



Challenges for Organising and Collective Bargaining  
in Care, Administration and Waste collection sectors  
in Central Eastern European Countries

# CHALLENGES FOR ORGANISING AND COLLECTIVE BARGAINING IN CENTRAL PUBLIC ADMINISTRATION SECTOR IN LITHUANIA

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Co-funded by the  
European Union

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## 1. METHODOLOGICAL PREFACE

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Within the framework of this report, four interviews were carried out for a total duration of 186 minutes. The interviews were conducted with five representatives (two persons participated in one interview, therefore, five persons were interviewed in total) from the Lithuanian Trade Union of State, Budget and Public Service Employees (LTUSE) at three different levels: national (one person), sectoral (one person) and institutional – ministry and administration of municipality (three persons in total). These interviews have been analysed and summarised.

In addition, an assessment was carried out for sector-specific statistics available on the official statistics portal (State Data Agency ((SDA), Valstybės duomenų agentūra), Public Management Agency ((PMA), Viešojo valdymo agentūra), Open data of Civil Service of Lithuania (Atviri valstybės tarnybos duomenys), the register of collective agreements, and the content of the three most important collective agreements for the sector: one national and two sectoral ones.

The report is accompanied by brief information on the sector's most relevant legislation, public information regarding key issues related to the recent reform of the public service.

## 2. SKETCHING THE CONTEXT

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Public administration is defined in Lithuanian law as the activities of public administration entities regulated by legal acts and intended to implement legal acts: administrative regulation, administrative decision-making, supervision of the implementation of legislation and administrative decisions, provision of administrative services, and administration of public services.<sup>1</sup> Central public administration bodies are those whose area of activity covers the whole national territory.<sup>2</sup> Thus, central public administration is understood as the activity of public administration institutions covering the entire territory of the Republic of Lithuania.

The central public administration entities are staffed by civil servants in the civil service and by employees with employment contracts. Civil service means the professional activities of persons holding positions in State and municipal institutions and bodies, other than those of an economic or technical nature, which involve the performance of public administrative functions and/or assisting persons exercising State or local powers in the performance of the functions assigned to them.

In Lithuania, civil servants are classified as statutory (police officers, fire-fighters, customs officers, etc.), heads of institutions, political (personal) confidence (deputy ministers, advisers to ministers, etc.), and career civil servants.

According to the Ministry of the Interior (MI, Vidaus reikalų ministerija), the network of Lithuanian public sector institutions comprises the Central Bank, 2,794 budgetary institutions founded by the State or municipalities, 18 State-owned enterprises, 69 public limited liability and private limited liability companies in which the State participates as a shareholder, 21 municipal enterprises, 350 public institutions in which municipalities participate as owner or shareholder, 253 private limited liability companies in which municipalities participate as shareholders (VRM, 2024).

According to the SDA, 85,433 persons were employed in public administration and defence and compulsory social security (NACE O84) and 38,630 persons – in public administration and general economic and social policy (NACE O841).

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<sup>1</sup> Law on Public Administration of the Republic of Lithuania, No VIII-1234 (17 06 1999), Article 2(18).

<sup>2</sup> Ibid, Article 4(3)(1).



### 3. GENERAL CHARACTERISTICS OF THE SECTOR

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According to the PMA's Open data of Civil Service of Lithuania (as of 4 May 2024), there were 435 offices in Lithuania, with the largest number in Vilnius City County – 197, followed by Kaunas County – 50, Klaipėda County – 38, Šiauliai County – 32, Panevėžys County – 27, Utena and Alytus Counties – 21 each, Marijampolė County - 18, Telšiai County - 16, and Tauragė County - 15 (PMA, 2024).

The number of employees by function group in 2024: 23,886 career civil servants, 21,875 employees working under employment contracts, 7,690 statutory civil servants, 942 civil servants of political (personal) confidence: 200 heads of institutions, 33 heads of statutory bodies (PMA, 2024).<sup>3</sup> Also, there are 709 judges (in 2023, there were 77 vacant judicial posts out of a total of 786 judicial posts) (Lietuvos teismai, 2024). In 2021, there were 1,098 persons working in the Public Prosecutor's Office, of whom 203 or 18% were civil servants, 273 or 25% were employees under employment contracts and 622 or 57% were prosecutors (LR Prokuratūra, 2022).

