Whatever be the category of the text, the members of the European sectoral social dialogue
committees have to face the risk that the text will not be implemented. On the one hand, the
European social partners only have little powers on their national members that are in charge
of implementing the transnational texts within each Member State. On the other hand, such an
implementation raises by itself various problems linked to its translation and its adaptation to
the different national contexts (Keller, 2003). Even the translation may be difficult insofar as
it is deeply linked to the internal dynamics of each country. In a similar vein, evaluating the
implementation of a text is a difficult exercise and supposes the active co-operation between
the European social partners and the national members collecting the relevant information.
Research shows that the European social partners have difficulties in evaluating to what
extent a text is implemented within the different Member States (Pochet & al., 2009). They
recognize that they lack of instruments allowing a systematic evaluation, though emphasizing
that such an evaluation is crucial to insure the credibility of the European social dialogue
(Léonard & al., 2007). In order to face these challenges, the European social partners have
developed a range of tools aiming at insuring the monitoring and the implementation of their
texts that complement the existing legal instruments. They conduct studies, establish working
groups, organize conferences, publish reports or create websites (Pochet & al. 2009).
Given the lack of a legal framework for transnational company agreements, no typology has
been established distinguishing them according to their implementation. The analysis of these
agreements reveals, however, that the signatory parties develop similar tools to those existing
at the sectoral level. Almost all transnational company agreements contain provisions on their
implementation and impose at least an annual meeting between the signatory parties in order
to evaluate the actions put into place and the results obtained. Several agreements create
dispute resolution mechanisms allowing the workers to denounce the non-respect of rights
recognized by the agreement without any involvement of a national judges. In principle, the
worker has to inform his local managers, eventually with the support of the local workers’
representatives. If the problem many not be solved at this level, it will be discussed by the
social partners at the national level, and, in case of non success, at the international level. This
kind of procedure creates an internal warning system allowing the central management to be
aware of violations of the agreements and eventually to adopt concrete measures without
involving external actors, such as NGOs, the media or national judges.
Some transnational company agreements go beyond this kind of procedures and provide for
the adaptation of the agreement to the different national contexts through the development of
national social dialogue. Such provisions may be found in the transnational agreements of the
French electricity company EDF and the French car-producer PSA Peugeot Citroën. They
remind us of the autonomous agreements defined by Article 139 for transnational agreements
adopted at the cross-sectoral or the sectoral level. They contribute to stimulate the social
dialogue at all the levels of the company and to adapt the transnational agreement to the needs
and specificities of the subsidiaries. Given the existence of hierarchical power between the managers of the company’s headquarters and those of the subsidiaries, the implementation of transnational company agreements may also lead to the establishment of specific managerial processes. For example, after consultation of the workers’ representatives, the management of EDF had defined performance indicators that the managers of each subsidiary have to report on and that enable the signatory parties to follow the agreements’ implementation.

As already mentioned for the contents of the texts, nothing indicated that the existence of similar implementation procedures at both levels of transnational social dialogue reveals a coordination between both levels. It is sure that the social partners do not see transnational company agreements as a way of implementing texts adopted within the European sectoral social dialogue. It seems rather that the similar monitoring and implementation procedures are linked to the existence of similar challenges at both levels of social dialogue, or sometimes to the involvement of the same actors at both levels.

**Conclusions**

The comparative analysis of transnational company agreements and the European sectoral social dialogue reveals certain differences, the most important being linked to the legal and institutional framework. This situation could lead to the conclusion that both levels of transnational social dialogue ignore each other. Our analysis leads, however, to the existence of certain “partial recouvrements” (Jogodzinski, 2007) and even a certain “porosité” (Daugareilh, 2008) between both levels.

The transnational social dialogue at the company and the sectoral level correspond to different strategies of the actors involved in the two arenas. The employers tend to favour the level of the company; the unions the sectoral level (Marginson, 2007). Nevertheless, some actors are involved in both levels of transnational social dialogue. On the side of workers, the European Metalworkers’ Federation develops an explicit strategy of coordination of social dialogue throughout the Member States of the European Union. Its activities correspond to a real coordination, not simply a convergence. This strategy remains however rather exceptional since the EMF is only one actor among others having less clear strategies in this field. The contents of the texts adopted at both levels of transnational social dialogue are partly common which reveals the existence of common challenges but also the involvement of certain actors in both arenas. As for the implementation the measures developed at the sectoral and the company level present many common points, even if the legal framework is very different.
To summarize, even if some actors seem to consider that both levels of transnational social dialogue are in competition, there are a certain number of links that may prefigure a situation where transnational company agreements and the texts adopted in the European sectoral social dialogue may complement each other.

References:


