



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

## DEVELOPMENTS IN COLLECTIVE BARGAINING IN LITHUANIA

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## 1. METHODOLOGICAL PREFACE

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This report was prepared through desk research: literature review, brief examination of the legislative framework, analysis of data provided by the National Data Agency (Statistics Lithuania), and information, provided in the ICTWSS database and National Register of Collective Agreements (MSSL, 2024c), as well as interviews with social partners and national authorities, particularly – representatives from national and sectoral trade union organisations, the Ministry of Social Security and Labour (MSSL), and the State Labour Inspectorate under the MSSL. In total, five interviews were conducted during August-October 2024. The interviews were conducted by phone, each taking approximately 30-45 minutes. In addition to the interviews, additional calls were made several times in order to renew the current state of play.

## 2. GENERAL CHARACTERISTICS OF THE LABOUR MARKET AND INDUSTRIAL RELATIONS SYSTEM

### 2.1. Labour market performance

As in many other economies, over 97% of Lithuanian enterprises are small; over 85% of all enterprises active in 2022 were micro ones (see Table 1).

Table 1. Distribution of enterprises and employees by company size in Lithuania in 2022 (%)

Company size	Number of enterprises	Number of employees
0–9	85.4	20.2
10–19	7.3	10.2
20–49	4.6	14.4
50–249	2.3	24.1
250+	0.4	31.1
Total	100.0	100.0

Source: OSP (2022), OSP (2024b)

However, the distribution of employees by company size differs from the distribution of companies – in 2022, 44.8% of all employees were employed in small (including micro) enterprises and 55.2% in medium and large enterprises. Collective bargaining usually takes place in bigger companies; therefore, we may presume that approx. 60% of employees might be covered by company-level collective agreements in Lithuania.

Traditionally, non-standard forms of employment are not widely spread in Lithuania – in 2023, self-employed persons accounted for approx. 11% of all the employed population, employees with temporary contracts – for less than 2%, and 7% of employees worked part-time (OSP, 2024a; Eurostat, 2024). While the share of self-employed persons and employees with temporary contracts remained unchanged during the last decade, part-time employment steadily decreased.

Recently, the Lithuanian economy and the labour market have shown rather good performance compared with other EU countries: GDP growth and employment rate in Lithuania are traditionally higher and the unemployment rate is close to other European countries. According to the latest statistical information, GDP growth in Lithuania in the 1Q 2024 was 2.9%, employment rate (in the age group 20-64) – 77.7%, and unemployment rate – 8.2%. Lithuania also has a traditionally high employment rate among older people – in the 1Q 2024, the employment rate in the age group 55-64 was 68.1%.

### 2.2. Industrial relations at a glance

Compared with other EU Member States, Lithuania can be regarded as a country having one of the least developed systems of industrial relations. Trade union membership in Lithuania is generally quite low and collective bargaining coverage was among the lowest during the last decades. However, the



situation started to change since approx. 2018-2020, when the number of trade union members and trade union density increased. This increase was associated with a substantial rise in collective bargaining coverage – it increased from approx. 7-8% in 2010-2018 up to 25% in 2022-2023. However, it should be noted that this increase was mainly related to the developments in the public sector, where several national and sectoral collective agreements were signed, providing for some better working conditions for union members only.

Three trade unions and six employer organisations are represented at the Tripartite Council of the Republic of Lithuania (TCRL) – the main social dialogue institution acting at the national level. All the most important labour market-related regulations and other decisions important for employees are discussed there. The trade unions are the Lithuanian Trade Union Confederation, the Lithuanian Trade Union “Solidarumas”, and the Joint Republican Trade Union. The employer organisations are the Lithuanian Confederation of Industrialists, Confederation of Lithuanian Employers, the Association of Lithuanian Chambers of Commerce, Industry and Crafts, the Chamber of Agriculture of the Republic of Lithuania, the Investors’ Forum, and the Lithuanian Business Confederation. These unions and organisations participate regularly in national-level social dialogue at the TCRL.

### **2.3. Collective labour agreements**

According to the Labour Code of the Republic of Lithuania (LC) in force as of 1 July 2017, only trade unions can sign collective agreements (previously, this right was also vested in works councils).

As of 2017, all signed collective agreements are registered in the National Register of Collective Agreements (MSSL, 2024c), administered by the MSSL. The Register contains information on signatory parties, date of signing and expiry of the agreement. Copies of valid collective agreements in a PDF format are also available in the Register. The Register does not provide statistics on collective agreements, but from time to time the MSSL prepares a review/summary of the number and content of collective agreements.

