

## Social Dialogue mapping

### Description scheme for country overviews

## LITHUANIA

### Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/lithuania#actors-and-institutions>

2/ OSH WIKI [https://oshwiki.eu/wiki/OSH\\_system\\_at\\_national\\_level\\_-\\_Lithuania](https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Lithuania)

3/ ESENER-3 <https://visualisation.osha.europa.eu/esener#!en/survey/overview/2019>

### Introduction on Social Dialogue in MS (1)

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There is no legislation in the Republic of Lithuania establishing the representativeness criteria for trade union confederations or employers' associations. The representativeness when concluding collective agreements is established by the organisation itself in its incorporation documents. For a trade union/employer organisation to have the right to conclude collective agreements at sectoral or cross- sector level, it has to state that it is a sectoral or national trade union/employer organisation in its by- laws (incorporation documents).

The representativeness criterion for social partners to be represented at the Tripartite Council of the Republic of Lithuania (LRTT) is defined in the new Labour Code adopted in Lithuania in September 2016; it is valid from 1 July, 2017.

### Trade Unions (1)

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- **About trade union representation**

According to the Law on Trade Unions, natural persons having legal capacity in employment relationships shall have the right to freely join national, sectoral or local (territorial) trade unions and participate in their activities. Membership in a trade union founded at enterprise level or at structural- unit level shall be limited to employees of the enterprise or the structural unit concerned.

- **Main trade union confederations and federations**

There are three peak national trade union organisations in Lithuania. They participate regularly in national-level negotiations at the LRTT and also in sectoral level bargaining. Most trade unions also participate in the dominant – company – level collective bargaining.

In the past 20 years, the main trade union organisations appear to have been transformed from competing and confronting organisations into closely cooperating ones, acting on a coordinated basis. In recent years, there have been no fundamental changes in the background and general setting in which the trade unions operate.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Lithuanian Trade Union Confederation	<a href="#">LPSK</a>	50,000	2016	Yes
Lithuanian Labour Federation	<a href="#">LDF</a>	5,200	2016	Yes
Lithuanian Trade Union 'Solidarumas'	<a href="#">LPS</a> <a href="#">'Solidarumas'</a>	10,500	2016	Yes

## Employers' organisations (1)

- **About Employers' organisations**

Employers have the right to join organisations that represent their interests in compliance with the principle of the freedom of association.

- **Main Employers' organisations**

There are two peak national employers' organisations in Lithuania – the Lithuanian Confederation of Industrialists ([LPK](#)) and the Confederation of Lithuanian Employers ([LDK](#)). They participate regularly in national-level negotiations at the LRTT and also in sectoral level bargaining. The LPK unites and represents mainly large enterprises, whereas LDK represents SMEs. However, both usually work together and coordinate their positions and activities.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Lithuanian Confederation of Industrialists	LPK	50 sectoral, 7 regional associations and 31 direct member companies. Over 2,700 member companies in total (2016). 22,637 employees (2015).	2016	Yes
Lithuanian Business Employers' Confederation	LDK	1,800 member companies	2016	Yes

## Social Dialogue on OSH (2)

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- **National level**

Lithuania has established a system of [social dialogue](#) at all levels (national, sectorial and company), but social partnership as an instrument of regulation for industrial relations does not have a tradition like in the EU-15 Member States. [#\[link to OSHwiki main category OSH in general, subcategory Social Dialogue, article title Social dialogue in OSH, article code RO-11-04-8\]#](#) For the historical reasons, trade unions in Lithuania do not have a strong role, while employers' organisations often try to evade significant social responsibility. The development of a social dialogue was started only in the 1990s when formation of a new system of social partnership in Lithuania began. The first steps were difficult, as the trade unions, collective labour relations and involvement of employees in business management were regarded as elements of the former socialist production-management system and thus being unsuitable for the market economy. Unfortunately, some of these attitudes remain unchanged today. Despite this situation, some trade unions managed to survive. The contemporary trade unionism in Lithuania is formed by 'old' trade unions that have been renovated to a large scale and adapted to the present situation.