According to SDA's data, out of 85433 persons employed in public administration and defence and compulsory social security (NACE O84), 45,643 (i.e. 53.4%) were women, and out of 38,630 persons employed in public administration and general economic and social community policy (NACE O841), as many as 27,195 (i.e. 70.3%) were women.

Average monthly gross wages in these activities were higher than the national average in 2023:

- in public administration and general economic and social community policy (NACE 84.1) – EUR 2,315.6;
- in general, public administration (NACE 84.11) – EUR 2,318.4;
- in the regulation of business activities and support for more efficient organisation of business activities (NACE 84.13) – EUR 2,400.1.

The regulatory framework consists of the following main laws:

- Labour Code of the Republic of Lithuania, No XII-2603 (14 09 2016);
- Law on the Civil Service of the Republic of Lithuania, No VIII-1316 (08 07 1999);
- Law on the Approval of the Statute of the Internal Service of the Republic of Lithuania, No IX-1538 (29 04 2003);
- Law on Remuneration of Employees of Budgetary Institutions and Remuneration of Members of Commissions of the Republic of Lithuania, No XIII-198 (17 01 2017);
- Law on Public Administration of the Republic of Lithuania, No VIII-1234 (17 06 1999);
- Law of the Republic of Lithuania on Establishment of the Basic Amount of the Official Salary (Remuneration) and Recalculation of Appropriations for Wages and Salaries, No XIV-2011 (25 05 2023).

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<sup>3</sup> Data for judges and prosecutors are based on other sources, as the Open State Service data does not accurately reflect the data for prosecutors and judges (telephone interview with Aistis Rusteika, 6 May 2024).

## 4. MAJOR PROBLEMS AND CHALLENGES IN THE SECTOR

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Based on the PMA's Open data of Civil Service of Lithuania (as of 4 May 2024), out of 64,104 posts in 435 establishments operating in Lithuania, 55,169 were occupied (PMA, 2024).

According to MI's survey of civil servants, only one in three civil servants enjoyed working in the public sector, while the rest were not motivated to perform well due to an unfair remuneration system, an unviable career path, and other factors, and they missed out on professional development programmes in 2020 (LRT, 2022).

A large proportion of public sector employees responded that they are being asked to do work that is outside their remit. Only 50% of public sector employees felt free to criticise their managers MI stated. According to the above-mentioned MI survey, public sector employees would be motivated by higher pay, good organisation and distribution of workload, flexible working conditions, and a good psychological climate and stability (LRT, 2022).

The Trade Union of Lithuanian Civil Servants, Budgetary and Public Institution Employees (TULCSBPIE, Lietuvos valstybės tarnautojų, biudžetinių ir viešųjų įstaigų darbuotojų profesinė sąjunga) has criticised the Government's proposed reform of the Civil Service as undermining the attractiveness and competitiveness of the civil service, introducing more uncertainty in the determination of remuneration, freezing civil servants' pay for at least two years due to the newly proposed base rate, and removing the already poor social guarantees. At the same time, the provision that the basic rate for the coming year is fixed in the national collective agreement has been dropped. This narrows the TU's powers (Delfi, 2022).

The proposal to abolish the civil servant status for a large number of current civil servants (several thousand out of the current 27,000 or so) over the next two years has also been criticised by TUs for creating a sense of instability for civil servants. As early as 2019, all civil service posts were reviewed with a view to eliminating posts those with economic and/or technical functions. Under the current reform, persons whose functions relate to personnel administration, accounting, document management, accounting and storage, procurement, internal audit, project management, public relations, legal representation, prevention of corruption and internal investigations, information and communication technology administration and asset management are not be considered civil servants. The conversion of these former civil servants to contract staff, in TU's opinion, has limited their future access to higher salaries.