Article 186 of the LC provides for that the legal rules governing collective bargaining and collective agreements shall apply to employees and persons working on the basis of the legal relationships equivalent to employment relationships referred to in the Law on Employment of the Republic of Lithuania. According to Davulis (2017), this legal regulation creates a legal fiction that natural persons working on the basis of legal relationships equivalent to employment relationships are considered employees, and that the other party to the relationship (enterprise, institution, organisation) is considered the employer. This opens the way to the prospect of future inclusion of other categories of non-employees, such as the self-employed, the liberal professions or economically dependent self-employed persons.

However, neither the LC, nor the Law on Employment currently treats self-employed persons as employees and does not give them the right to collective bargaining, collective agreements and strikes (Davulis, 2021). On the other hand, the Law on Trade Unions does not strictly limit the establishment of trade unions to unions that are *stricto sensu* unions of employees. The official registration of trade unions such as the Lithuanian Journalists’ Union, the Vilnius Taxi Employees’ Trade Union, the Taxi Company Workers Trade Union, and some others in the Lithuanian Register of Legal Entities seems to confirm that trade unions can be established by, or include, self-employed journalists or taxi drivers.

However, while there are trade unions for the self-employed in Lithuania, there are no collective bargaining agreements and agreements on the terms and conditions of work and employment of such persons (Davulis, 2021).

## **2.4. Opinions on the state of collective bargaining**

When speaking about the state of collective bargaining and opinions on it, it should be noted that there is a huge difference between the private and public sectors. If in the public sector there is a clear understanding and support for social dialogue and collective bargaining (at least – in some ministries and public institutions), the situation is different in the private sector.

As regards the private sector, it should be noted that representatives of EOs, represented at the TCRL, while always trying to protect employers' interests, are generally quite positive about social dialogue per se. Despite often tough debates, the social partners at the TCRL are nevertheless able to agree on quite significant improvements in working conditions and labour relations.

The situation is quite diverse at the company level. While most companies do not even have trade unions, some companies with active trade unions do have collective bargaining in place and sign collective agreements favourable for employees.

As for the sectoral level, the situation is poor. There is only one sectoral collective agreement in the private sector, signed in 2019, in the furniture production sub-sector. The almost absent sectoral collective (wage) bargaining in the private sector is determined by several factors. One of them is an incongruity between the respective structures of sectoral trade unions and sectoral employers' organisations (e.g., there are rather strong trade unions in public transportation, however, employers' organisations mainly organise freight transport companies) that has prevented the parties from engaging in collective bargaining. Another important reason is that employers' organisations have been reluctant to take up the role of sectoral social partners and/or sign collective agreements, claiming the absence of a mandate from their members to do so (Blaziene et al., 2023).

According to the 2022 Spinter survey on "Public Opinion on Corporate Social Responsibility", 56% of all respondents think that collective agreements are necessary, while a third (34%) do not find them important or useful. Employers are not interested in signing a collective agreement because they do not think it is in the interest of the company or the institution (Spinter, 2022).

Some of the respondents to the 2020 Visionary Analytics Assessment of the Quality and Development of Social Dialogue in Lithuania (the Visionary Analytics Assessment) indicated that employers are generally negative towards the collective agreement, do not engage in dialogue with employees on the issue, do not agree on the terms of the agreement, and flatly refuse to sign it. This situation also means that some employers are not prepared to apply flexible forms of work organisation. In some cases, workers have too little knowledge and understanding of why they would benefit from it, or do not know how to initiate negotiations (Blaziene et al., 2023). As the Visionary Analytics Assessment points out, private-sector workers are less likely to value skills development and, therefore, career opportunities. The development of social dialogue in the private sector is constrained by the lack of employee representation and the lack of knowledge and skills needed to participate in social dialogue. There is limited public awareness of social dialogue.

