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EUROPEAN SOCIAL CHARTER

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the European Social Charter

submitted by

THE GOVERNMENT OF LITHUANIA

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CYCLE 2024

EUROPEAN SOCIAL CHARTER

**Reply to proposed questions from the European Committee of
Social Rights for the next statutory report**

Group 1

submitted by

The Government of the Republic of Lithuania

CYCLE 2024

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Article 2 – The right to just conditions of work

Article 2§1 Reasonable daily and weekly working hours

a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:

- *information on the exact number of weekly hours that persons in these occupations can work;*
- *information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.*

In Lithuania, there are no professions where the working week can exceed 60 hours or more by law. The maximum working time requirements set out in Article 114(1)(1) to (2) of the Labour Code of the Republic of Lithuania (hereinafter referred to as the Labour Code) are as follows:

1. The average working time with overtime excluding the work under the agreement on the additional work cannot exceed 48 hours during each 7-day period.
2. The working time, including overtime and work under the agreement on the additional work cannot exceed 12 hours per working day (shift), excluding a lunch break, and 60 hours during each seven-day period.

It is important to note that deviations from the mandatory provisions can be agreed in collective agreements at higher levels but the maximum duration of working time cannot be deviated from. Article 193(3) of the Labour Code provides that collective agreements concluded at national, sectoral or territorial level may deviate from certain mandatory rules, with the exception of those related to maximum working hours and minimum rest periods, the conclusion or termination of employment contracts, the minimum salary, occupational safety and health, gender equality and non-discrimination on other grounds.

Disputes about the legality of such rules are dealt with in accordance with the procedure for labour disputes. If a clause in a collective agreement is found to be contrary to mandatory rules, or if the collective agreement does not strike a balance between the interests of the employer and a worker, it cannot be applied. In such a case, the rule of the Labour Code or labour law should be applied. In any case, a collective agreement can improve the position of workers compared to that laid down in Labour Code or other labour law provisions.

Specifics of the internal service system

Specific terms and conditions and exceptions allowing overtime in certain cases may apply to members of the internal service system, namely:

- Police officers
- State Border Guard Service officers (border guards)
- Firefighters and rescue workers
- Public Security Service officers
- Financial Crimes Investigation Service officers
- Penal enforcement system officers (Lithuanian Prison Service and the Lithuanian Probation Service)

•Customs officers

The Statute of the Internal Service of the Republic of Lithuania (hereinafter referred to as the Statute) regulates the working time of these officers and allows them to work more than 60 hours with a maximum of 72 hours.

Article 48 of the Statute stipulates that the working time rate for officers is 40 hours per week (7-day period). The person appointing an officer or his/her delegate may, in the cases referred to in Article 49(1) of the Statute, authorise an officer to work overtime when necessary: (1) to save human life or health; (2) to ensure the implementation of the Article 31(1) of the Law on Crisis Management and Civil Protection; (3) to prevent or terminate mass disturbances; (4) to ensure public order at mass events; (5) to carry out an official task, the performance of which, due to its specific features, cannot be suspended or terminated; (6) to reinforce the protection of the State border; 7) to prepare for armed national defence; 8) to reinforce the protection of important State objects; 9) to ensure the security of official foreign guests; 10) in cases of emergency, martial law and other cases prescribed by law; 11) in other urgent cases where the tasks and functions laid down by law for a statutory body would not be guaranteed without the assignment of overtime).

Working time, including overtime, cannot exceed 24 hours per working day/shift, with the exception of the officers referred to in paragraph 3 of this Article, and 72 hours per 7-day period. The average working time, including overtime, of an official, other than those referred to in paragraph 3 of this Article, cannot exceed 48 hours in any 7-day period per quarter (3-month period). In the cases provided for in Article 49(1)(2) and (10) of the Statute, where necessary: (2) to ensure the provisions of Article 31(1) of the Law on Crisis Management and Civil Protection; (10) in cases of a state of emergency, martial law and other cases provided for by law), the limitations on the duration of working time set out in this paragraph may be deviated from.

Officers may be subject to aggregate working hour accounting where it is necessary to ensure the proper performance of the functions of a statutory body. In the case of aggregate working hour recording, the working time rate can be an average of 40 hours per week (7-day period), the average working time in each 7-day period, including overtime, cannot exceed 48 hours, and, in the cases provided for in Article 49(1) of the Statute, where it is necessary for the fulfilment of an official task, the duration of the working day/shift of the officers, together with any overtime, cannot exceed 26 hours. Overtime for the officers referred to in this paragraph should be deemed to be the time actually worked by those officers in excess of the duration of the working day/shift as laid down in the working timetable or of the total working time rate for the entire accounting period. The duration of the aggregate working time accounting period may not exceed 4 months. The list of positions of the officers referred to in this paragraph and the duration of the aggregate working time accounting period is approved by the head of the central statutory body. The decision on the application of aggregate working time accounting is taken by the head of the statutory body.