Social dialogue at a national level has made an important contribution to the improvement of working conditions and plays an important role in the preparation of a new OSH legislation in Lithuania. According to the Eurofound project on the Social dialogue and EMU in Lithuania, a very important role in regulating the parties' conduct is played by the national laws. The law may restrict the actions that the parties are allowed to take in response to such disputes. Restrictions of this kind may weaken the possibilities for the parties to execute their rights. But the law may also provide parties with ways to resolve the arising collective disputes (such as conciliation, mediation, arbitration, etc.). On the other hand, it should be mentioned that although the laws play a very important role in the formation of the mechanism for the resolution of collective disputes, in practice they usually remain just a theoretical possibility for the employees. In addition to the legal restrictions still there are problems, because the trade unions do not have enough economic capacity for reimbursement of the temporary income loss during strike periods.

The legal grounds for social dialogue and industrial relations are established by the Labour Code [\[1\]](#). The system itself constitutes the Tripartite Council of the Republic of Lithuania (Lietuvos Respublikos trišalė taryba (LRTT)) [\[22\]](#) and other tripartite commissions and committees that are set up in accordance with procedures established by the relevant laws or collective agreements.

The Labour Code [\[1\]](#) also provides a more comprehensive and improved legislative framework for different levels of social partnership (national, sectorial/regional and company), a right to collective bargaining and its procedures, as well as other forms of social dialogue (right to information, consultation and its application procedures, employees' participation in the enterprise management), procedures of the collective labour disputes. The Code stipulates a legal status of social partners. This status is further developed in the individual laws: on Trade unions (1991) [\[23\]](#), Associations [\[24\]](#), Work councils [\[25\]](#), and European work councils (2004) [\[26\]](#). Involvement of social partners in the co-decision making at a national level is foreseen in the Government's work regulation [\[27\]](#). The Labour Code also stipulates that the Government, upon the recommendation of the Tripartite Council, establishes a minimum wage.

In 2013 thirteen Tripartite Labour Dispute Commissions were established under the State Labour Inspectorate territorial divisions. The main task of these Commissions is to resolve individual conflicts between an employer and an employee. Decisions of the Labour Dispute Commissions are

obligatory for both sides of the conflict. If any side disagrees with the Commission decision they can appeal to the Administration Court.

Currently there are three central trade unions and two central employers' organisations operating in Lithuania.

*The Lithuanian Trade Union Confederation (Lietuvos profesiniu sąjunga konfederacija, LPSK)* <sup>[28]</sup> was established in 2002, after the merger between two trade union centres: the Lithuanian Trade Union Unification (LPSS) and the Lithuanian Trade Union Centre (LPSC). The Confederation mainly covers sectors of private industry, private service and state sector joining together 27 branches of trade unions.

The Lithuanian Trade Union Confederation is organisation independent from government and managing authorities, from employers and their organisations and also from public organisations and movements. The LPSK is a member of the International Trade Union Confederation (ITUC), the European Trade Union Confederation (ETUC) and cooperates with the International Labour Organization (ILO).

Mission of the LPSK is to join and protect Lithuanian trade unions and to influence Governmental institutions on labour and social issues.

The main objectives of the LPSK are:

- On national level to join, support and coordinate the actions of LPSK members at branch and regional level, to protect the rights and legitimate interests of trade union members, to seek to influence the government policy and employers activity on labour, economic and social issues.
- To represent LPSK and trade union members solving social, economic and labour issues with state institutions, employers and their organizations.
- To promote solidarity in setting united policy of trade unions in Lithuania and to represent Lithuanian trade unions worldwide.
- To promote social partnership with employers and their organizations.

*The Lithuanian Trade Union "Solidarumas" (Lietuvos profesinė sąjunga "Solidarumas")* <sup>[29]</sup> was established in 1989. The "Solidarumas" mainly covers sectors of private industry, private service and state sector joining together 18 trade union federations and 20 towns/regions territorial trade unions, Women's council, Youth group. Its aims are the representation of workers' economic and social rights and interests and influencing the economic and social policy in order to ensure their working rights, occupation, wages, occupational safety, hygiene, work environment, social security and so on. The main principles of the activities are honor and dignity, democracy, fostering, equal partnership, solidarity, peer relationship building and efforts to harmonize the interests of social partners.