According to a 2017 survey commissioned by the Lithuanian State Labour Inspectorate under the Ministry of Social Security and Labour, 43% of respondents had not heard of the concept of "social



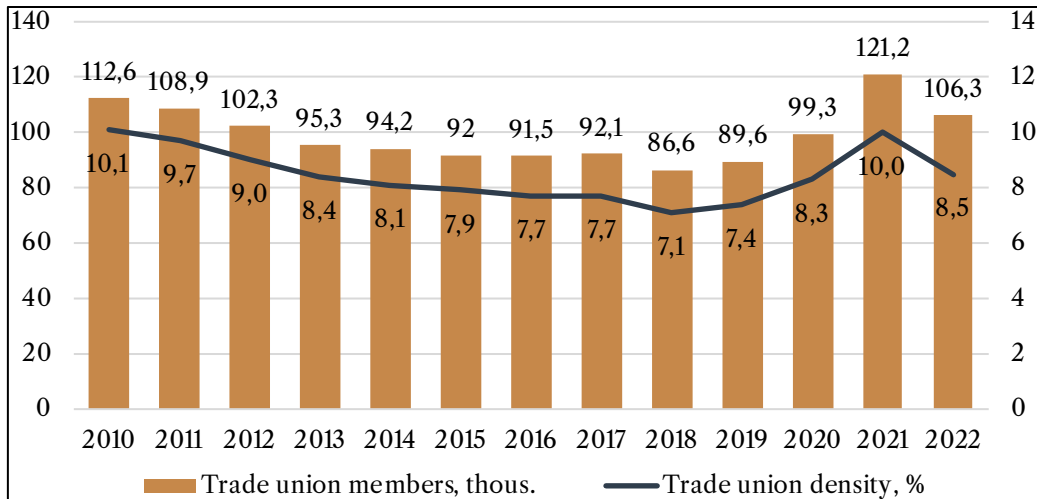
dialogue”, while 31% had heard of the concept, but did not know anything about it. Respondents to interviews conducted by Visionary Analytics were unanimous in saying that social dialogue has not yet become part of the public discourse, as it is not sufficiently discussed in the media and workplaces (CPMA, 2024).

Employer and trade union organisations lack competences and skills. According to the 2019 and 2020 Eurofound reports, the Lithuanian social partners have indicated that they lack financial resources and staffing to develop social dialogue. The social partners are reluctant to engage in social dialogue at the regional level. The Lithuanian social partners also have little involvement in social dialogue at the EU level. There is a lack of representativeness. There are currently no criteria for the representativeness of employers’ organisations in the sector, and private-sector employers’ organisations in many cases have no power to conclude sectoral collective agreements from among their members. Therefore, private-sector trade union organisations have virtually no bargaining power at the sectoral level (Blaziene et al., 2023).

### 3. COLLECTIVE BARGAINING DYNAMICS IN RECENT YEARS

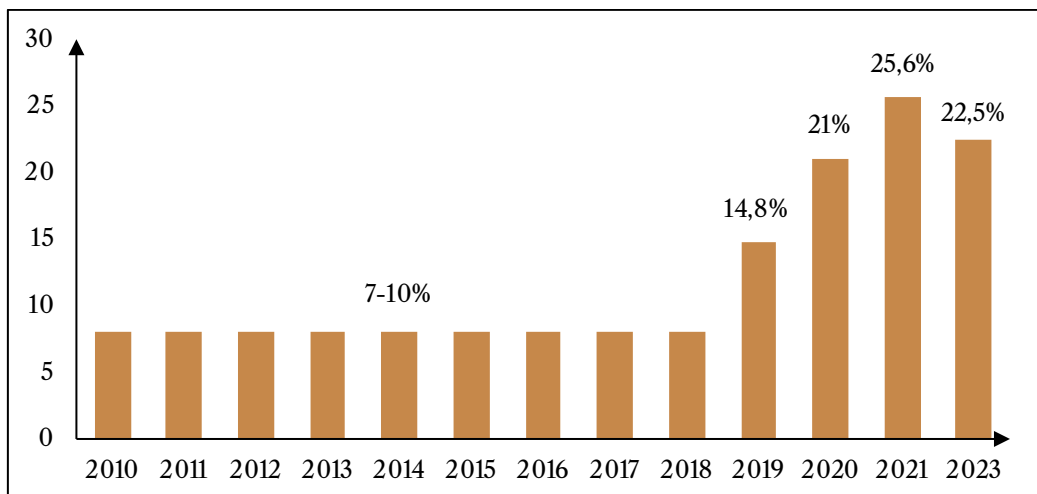
All changes in the collective bargaining system and patterns took place in 2017 when the new LC granted the right to collective bargaining and signing of collective agreements exclusively to trade unions, and in 2016–2018 when unions in the public sector started to sign national and sectoral collective agreements. Since then, there have been no major changes, except some increase in union density and rather significant growth in the collective bargaining coverage (determined mainly by the aforementioned national and sectoral collective agreements signed in the public sector). Developments in union density and collective bargaining coverage are presented in the figures below (Figure 1&2).