According to the SDA, the gender pay gap in public administration and defence and compulsory social security was 2.2% in 2022, being one of the lowest in the country (5.1% in 2018). Only the education sector has a lower wage gap of 1.7% (SDA, 2024).

In 2017, 77.08% of civil servants (excluding statutory civil servants) were women. On average, their salaries in 2017 were 10.27% lower than those of men. The pay gap between career civil servants



in 2017 was 8.9% in favour of men. Women held 64.34% of senior positions in the civil service in 2017. The gender pay gap is smaller in this group, with men earning 3% more in 2017 (VZ, 2018).

In the group of heads of institutions, women accounted for 36.82% and earned 5.77% less than men in 2017. In particular, the group of civil servants in political trust stands out, where women made up 62.3 per cent in 2017 and earned 18 per cent less than men.

This is presumably because men in this group are often in more senior positions. The Department of the Civil Service lists a number of reasons why women earn less than men. The first one is seniority, which directly determines pay in the civil service. In 2017, the average length of service for female civil servants was 13.6 years, compared with 14.1 years for male civil servants. Women are also significantly more likely to take parental leaves. During this period, they do not improve their qualifications and are slower to achieve higher salaries. As women take on more family responsibilities, they are less likely to aspire to more senior roles (VZ, 2018).

## 5. CHARACTERISTICS OF SOCIAL DIALOGUE ORGANISATIONS IN THE SECTOR

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One of the main TUs operating in the sector is the TULCSBPIE, which has approx. 5,500 members, as well as the Lithuanian Federation of Law Enforcement Officers (LFLEO, Lietuvos teisėsaugos pareigūnų federacija), which is signatory to Lithuanian Police Sectoral Collective Agreement No PV3-465 applying to 7,000 employees, servants. Both of these TUs are members to the Lithuanian Trade Union Confederation which, together with other TUs, has signed National Collective Agreement No PV3-764 covering 66,649 TU's members.

The National Association of Trade Unions of Officials (the NATUO, Nacionalinis pareigūnų profesinių sąjungų susivienijimas) is also important for the sector as one of the largest TU associations in Lithuania, uniting almost 2,500 officials from various statutory bodies (police officers, fire-fighters, rescue workers, frontier guards, and public security officials), as well as environmental protection officers.

Together with the LFLEO, the NATUO has signed State Border Guard Branch Collective Agreement No PV-323, which applies to 3,746 employees, officers.

It is difficult to evaluate exact coverage rate of collective bargaining in the sector, but we may presume that it should be at a rather high level. The recent increase in the overall level of collective bargaining (from less than 10% in 2018 up to 25% in 2021-2022) was mainly determined by the increase in collective bargaining coverage in the public sector, including central public administration.

### 5.1. Challenges for organising employees

The interviews revealed the following challenges in organising workers in the sector:

- Limited time for TU leaders' duties, overlapping with the duties of leaders as civil servants and time for rest;
- Conflicts of interest that leaders face when they have to oppose their superiors and represent their own interests and those of other civil servants in the performance of their leadership duties;
- Systematically manifested provisions restricting the freedom of collective bargaining by the State, the Government as the employer's representative, for example:
  - abolition of the power of TUs to negotiate the basic amount in the national collective agreement;
  - bargaining clauses, which state that only those provisions, conditions and guarantees that are clearly and unambiguously identified in the law as the subject of collective bargaining can be negotiated in collective agreements.

The fact that TU leaders are not always sufficiently aware of the application of existing collective agreements may be one of the factors that indirectly affect the attractiveness of TU membership. Also, we believe competition between the unions themselves for more influence is an indirect factor that has a negative impact on organising employees.





## 5.2. Good practices for organising employees

During the interviews, the leadership of TU leaders, where members feel genuinely backed and supported, and the real application of the provisions of the national collective agreement, especially those relating to additional time off (additional time off for education, health, and child-rearing), have been identified as factors contributing to an increase in the number of members in recent years (in some cases, it has even doubled), particularly among younger civil servants and employees.

At the same time, it was stressed that informal events outside work (trips, cultural events, etc.), in addition to the social guarantees stemming from the national collective agreement and other agreements, act as an important factor in encouraging membership.

