

## CALL FOR EXPERTS

This is a call for experts to assist the ETUC in the implementation of the project Vs/2014/0371: **"Building an enabling environment for voluntary and autonomous negotiations at transnational level between trade unions and multinational companies"**

In order to ensure a large visibility, the ETUC will publish this call for experts on its website on Friday 30 January 2015 and keeps it online for 21 calendar days. **Deadline for applications is on Friday 20 February 2015.**

### I. Background and objectives of the project

#### Background

The ETUC is selecting 6 experts in European Labour law and collective bargaining with the aim of receiving support to further elaborate around legal aspects of Transnational Company Agreements and transnational negotiations with multinational companies.

Transnational negotiations with multinational companies are marking a trend of Europeanization of industrial relations. At the moment, about 250 agreements have been registered by the database of the European Commission on TCA: this form of collective bargaining is showing the capacity of social partners to explore new patterns of industrial relations to answer to the actual needs of companies and their employees. Moreover, it is seen by the EU institutions as a way to enhance social dialogue at European level.

The recent project "Enhancing trade unions in negotiations with transnational companies and implementing EFA" showed progresses made by ETUFs, in certain sectors, to establish procedures to negotiate and implement TCAs. Such procedures have been considered helpful also on the management side of some multinational companies. It is because ETUF procedures enable faster negotiations with a single transnational-sized counterpart.

The ETUC also presented the Report Toward an Optional Legal Framework for TCAs in which a path toward an optional legal framework was set forth. This proposal has been well received by the trade union movement and gathered interest of some multinational companies. The report was appreciated because it preserves voluntariness and offers greater certainties around processes and effects of TCAs without introducing boundaries to the legitimate and variegated ambitions of the bargaining agents. Download <http://collective.etuc.org/node/80>)

Now, with the new project **“Building an Enabling Environment for Voluntary and Autonomous Negotiations at Transnational Level between Trade Unions and Multinational Companies”** the ETUC wants to bring to a greater extent the aforementioned results and to make another step forward in enhancing an enabling environment to encourage the voluntary decision of multinational companies and super-national trade unions to engage negotiations for establishing a TCA.

### **Project Objectives**

For these reasons and on the basis of the conviction that Transnational Agreements can bring to a fair development of the EU single market while preserving social cohesion, ETUC has engaged to set preconditions for their further development.

On one hand ETUC means to facilitate the exchange of best practices about negotiation and management of TCAs at European and global level, among the bargaining agents of both sides, as well as to invest in social dialogue to support those who wish to engage in transnational negotiations.

On the other hand, it wants to feed an academic debate to deeply investigate certain aspects of transnational negotiations and implementation of TCAs, notably about the removal of uncertainties connected to the cross-border dimension of negotiations.

All of these actions will also be supported, in parallel, by the further defining and dissemination of the Proposal for an Optional Legal Framework for TCAs at European level, which needs to gather a larger consensus in the academic and research domain. Its last goal is to provide for more solid basis for EU initiatives in terms of policies or legislative acts promoting transnational agreements.

In short, the specific objectives of the project are:

1. Capacity building:  
spreading best practices of TCAs’ negotiation and management among bargaining agents;
2. Building an enabling environment:  
remove uncertainties related to the cross-border dimension of negotiations;
3. Consensus building:  
investing in social dialogue to support those who wish to engage in this form of bargaining and to foster a greater involvement of employers’ representatives and multinational companies management;
4. Feed an academic debate in order to get a further definition and dissemination of a Proposal of an Optional Legal Framework on TCAs at European level.

## **II. Tasks to be performed by the experts**

### **Description of tasks**

Starting from the issues left open in the Report Towards an Optional Legal Framework for TCAs - in addition to a further dissemination of that report itself - the experts will therefore carry out further investigation that will feed a new ETUC report.

The experts will support the ETUC in exploring the removal of uncertainties related to negotiations and implementation of TCAs both in a European and a global dimension. In particular, the analysis of legal aspects of TCAs will be mainly focused on to the following domains:

- An in-depth assessment of the legal basis for an Optional Legal Framework for transnational negotiations with multinational companies, in the light of the novelties introduced by the Lisbon Treaty;
- TCAs' compatibility with current policies and rules of EU internal market;
- Link with the implementation of Fundamental Rights of the EU, especially when promoting access to collective bargaining and right of association;
- Mutual influence of European and international legal sources to regulate transnational contractual arrangements, notably for the internationalisation and uniform application of social standards.

In addition, the experts will also commit to participate in two workshops organised by the ETUC between June and December 2015.

The experts will be part of a group of 6 experts coordinated by the ETUC Secretariat.

Tasks and activities to be performed:

- March 2015: preparatory meeting of the experts' group
- June 2015: First Workshop "Dissemination of the Report Toward an Optional Legal Framework for TCAs"
- July – October 2015: Drafting of the individual papers
- November 2015: Second Workshop "Enhancing the debate on the legal aspects of the TCAs in a global environment and under the international law".

### **Contents of the reports to be delivered**

Each of the 6 experts will prepare an individual working paper - no longer than 5 pages and then will result in a unique report coordinated and edited by the ETUC Secretariat.

The specific topic on which the experts will be asked to elaborate will be decided together with the ETUC, within the scope of investigation defined in this call, during a specific preparation meeting convened by the ETUC within 20 days following the publication of the results of this experts' selection procedure.

## **III. Expertise and skills required**

Sound expertise is required on the following issues:

- Academic or equivalent knowledge of industrial relations systems, social dialogue and collective bargaining at national, EU and International level.