*The Lithuanian Labour Federation (Lietuvos darbo federacija, LDF)* <sup>[30]</sup> was established in 1919 and restored in 1991. The Federation mainly covers sectors of private industry and private service joining together 19 Trade Union sectorial organisations with about 20000 employees. Since 1996 the LDF is a member of the World Confederation of Labor (WCL) and since 2002 it belongs to the European Trade Union Confederation (ETUC).

The main objectives of the LDF are:

- Consolidation of the LDF members on the national level in order to protect their professional, labour, economic and social rights and interests.
- Representation of the LDF members in relations with employers, their organisations, state institutions, international organisations.
- Influencing the State social policy in order to reach better economic, social and labour conditions for employees.
- Strengthening social partnership and solidarity between trade unions in Lithuania and abroad.
- Carrying out education and training of the LDF members.
- Participation in activities of institutions representing workers in Lithuania, Europe and all over the world.

*The Lithuanian Confederation of Industrialists (Lietuvos pramonininku konfederacija, LPK)* <sup>[31]</sup> was established in 1989. The Lithuanian Confederation of Industrialists is a major association and lobby group in Lithuania which represents the interests of large industrialists and employers. The Confederation is an umbrella organization uniting 50 branch and 7 regional associations which comprise over 3000 medium and large enterprises from various public and private sectors. The main objectives of the LPK are:

- Creation of the most favourable conditions for the development of economic, technical and social progress of Lithuanian enterprises.
- Representation of the rights of the entrepreneurs – the LPK members and defence of their social and legal interests in the governmental, social and international structures. Extension of markets for products and raw materials, improvement of export and import conditions in order to enable Lithuanian industry to contribute a proper contribution to the strengthening of the national economy.
- Making contacts between Lithuanian manufacturers and their counterparts.

*The Lithuanian Business Employers' Confederation (Lietuvos darbdaviu konfederacija, LDK)* <sup>[32]</sup> was established in 1999. The Confederation mainly covers sectors of private industry and private service joining together more than 1800 enterprises and also regional and sectorial business associations.

The main objectives of the LDK are:

- Focusing on entrepreneurs in order to express, represent and guarantee their legitimate interests.
- Analyzing and assessing the business situation in Lithuania, seeking to create favorable conditions for the business establishment and development.
- Initiation of development of the business self-government.
- Provision of the comprehensive assistance to entrepreneurs.
- Developing activities of the business serving structures.

Social dialogue at the national level is held at the Tripartite Council of the Republic of Lithuania. The LRTT is comprised of the representatives from employees' and employers' organisations and the executive power (total 15 members). Permanent members of the Tripartite Council are representatives of: trade unions organisations (LPSK <sup>[28]</sup>, "Solidarumas" <sup>[29]</sup>, LDF <sup>[30]</sup>), employers' organisations (LPK <sup>[31]</sup>, LDK <sup>[32]</sup>) and the Government (Ministry of Finance <sup>[33]</sup>, Ministry of Economy <sup>[34]</sup>, Ministry of Education and Science <sup>[35]</sup>, Ministry of Social Security and Labour <sup>[36]</sup>, Ministry of Agriculture <sup>[37]</sup>). The LRTT is formed on the basis of equal tripartite partnership to settle social, economic and labour problems by the means of inter-agreements. Parties at the LRTT for many years have been signing agreements between the Government, trade unions and employers' organisations concerning the tripartite cooperation and approving plans for the development of social partnership. The social partners periodically discuss the idea of a national collective agreement, but so far it has not yet been implemented in practice.

Other tripartite or bipartite councils (commissions, committees) may be established according to the procedures prescribed by the special laws or collective bargaining agreements for addressing and resolving the issues of labour, employment, workers safety and health and social policy implementation. The procedure of formation of such councils (commissions, committees) and their functions should be established in the regulations of the relevant council (commission, committee). In the cases stipulated by the law these regulations should be approved by the Government or be a subject to collective bargaining agreements.

The whole system of tripartite participation in Lithuania also includes a number of other tripartite councils and commissions as well, most of them being specialized:

- Council of the State Social Insurance Fund (Valstybinio socialinio draudimo fondo valdyba) <sup>[38]</sup>.
- Tripartite Commission at the Lithuanian Labour Exchange (Trišalė komisija prie Lietuvos darbo biržos) <sup>[39]</sup>.
- OSH Commission (Lietuvos Respublikos darbuotojų saugos ir sveikatos komisija) <sup>[40]</sup>.
- The Experts' Commission of Adults Education (Suaugusiųjų švietimo ekspertų komisija) <sup>[41]</sup>.
- Lithuanian Council of Vocational Training (Lietuvos profesinio mokymo taryba) <sup>[42]</sup>.
- Council of the Guarantee Fund (Garantinio fondo taryba) <sup>[43]</sup>.