## 5.3. Characteristics of employer representation

In the sector, the employer in collective bargaining is represented by ministries authorised by the Government of the Republic of Lithuania and other institutions, usually bodies under the ministries, responsible for the area in which the collective agreement is to be signed. At the same time, the Government and the ministries in the sector act as the legislative entity, defining most of the working conditions and social guarantees and proposing them to the Parliament to be laid down in laws, statutes, and even defining the relevant preconditions for TUs to act in the field of collective bargaining, contracts and strikes.

The interviews revealed two aspects related to assessing the involvement of TUs in the sector in the process of drafting legislation, such as amendments to the Law on the Civil Service. Some of the TUs interviewed said that the process is seen as satisfactory, while others said that their involvement is avoided. This situation, in our opinion, can be attributed both to the avoidance of social dialogue on the part of the Government and to the lack of cooperation and competition between the TUs themselves.

At the same time, in collective bargaining, the public authorities have adopted a position of avoidance by limiting the scope of such bargaining to agreements that have a minimal financial impact, and by taking the principled stance that bargaining can only be carried out in respect of those provisions that are explicitly and unequivocally identified as the subject of bargaining in the law itself.

Thus, the degree of employer's interest in collective bargaining in the sector is considered to be medium-low.

## 6. COLLECTIVE BARGAINING AND OTHER FORMS OF SOCIAL DIALOGUE IN THE SECTOR – CHARACTERISTICS

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Coverage of collective agreements is significantly higher in the sector than in the private sector, due to stronger traditions of TUs and collective bargaining. In particular, the provisions of the National Collective Agreement, which covers 66,649 TU members, i.e. at least 1/5 of the total number of civil servants and employees in the sector, have had a significant impact on an increase in membership in the sector. Collective bargaining in the sector takes place at all levels: employer, sectoral, territorial and national.

According to the Law on the Civil Service of the Republic of Lithuania (Article 2(2)), collective bargaining and collective agreements in the civil service are governed by the Labour Code of the Republic of Lithuania. There are, however, appropriate restrictions, e.g. collective agreements of statutory bodies may not contain additional conditions related to additional funds from the State and municipal budgets and State monetary funds.<sup>4</sup>

Judges, prosecutors, police officers, fire-fighters, fire-fighting or rescue workers, border guards, employees of State security institutions, wardens and persons serving in the national armed forces are prohibited from striking.

TUs operating in statutory bodies are prohibited from organising and participating in: (1) strikes; (2) pickets or rallies which directly interfere with the activities of the statutory body or the performance of the official's duties.<sup>5</sup>

Career civil servants and employees working in central public administration and the TUs representing them are not subject to the relevant restrictions on strikes. However, during the interviews, the TUs stressed that the strike is a marginal measure, that the aim is to resolve issues with the employer peacefully, and that there should be a strike fund for organising strikes, which means that the possibilities for organising strikes are limited.

In recent years, strikes in the sector have only taken place in the second quarter of 2019, when employees in the health units of prisons staged a sector-wide warning strike involving 44 of them. The largest number of strikes (three) was in Kaunas County. The striking prison health unit employees stated that they were striking because of the restructuring of prison health units, wages, imprisonment, financing of institutions, etc. (SDA, 2020).

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<sup>4</sup> Article 62(3) of the Law on the Approval of the Statute of the Internal Service of the Republic of Lithuania, No IX-1538 (29 04 2003).

<sup>5</sup> Article 63 of the Law on the Approval of the Statute of the Internal Service of the Republic of Lithuania, No IX-1538 (29 04 2003).



## 6.1. Content analysis of collective agreements

We have chosen to analyse the three largest collective agreements covering the largest number of employees: one national level agreement and two sectoral level ones.

The National Collective Agreement concluded on 10 October 2022 applies to TU members regardless of the nature of the employment relationship, i.e. it applies to an employed employee, a civil servant, a public servant and an official of the internal service system. It is applicable to TU members who joined the TU before the signing of the Agreement.