Skills required:

- Advanced research capacities of analysis in the field of European labour law and collective bargaining practices in Europe. Knowledge of International Private Law will also be considered as an asset;
- Advanced skills in working in transnational research groups;
- Proficiency in written and oral English or French;
- Proven research and presentation skills;
- Ability to work within specified deadlines and to respect budgetary limits.

## **IV. Time schedule, reporting and methodology**

The experts will be asked to work in the period between 01/03/2015 to 31/12/2015. The experts will be responsible for submitting the deliverables foreseen in the project methodology within the above time frame.

During the preparatory phase, a legal analysis will be assigned to a transnational group of six academic experts that will be chosen individually on the basis of the criteria later mentioned in this text. The best applications will be decided on the basis of the qualification of each single expert, their experience in the field of industrial relations at European level, their proved knowledge of legal aspects of collective bargaining at European and International level.

These experts will carry out the work, according to the instructions provided by the Steering Committee of the project and under the supervision of the ETUC secretariat for Wage Policies and Collective Bargaining.

The team of academic experts will have the chance to meet twice during the preparatory stage to organize their work, exchange views and share intermediate results of their evaluation. The two Legal Experts Workshops are scheduled approximately between March and December 2015.

Each academic expert shall draft an individual working paper – in English (the official working language of the academic group) of 5 pages – including analyses of the legal aspects and effects of negotiations and implementation of TCAs in global and European dimensions, notably regarding the four research domains mentioned above.

The academic experts will have eight (8) months to elaborate on and carry out a draft document of their individual working papers. During the eight months, if they consider it necessary, the academic team can submit a request of an extra meeting to be held in Brussels at the presence of the ETUC secretariat, the steering Committee and the ETUFs concerned.

Consequently, after the 2<sup>nd</sup> Legal Experts Workshop, the academic experts' team will have one month to provide a final version of their works and all of the six working papers shall result in a unique final Study Report. It will be available into English, French and German.

Additional materials and comments produced by the group of experts may be annexed to the final document in English.

ETUC will support the work of the team of experts facilitating access to documents and direct contact with political leaders, ETUC's and ETUFs' representatives as well as company managers showing available to be involved in the implementation of the project itself.

The academic team will be convened for the first time in Brussels in March 2015, within 20 days following the publication of the results of this experts' selection procedure. During the meeting they will receive more precise instructions from the ETUC, the ETUFs concerned and the Project Steering Committee on objectives and expected results of their work. They will also go through a first exchange of views on the main topics raised above.

## V. Payment

The total maximum budget available for covering the fees of each of the 6 experts is as follows:

Contract with ETUC (March 2015)		
Foreseen Activities and Meeting		
Steering Committee Meeting #1 - (March/April 2015) Legal Experts Workshop #1 - (June/July 2015) Legal Experts Workshop #2 - (November 2015) Final Study research Report (December 2015)		
Number of Working Days for each Expert	Daily Cost	Total Cost for each Expert
6	700,00 EUR	4.200,00 EUR (all taxes included)

This budget does not include the travel and subsistence costs of the experts for attending the different project events. These costs will be covered separately by the ETUC.

For more precise information on the approximate timing of the above-mentioned events, please refer to the indicative calendar of activities attached.

The experts will receive an advance payment and a final payment will be effected upon receipt and validation by the ETUC of the final product.

## VI. Contents of applications and selection Criteria

The applications shall be individual and shall include a motivation letter (maximum 2 pages) as well as a detailed CV (including a list of publications). These documents shall allow ETUC to examine the applications against the following criteria:

Ability to work in a transnational environment;

Evidence of extensive experience in conducting analyses and drafting reports on the theme of industrial relations and collective bargaining;

Proven track record of ensuring the quality of written materials prepared, both in terms of content and format (i.e. previous publications) in English and/or French;

Expert knowledge of EU labour law, industrial relations systems and collective bargaining at European and International level, and international private law;

Respect of the time and budgetary constraints referred to in point IV and V of this call.

## VII. Award Criteria

The contracts will be awarded to the experts whose profile corresponds best to the specific objectives, requirements and selection criteria of this call. The principles of transparency and equal treatment will be respected with a view to avoiding any conflicts of interest.

## VIII. Submission and selection of the bids

**Offers must be sent within 21 days of the date of publication of this call for experts on the ETUC website, by 20 February 2015.** Offers must be sent to ETUC, in electronic format (by e-mail to [amartin@etuc.org](mailto:amartin@etuc.org)).

A committee will be formed comprising three representatives of the ETUC Secretariat. One or more members of this committee will initial the documents, confirming the date and time of each application. The committee members will sign the report on the applications received, which will list the admissible applications and provide reasons for rejecting bids owing to their failure to comply with the stipulations of the selection process.

This committee will evaluate the applications that have been deemed admissible. An evaluation report and classification of participation requests will be drawn up, dated and signed by all the members of the evaluation committee and kept for future reference.

This report will include:

The name and address of the contracting authority, the purpose and value of the contract;  
The names of any excluded candidates and the reasons for their rejection;  
The names of candidates selected for consideration and the justification for their selection;  
The names of candidates put forward and justification of their choice in terms of the selection or award criteria.

The contracting authorities will then make their decision.

Candidates must send their application electronically – to the following e-mail address: [amartin@etuc.org](mailto:amartin@etuc.org) . Candidates may also send their applications as a paper copy, either delivered by hand or by registered mail or special courier service to:

<p>ETUC - CES</p> <p>Alexandre MARTIN</p> <p>International Trade Union House</p> <p>Boulevard du Roi Albert II, 5</p> <p>1210 Brussels</p> <p>BELGIUM</p>
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For applications sent as a paper copy by mail, the postmark will serve as proof of the date of dispatch.