Figure 1. Trade union membership and union density in Lithuania in 2010-2022



Source: Statistics Lithuania, authors' calculations

Figure 2. Recent developments in collective bargaining coverage in Lithuania



Source: ICTWSS (2019), MSSL (2023), Draft MSSL Order (2024)





As mentioned above, this increase can fully be attributed to the signing of several national and sectoral collective agreements in the public sector. Meanwhile, collective bargaining coverage in the private sector in Lithuania remains below 10%. Collective bargaining is particularly low or non-existent in sectors and industries such as agriculture, construction, HORECA, textile, woodworking, and some others.

There have been no recent legal changes, and only two discussions on legal changes at the national level (both at the TCRL), aiming at increasing the scope of collective bargaining:

1) Regarding restrictions on the use of aggregate working time proposed by the members of the Parliament of the Republic of Lithuania (PRL) in Draft Law No XIVP-2605 amending Articles 115 and 122 of the LC (2023). The draft law aims inter alia at restricting possibilities to use aggregate working time *only if* provided for in the collective agreement at the workplace or sectoral levels. Currently, employers are free to apply this working time model without having to agree on it in a collective agreement. The draft law in question was discussed at a meeting of the TCRL on 23 May 2023, where it was decided to record differences of opinion:

- Trade union representatives endorsed the draft law;
- Representatives of employers' organisations proposed to continue discussions in order to find a consensus;
- Government representatives proposed to continue discussions on the application of aggregate working time (TCRL, 2023a; TCRL, 2023b).

Therefore, the draft law has not been approved by the Parliament, but the main Committee – Social Affairs and Labour – in the PRL adopted a decision to return the draft to the authors for improvement on 19 June 2024 (PRL, 2024a).

2) Regarding restrictions on the right to appeal to labour dispute commissions set up at the territorial (local) offices of the State Labour Inspectorate (further – commission, commissions).

The Joint Republican Trade Union, as the party representing employees of the TCRL, submitted a proposal to initiate a discussion on changing the composition of the commissions on 20 August 2024, pointing out that:

- the right to make a request to the commission would be limited to persons or entities that are members of trade union organisations or employers' organisations. At present, the Commission is open to all persons, regardless of their membership in the above-mentioned organisations;
- representatives of trade unions or employers' organisations would only be included in the Commission if the party of the dispute concerned is a member of trade union organisations or employers' organisations (TCRL, 2024b).

## 4. STATE OF PLAY AFTER THE ADOPTION OF THE DIRECTIVE

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### 4.1. Discussions and legal preparations

The MSSL has submitted a Draft Law on Amendments to the LC (2024) to the interested authorities and social partners' organisations (MSSL, 2024a) for consultation.

In the context of the provisions of the Directive, Draft Law on Amendments to the LC No 24-7330 (Article 14 of the Draft Law amending Article 141 of the LC) provides, inter alia, for the identification of specific indicators of the country's economic development and trends, as well as the criteria published by the Statistics Lithuania, which should be evaluated by the TCRL before the TCRL submits its conclusion on the size of the minimum wage to the Government.

The criteria listed in Draft Law on Amendments to the LC No 24-7330 (2024) are as follows: “purchasing power at the cost of living, gross wage levels and their distribution, the rate of wage growth, long-term levels and changes in labour productivity.” This Draft Law also proposes to provide that “when drafting a recommendation, the TCRL shall discuss <...> these criteria, as well as any other information necessary to determine the minimum wage, in advance.”

Draft Law on Amendments to the LC No 24-7330 was presented to the social partners at the TCRL meeting on 27 February 2024 (TCRL, 2024a). MSSL representatives stated during the interviews<sup>1</sup> that there was not much debate on these or other provisions of the draft LC related to the transposition of the criteria laid down in the Directive, as the above-mentioned criteria were already de facto applied in practice in accordance with the existing provisions of Article 141(3) of the LC, and the MW formula was agreed at the TCRL meeting on 21 September 2017 (TCRL, 2021).