The latest version of the Agreement entered into force on 1 January 2024 and will stay in force until 31 December 2025. The number of union members is revised each year to include establishments, undertakings, and organisations whose employees have joined the union after the Agreement was signed.

The purpose of the Agreement is to develop social partnership, to harmonise the interests of the parties to the Agreement, to increase the motivation of public sector employees by providing additional guarantees for TU members and to promote cooperation between the parties on economic and social issues (paragraph 2), and to reach an agreement on the fixing of the basic salary. The basic salary for 2023 is agreed at EUR 186 (one hundred and eighty-six) (paragraph 5). In conjunction with the reform of the Civil Service on 12 October 2023, the provision of the Agreement has been amended to stipulate that one of its objectives is to negotiate the rate of indexation to be applied to the recalculation of salary allocations to institutions. A new salary/remuneration base linked to the 2022 national average monthly salary of EUR 1,785.4 entered into force on 1 January 2024.<sup>6</sup>

The following additional guarantees are also agreed in the National Collective Agreement:

1. Two additional paid annual leave days for self-development and volunteering “during the working day in coordination with the employer”. If these leaves are not taken in the current year, they are not available later.
2. Payment for study leaves when a TU member is in the process of upgrading his/her qualifications, in agreement with his/her line manager. Such leave shall be paid according to the duration of the leave, which the member has the right to choose.
3. In the event of feeling unwell or scheduled for a visit to a medical institution, the right, upon informing the employer, to receive up to five working days in the current year to improve his/her health, while being paid his/her average salary.
4. Definition of the relationship where there are ways of improving working conditions identical in nature and enshrined in collective agreements at different levels, in which case they are not aggregated, but more favourable provision of the collective agreement is applied.
5. The right to safe and healthy working conditions, including the prevention and financing of psychological violence at work.<sup>7</sup>
6. Obligation on the Government to provide, together with the draft law on the approval of the budget figures, information for the implementation of the guarantees provided to TU members in Chapter III of the Agreement.
7. Other.

<sup>6</sup> Article 3(1) of the Law of the Republic of Lithuania on Establishment of the Basic Amount of the Official Salary (Remuneration) and Recalculation of Appropriations for Wages and Salaries, No XIV-2011 (25 05 2023).

<sup>7</sup> This is partly a replication of the law, unless it provides additional funding.

On 7 December 2020, Police Sectoral Collective Agreement No PV3-465 was signed, which entered into force immediately after the signing of the agreement and for a period of four years until 7 December 2024 (with the possibility of renewal for another four years). The agreement applies only to members of the signatory TUs belonging to the Lithuanian Federation of Law Enforcement Officers. In the collective agreement, the TUs have agreed on the following additional social guarantees for all employees, civil servants and officials working in the police system, irrespective of their TU membership (LPPS, 2023):

1. Promotion of staff with 10 to 30 years of service;
2. A bonus of at least 10 % of salary for additional tasks, activities in excess of workload, performing the functions of another staff member and/or mentoring another staff member;
3. Time spent receiving and handing over a shift shall be counted as working time;
4. For employees with school-age children, the possibility of taking a leave during school holidays;
5. Minimum or average wage for employees in formal education without training contracts;
6. Counting of an official's travelling time to and from a health care facility as working time (by including it in the work/shift schedule);
7. Other.

Additional social guarantees have also been agreed for members of TUs only (LPPS, 2023):

1. TU rights to appeal to the head of the institution for early termination of a disciplinary sanction;
2. For those who have been members of the TU for more than two years:
  - 2.1. Priority rights, in addition to the priority rights set out in Article 57(3) of the Labour Code, to be retained in employment;
  - 2.2. Promotion of a police officer whose service performance has been assessed as good on two consecutive occasions during the annual evaluation;
  - 2.3. Payment of one month's average salary as a severance pay to an employee with more than ten years' service in the police force who is dismissed from his/her job (post, service) at his/her request;
  - 2.4. The right of preference in the choice of annual leave.
3. The right of a TU member to be granted paid rehabilitation leave once in a calendar year, at his/her own request and with a doctor's referral;
4. One additional day of rest per three months for a TU member with one child under the age of eight;
5. Other.

