

IV.2. Proposals for a transnational negotiation

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Transnational bargaining is a spontaneous manifestation of collective autonomy whose aims may be included among the events for the promotion of the so called *fair globalization*, which is a responsibility not only of national States, but also of multinational companies which are called upon to identify forms of regulating the market that answer logics of contrast against the competition among legal systems, competitiveness of companies and social dumping.

Transnational bargaining has spread a lot in the last decades, even if with differing actors and contents, highlighting its natural propensity to promote, among other things, *fair* working conditions and employee management policies, meaning they are appropriate and inspired by acquired fundamental principles that go beyond the legal dimension.

In other words, the agreements/contracts signed with multinational companies are characterized by the commitment towards respecting the fundamental rights expressed by the international and European worker's rights Charters, in addition to protecting the environment and showing a willingness to overcome the implementation limits of transnational bargaining that are well known to those who study such things.

Following this logic, transnational agreements and contracts pose themselves as a tool for transparency in multinational companies, meaning to make public all commitments and most of all – when agreements/contracts with organizations (e.g. European workers' Federations) and/or workers' representation bodies (e.g. EWC) – highlight forms of solidarity and respect of rights that is more advanced and corresponds to a collective transnational interest. It is possible to note in these hypothesis that the implementation scope of contracts extends beyond the typical boundaries of the controlling signatory company, and involves and compels not only its branches but also the whole supply chain. The transnational company becomes responsible of controlling the actions of the entire supply chain, wherever this is, to achieve “sustainable development”, committing to recognizing the fundamental rights guaranteed by international and European sources and extend these wherever it operates.

An example of this kind of collective bargaining is the agreement signed by Gucci in 2009 which established the Permanent Joint Committee for supply chain policies, aimed at defining and applying in practice the strategic factors for the defense and development of the supply chain, drafted by the signatories of the agreement itself; the agreement signed by Arcelor Mittal in 2009, which established a committee to monitor the implementation in each country; the Stadler agreement of 2006, which includes a clause that compels to adopt and respect the content of the principles established in the agreement itself as a criteria for the selection of commercial partners. Among the promoted and adopted principles in the

aforementioned international framework agreement we can find the elimination of forced labor, prohibition of discrimination, elimination of child labor, effective acknowledgement of the freedom of association and the right to collective bargaining, right to decent salary, acknowledgement of appropriate work hours, health and safety in the workplaces, vocational training.

There are also cases in which the transnational agreements are signed also by European union federations. Such agreements are very important because they are the result of a trade union alliance and guarantee an appropriate level of management and handling of the issues. Among these agreements see the international Agreement for the promotion of social dialogue and diversity and for the respect of fundamental labor rights, agreed upon by Carrefour and Uni Global Union in 2012, in which Carrefour commits to requesting that its suppliers sign a “supplier charter” and implement it in the structures producing such goods. Carrefour also commits to requesting that all its new international franchisees outside of the European Union sign its “Charter on the protection of human rights” and require the same commitment from existing franchisees at the moment of negotiating the modifications to the existing agreements.

It might be a good thing to remind that also the EWC agreement present the characteristics of transnational or group agreements. Even taking in account the differences in nature and effects, we may not deny that the EWC establishment agreements, as underlined by literature, are characterized by the presence of the essential elements of transnational contracts. These contain legally binding for the parts, they are signed by workers’ representatives elected and appointed by the employees of the multinational company at a European level, are implemented in various countries and consider the right to information and consultation as instrumental for the right to participation to company management and exercising collective bargaining. The interest towards international agreements is clear even in EU institutions (in particular Commission and Parliament) in the context of searching for a European normative source of transnational collective agreements.

In conclusion, we may state that the transnational collective agreement is without a doubt a tool that strengthens social and economic cohesion and is aimed at companies and workforces that operate in European and international contexts. It offers clear advantages for the workers allowing to be aware of the details of the company they operate in, and suggesting solutions to prevent the negative aspects that often come with the transnational transformation of companies, and allows companies to make their operating modalities clear and transparent towards its employees, the supply chain and in general all those that we define as stakeholders, meaning all those subjects that are “interested” by an economic initiative.

Transparency legitimized by the signing of a European or international transnational collective contract not only guarantees the rights of workers beyond the rigid barriers of

national borders, but also has an undeniable return in terms of reputation for the company. This good reputation is nowadays a primary good that may be expended on the market since it is aimed at the final customer, which is always more and more aware of correct behaviors on behalf of the company. In other words, signing a transnational collective contract starts a virtuous circle, which is also the object of the evaluation that we wish to perform through the present project.