Cross-border collective bargaining and transnational social dialogue

2012/2292(INI) - 12/09/2013 - Text adopted by Parliament, single reading

The European Parliament adopted by 393 votes to 84, with 19 abstentions, a resolution on cross-border collective bargaining and transnational social dialogue.

Members recall that there were 244 European transnational company agreements (TCAs) in 2012, indicating that labour relations in transnational companies in Europe are becoming increasingly integrated.

Parliament recalls that each EU Member State has its own system of industrial relations, based on different historical developments and traditions. It considers that European dialogue promotes the preservation and growth of employment, improvements in working conditions and thus greater prosperity for employees of transnational undertakings by innovative means while preserving autonomy in collective bargaining.

In this context, Parliament proposes that the Commission should consider whether an **optional European legal framework for these European TCAs would be necessary** which could abide by the following rules:

- **voluntary use for the social partners and companies and groups of companies concerned**;
- that European works councils should be fully involved in the negotiations with European trade union federations where applicable, notably since they are able to detect the need/opportunity for a TCA;
- the inclusion of the **most favourable clause and the non-regression clause** is necessary to avert the danger that a European transnational company agreement that might result in evasion of national collective agreements and national company agreements, or impair them;
- introducing alternative dispute settlement procedures.

The resolution proposes that the Commission might consider whether an optional European legal framework would be necessary and useful in order to provide greater legal security, greater transparency, and foreseeable and enforceable legal effects for agreements.

In parallel, Parliament proposes to the Commission that it recommend the social partners to take account of the following criteria in relation to European TCAs: (i) the mandating procedure, i.e. clarification of the legitimacy and representativeness of the negotiating parties between whom agreements are concluded; (ii) the place and date of conclusion of the agreement; (iii) its substantive and geographical scope; (iv) the most favourable clause and the non-regression clause; (v) the period of validity; (vi) the preconditions for denouncing the agreement and the dispute settlement procedures; (vii) the subjects covered by the agreement; and further formal requirements.

Parliament stresses that the Commission should base its consideration of an optional legal framework on voluntary use.

The resolution recalls in this context the positive experiences of cross-border partnerships between social partners, and calls on the Commission and the Member States to ensure **EU support for such partnerships in the future**.

Parliament encourages the European social partners to make full use of the possibility of EU agreements as provided by Article 155 TFEU, on a basis of full respect for their autonomy. It also calls for an enhanced role for the European social partners in shaping European policies.

Lastly, Parliament stresses the need to encourage, support and increase the representation and **participation of women** at the different levels of social dialogue and collective bargaining structures.