Collective agreement of the State Border Guard Branch No PV-323 applies to all employees, not only TU members, and provides, for example, for the employer's obligation to consult the TU on the allocation of wage funds, the right of the TU to participate in the employer's decision-making process regarding penalties, material liability, and the restructuring of the institution, anonymous questioning of the staff team on their management, longer annual leave (up to 37 working days) depending on the length of service, the procedure for payment of study leave, the right of members of the Health and Safety Committee to receive training necessary for the Committee's activities, the right of the TU to make a reasoned proposal to the employer for an investigation into the psychological climate of a particular unit in case of justified complaints (Register, 2024).



## **6.2. Impact of European sectoral social dialogue**

The interviews did not reveal specific TU insights into the impact of European sectoral social dialogue on social dialogue in the Central Public Administration in Lithuania.

However, there was a general mention of committees and joint actions, initiated and supported by Lithuanian TUs as members of the European Trade Union Federation.

Another highlight was the so-called Consultation Directive, which should have been adopted at European level and applied to all, but the European Commission did not agree that this problem should be solved by initiating a case against the European Commission.

## 7. CONCLUSIONS AND RECOMMENDATIONS

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The role of the State and its representatives' approach to collective bargaining, as well as the competences of TUs, are important for strengthening social dialogue in the sector.

In order to increase the coverage of collective agreements and bargaining in the sector, the authorised representatives of the State should take a position that encourages bargaining, not restricts it. At the same time, it is important that the inclusion of TUs in legislation on issues of wages, social security and the empowerment of TUs themselves is in line with the principles of inclusiveness, participation, social dialogue, and promotion of collective bargaining.

For example, we believe that the removal of the provision that the basic wage rate is set at national level may act as a factor that reduces the influence of TUs in the sector and restricts collective bargaining in the sector, in particular on key financial issues, leaving employees' representatives to deal with issues that are less important.

In the sector, both legislation and collective bargaining should combine local and centralised regulation, striking a balance between these types of regulation, recognising the role of TUs in the public sector in defining the substantive rights and guarantees of employees in the public sector, which are financially related, and not only secondary, and involving TUs in decision-making at different levels: employer, sectoral and national.

At the same time, it is important to strengthen cross-level and cross-sectoral coordination of TU activities, and to strengthen the knowledge and human resources of leaders in particular, in order to develop such coordination, for example, by giving more space to so-called full-time leaders who are not obliged to reconcile their direct service/work responsibilities with their union presidency duties. It is relevant to consider how competition between the TUs themselves could be reduced, if in practice this, among other factors, actually acts as a disempowering factor.



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„ *There is also competition between TUs. I don't know why it is happening, but it is happening. Knowing makes it possible to attract more members. Internal communication and connection need to be strengthened. We often find out when things have already happened, that this is where it was coordinated with the TUs. We also see other manifestations on the part of the promoters, where we know that there is a project, but it is not possible to go and get it. Then they send it and they have five days to comment. And the organisations need to have at least some discussion. And there are other things to do; you can't sit on the project all those days. Some ministries take advantage of this. I am not saying that they do it deliberately, but it happens.*

„ *Our position as TUs is that we can agree on anything that is not prohibited by law. And the other side - the Government - takes the position that we can only agree if the law explicitly says we can. There has been a great deal of disagreement on this fundamental issue, and so, to this day, the issue has remained open, and in principle everyone has remained with their own opinion. The new Statute also had to be negotiated. The position was that if you want to agree in a collective agreement, then you must define in the law what can be agreed and what cannot be agreed. <...> They are trying to limit what we can negotiate in the law in every way. So, it is as if the very principle of collective bargaining is being circumvented.*

„ *This ruling majority has, how shall I put it delicately, a low social bargaining position. If you don't learn something, if you don't ask for it, no one will ask you about an important bill. Well, maybe we look insignificant when there is some negotiation on a bill, because our union somehow stays on the sidelines. It was the same with the draft Statute for Soldiers and Officers, where we were forced into the working group ourselves. There is not the kind of good-faith social dialogue that we would like.*