Presenting the Draft Law (2024) to the Parliament on 11 June 2024, a representative of the MSSL spoke out regarding criteria for setting the minimum wage only and stated that despite the need to harmonise the LC with the “minimum wage” directive, “<...> there will not necessarily be any real changes on the ground” as <...> “the current formula <...> complies with the directive <...>” (PRL, 2024b).<sup>2</sup>

In our observation, there were no major or even minor public discussions triggered by the need to implement the Directive in terms of any reform of the collective bargaining system to increase the coverage of collective bargaining. So far, major discussions have been limited to the TCRL and the Parliamentary Committees and have concentrated mainly on the minimum wage setting criteria, as stated above, except for two minor examples given in the answers to question 3 of this report (related to Draft Law No XIVP-2605 and the proposal presented by the Joint Republican Trade Union in the meeting of the TCRL on 20 August 2024 to initiate a discussion on changing the composition of labour dispute commissions).

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<sup>1</sup>Interviews with a representative of the MSSL.

<sup>2</sup>Relevant Law No XIV-3034 was adopted on 17 October 2024.



#### **4.2. Any trade union activity dedicated to promotion/familiarising audience with the Directive**

The adoption of the Directive did not lead to any trade union initiatives/policy campaigns on reforming the collective bargaining system to increase collective bargaining coverage, apart from the proposal on the above-mentioned restrictions on the right to appeal to labour dispute commissions, presented by the Joint Republican Trade Union at the sitting of the Tripartite Council on 20 August 2024.

## 5. ACTION PLAN

The Central Agency for Project Management concluded a Contract<sup>3</sup> for the Implementation of Project No 07-022-P-0001 “Developing Social Dialogue for the Creation of High-Quality Jobs and Increased Competitiveness” (the Contract) with the MSSL in April 2024. This Contract and its implementation are considered to be an Action Plan by the MSSL representatives.<sup>4</sup>

The Contract is based on the Implementation Plan for Project No 07-022-P-0001, which in turn was prepared on the basis of the proposals of the social partners selected for the project implementation. Point 5.1 of the Contract details the reasons that led to the need and desirability of such a project. One of them is the low coverage of collective agreements in Lithuania, which was 22.5% in 2022 and 2023.

The objective of project No 07-022-P-0001 (as stated in point 5.2 of the Contract) is, inter alia, to promote trade union membership and collective bargaining. Therefore, all the measures referred to in the Contract are designed to contribute to increasing the coverage of collective bargaining and collective agreements. Draft sectoral collective agreements are foreseen to be drawn up following “the round table discussions.”

The monitoring indicators for project No 07-022-P-0001 are not the trained and qualified persons *per se* (as in similar previous projects), but concrete positive changes in organisations and enterprises. The target is that at least 30% of all organisations and enterprises that participate in the Project activities experience a positive change within six months after the end of their participation in the social dialogue activities (MSSL Order, 2022). A change will be considered to have occurred if the organisation or company provides documentation or information to support the change. A positive change will be considered to be the achievement of concrete results, such as the signing of a collective agreement in the enterprise, the establishment of a trade union, an increase in the number of union members, and other positive developments in the field of social dialogue (MSSL, 2024b; Spinter, 2022). These indicators and activities, as well as the draft of MSSL Order No A1-42426 (approved later on 26 June 2023), were all coordinated with the social partners.

The call for participation in project No 07-022-P-0001 was made public.

During the presentation of the Social Dialogue Development Project at the TCRL meeting on 28 May 2024 (TCRL, 2024c), TCRL members were presented with the three main objectives of the project:

- 1) To develop the competences and capacities of trade unions and employers’ organisations;
- 2) To promote membership of trade unions and employers’ associations;
- 3) To promote collective bargaining.

It was noted that union membership in Lithuania was 7-8% and that the coverage of collective agreements in 2023 was 22.5%, with 70% of these in the public sector. Therefore, the priority in the

<sup>3</sup>This Contract, or a summary thereof, is not currently available to the public. Therefore, the answer to this question is based on the information provided during the interviews with MSSL representatives.

<sup>4</sup>Interviews with representatives of the Government and social partners.



implementation of the Social Dialogue Development Project will be to focus on the private sector.

Outcomes (positive changes) expected:

- 1) Establishment of trade unions;
- 2) Improvement of provisions in collective agreements;
- 3) Signing of collective agreements signed in companies;
- 4) An increase in union membership;
- 5) Other positive developments in the field of social dialogue.

It was also presented at the TCRL meeting in question that positive developments within the project will be considered to have taken place if they are achieved in at least 30% of the participating organisations. This project will differ from the previous ones in that it will have a focus and emphasis on the private sector, and will also track the results of how well the participants are achieving the 30% target (MSSL Order, 2022).