Summarising the information on tripartite participation in Lithuania it should be said that despite a number of established different tripartite institutions, only those, having tangible weight in the social and economic policy, work effectively for a few years. Still there is lack of unity among the trade unions organisations. Sometimes there are several trade unions at the same enterprise and they do not agree upon the common demands. During the Soviet period, the government was the only employer and independent employers' organisations were established only after 1990. The establishment of employers' organisations in Lithuania was primarily related to the wish of employers to represent and defend their own business interests, with the government seen as the key partner (as is still largely the case today). Moreover, basically all the national organisations of employers and employees claim that they are apolitical, without any binding obligations on the political arena. However, outwardly looking

most central Lithuanian trade unions and employers' organisations could be linked to one or another Lithuanian political party.

- **Sectorial level**

Sectorial tripartite and bipartite councils (commissions, committees) may be formed in accordance with the procedure established by the relevant laws or collective agreements (see Clause 3.1). On the principle of the bipartite co-operation of organisations of employers and trade unions in a relevant sector of economic activity, sectorial occupational safety and health commissions may be established. Founders of such commissions must lay down procedures for their establishment and formation.

Unfortunately, process of the establishment of the tripartite and bipartite councils (commissions, committees) at the sectorial level practically is at a standstill. Therefore, issues of the sectorial level are dealt at the national Tripartite Council.

On the other hand, some of the tripartite bodies operating at the national level also extended their activities to a regional level. Not long ago only a few districts and municipalities had tripartite councils. Till the end of 2011 twenty four new regional tripartite and bipartite councils or commissions were established by the Lithuanian Trade Union "Solidarumas" in the frame of the 2007-2011 programme intended to strengthen social dialogue in Lithuania <sup>[29]</sup>.

For the purpose of investigation of the issues related to prevention of violations of the OSH requirements in undertakings, regional OSH commissions and municipal OSH commissions based on the principle of tripartite co-operation of social partners are established. The procedure of the establishment and formation of the aforementioned commissions is laid down by the Minister of Social Security and Labour and the Minister of Health Care.

- **Enterprise level**

The employer's representative or persons authorised by the employer must inform workers and consult with them on all issues concerning the state of OSH, planning of its improvement, organisation, implementation and control of the OSH measures. The employer's representative, heads of subdivision should ensure possibility for workers, workers' representatives with specific responsibility for OSH to take part in the discussions concerning safety and health matters. Occupational health and safety committees should be formed in undertakings and workers' representatives with specific responsibility for OSH should be appointed for that purpose.

OSH committees should be established, and their work should be organized in those undertakings which employ more than 50 workers. If less than 50 workers are employed in an undertaking, the committee may be established on an initiative of the employer or the workers' representative, or on a proposal of more than half of workers of the undertaking. According to the General Occupational Safety and Health Committees in Enterprises <sup>[44]</sup> the committee may be established in the undertakings of certain economic activity types where an occupational risk is higher even if there are less than 50 workers employed in such undertaking. The committee should be formed on a bilateral principle i.e. from an equal number of employer's representatives appointed by the employer (employer's representative) and the workers' representatives with specific responsibility for OSH.

The development of bilateral relations between employers and employees indicates, with some exceptions, that employers currently do not see employees as equal partners. However the situation is to some extent different in large companies, and especially the ones with foreign ownership. It is obvious that 'western' investments have brought different attitudes towards relations between employers and employees and social partnership. The situation is also different in the state enterprises, where strong trade unions have traditionally existed (e.g. the education system, the health care system, the railways, the post, etc). Though the state as an employer might be a more favourable partner for the trade unions than private employers, unfortunately in the most cases in the state-owned enterprises the state only

plays a role of the 'third party'. In collective relations it avoids (or does not seek) becoming a full partner in bilateral negotiations and taking the role of an employer in the mentioned negotiations.