The project thus aims to develop social dialogue to create quality jobs and increase competitiveness: to build the competences and capacities of employers and trade unions; to change the attitudes of employer organisations and public authorities towards social dialogue and its importance; to increase the focus on social dialogue education; and to promote trade union membership and the conclusion of collective agreements. Priority is given to the private sector. It is also envisaged to promote membership of employers' associations.

Alongside the Social Dialogue Development Project in Lithuania, there was a separate Social Dialogue Development Plan for 2025-2028 (the Plan) approved by the Minister for Social Security and Labour on 25 October 2024. The Plan was prepared by the MSSL, coordinated with the social partners and presented for discussion at the TCRL on 24 September 2024.<sup>5</sup> The Plan is less detailed than the project described above. The Plan provides a comprehensive overview of the situation of social dialogue and collective bargaining in Lithuania and proposes measures related to training organisations, changing attitudes, promoting collective bargaining and concluding sectoral collective agreements. The Plan also promises to draft amendments to labour and other legislation related to collective bargaining. However, it is not specified what exactly these initiatives will be. Some of them could possibly be related to labour legislation deregulation, the elaboration of criteria to be met by employers' organisations in their sectoral associations, and introducing public procurement rules that are conducive to social dialogue promotion. However, there is not yet a broad consensus between institutions and organisations on such new legislative initiatives.

The Plan pays major attention to activities aimed at improving the competences of trade unions and employer organisations (their training and consultation), dissemination of information on social dialogue issues and research. The expected result will be positive changes in the field of social dialogue in enterprises. The objective is that at least 30% of minimum 668 organisations and enterprises that will participate in social dialogue activities experience a positive change within six months of the end of their participation in the social dialogue activities. The positive change will be defined as the achievement of concrete results in the organisation or enterprise, such as the signing of a collective agreement, better collective agreement conditions, the establishment of a trade union, an increase in the number of trade union members, and other positive developments in social dialogue.

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<sup>5</sup>Interview with a representative of the MSSL.

## 6. SUMMARY AND CONCLUSIONS

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Although collective bargaining coverage has recently increased significantly, trade union density is generally quite low and collective bargaining coverage remains among the lowest in the EU.

Moreover, the positive developments are taking place in the public sector mainly. Employer organisations in the private sector have been reluctant to take on the role of sectoral social partners and/or to sign collective agreements, claiming the lack of mandate from their members. There is no belief among private-sector employers that signing a collective agreement is in the interest of the company. Therefore, they are simply not interested in participating in collective bargaining. As a result, collective bargaining coverage in the private sector remains stagnant.

At the same time, employees and sometimes even their representatives have insufficient knowledge of why and how would they benefit from collective bargaining or how to initiate negotiations. Both employer and trade union organisations often still lack competences and profound skills on how to participate in social dialogue.

Lithuania also faces the phenomenon of limited public awareness of social dialogue. There is no widespread social perception of collective agreements as a useful tool that contributes to quality employment. This is why, in our opinion, the possibilities offered by the Directive in terms of collective bargaining coverage have not triggered any public discussion, not even a major discussion among the social partners. In our observation, this is quite understandable, as the Directive itself cannot quickly bring about significant changes due to a combination of the various factors mentioned above, the most important of which, in our opinion, are unsupportive attitudes in society and the labour market and limited trade union resources.

As a result, the action plan to increase collective bargaining coverage is mainly related to changing attitudes in organisations and society in general, and increasing the knowledge and skills of trade unions and employer organisations. However, realistically expected changes are rather slow due to the nature of the current issues and rather neoliberal attitudes of labour market actors.



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„ *The private sector does what it thinks is best. It captures workers, it works in the market, but why do what is not compulsory, what is not communicated by the State? Has the State encouraged collective bargaining? Has the State communicated the need for it? Has there been any kind of campaign? So what does the State want? To do quality work or to formally show the EU that we have collective agreements? You cannot blame the private sector for not wanting to do that. Why should the private sector do what it is not supposed to?*

„ *National Collective Agreement, paragraph 23, obliges the employer to discuss the use of the accumulated wage bill with the trade union in the company. This year I had to accept that this clause was valid, because the municipality had been refunded 100,000 euro, and I met with the municipality, even with the mayor of the municipality, and I said that if the use of these funds was not discussed transparently with the workers' representatives, we would go to the Labour Disputes Commission.*