Safeguards to protect the health and safety of officers working more than 60 hours per week are laid down in Article 48(5) of the Statute. The daily uninterrupted rest period for officers between working days/shifts cannot be less than 11 consecutive hours and officers should be given at least 35 hours of uninterrupted rest within a period of 7 consecutive days. The period of uninterrupted rest between working days/shifts must

be at least 24 hours for a working day/shift of at least 24 hours, except in the cases provided for in Article 49(1) of the Statute. In the cases provided for in Article 49(1) of the Statute, where the official task would not be fulfilled because of the rest, the requirements of the rest regime laid down in this paragraph may be deviated from in the cases provided for in Article 31(1) of the Law on Crisis Management and Civil Protection of the Republic of Lithuania and Article 16 of the Regime of Martial Law in Republic of Lithuania. However, the person who appoints the officer or his/her authorised representative must, as soon as the opportunity arises, immediately grant the officer a period of uninterrupted rest of at least the duration laid down in this paragraph, and, if for objective reasons it is not possible to grant a period of rest of that duration, grant a period of rest that ensures the recovery of the officer's health and capacity to work.

b) Please provide information on the weekly working hours of seafarers.

Seafarers are subject to the general provisions of the Labour Code (see the answer to Article 2(1)). The specific features of working and rest time in maritime transport were approved by the Resolution No 534 of the Government of the Republic of Lithuania as of 28 June 2017. They have been prepared in accordance with Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Associations (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST), Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 on the implementation of the provisions applicable to the working hours of seafarers on board ships at Community ports and are applicable to ships registered in the Register of Seagoing Ships of the Republic of Lithuania.

The normal working hour rate of crew members are to be determined on the basis of an 8-hour working day, two days of rest per week and rest on state holidays. On ships with round-the-clock working and watchkeeping, aggregate working time accounting is to be introduced, the accounting period of which is to be determined by the collective agreement and not to exceed one year.

A ship captain is to be responsible for determining the working and resting time of the crew members. Crew members should be guaranteed a minimum of 10-hour rest per day and a minimum of 77-hour rest in any 7 days. A daily rest period may be divided into no more than 2 parts, one of which should not be less than 6 hours and the break between 2 consecutive rest periods should not exceed 14 hours. Adequate rest must be provided when work and rest periods are alternated. A schedule of work at sea and in a seaport in the form established by the Minister of Transport and Communications or an institution authorised by him must be posted/published in an easily accessible place, which must indicate the minimum number of rest hours for each position. Working time in excess of the established daily working time of 8 hours, unused daily rest time, weekly rest time, rest time and state holidays should be accumulated and compensated to crew members in accordance with the procedure laid down in paragraph 5 of the Peculiarities of Working Hours and Rest Hours, upon the return of the ship to the Klaipėda State Seaport or upon replacement of the crew in other seaports. The schedules of work at sea and in a seaport should be drawn up in Lithuanian, English and the working language of the ship. To comply with paragraph 38 and paragraph 40 of the Peculiarities of Working Hours and Rest Hours, a record should be kept of the crew members' daily hours of rest. A copy of the record of the

crew member's hours worked should be issued on request and signed by the ship captain or the authorised person by the captain and by the crew member himself. The standard form, frequency and procedure for keeping records of crew members' daily hours of rest should be laid down by the Minister for Transport or the authority authorised by him. The records should be made in Lithuanian, English and the working language of the ship. The ship should also have on board the specifics of the working and rest periods and the collective agreement, which should be made public.

Every member of the crew should, on the orders of the ship captain, carry out any emergency, distress or other work of the required duration (however long it may take), if it is necessary to ensure the safety of the ship, persons or cargo on board or to render assistance to other ships or persons in distress. Such work includes as follow:

- Emergency work related to the rescue of persons, ship and cargo (including assistance to other ships in the event of distress).
- Avral work:
- Work caused by stormy weather or storm warnings: additional securing of cargo, raising and lowering of sails and awnings, additional feeding of mooring lines, towing the ship to a safe place, preparations for the safe parking or working of the ship, navigating the narrows and other works as circumstances may require.
- In connection with the entry into and exit from a seaport, as well as berthing and unberthing of a ship in a port.
- Acceptance and transfer of the ship, its docking and undocking, mooring and sea trials after repairs.

During these operations, the ship captain may temporarily suspend the application of the sea and seaport working schedule while the above operations are in progress. After the completion of these works, the captain should ensure that all crew members who have been working during the rest periods provided for in the sea and harbour schedule are given adequate rest as soon as possible. When performing work according to the work schedule at sea and in a seaport during off-duty or working hours, the time worked is summed up and compensated to crew members upon the ship's return to Klaipėda State Seaport or crew change in other seaports.

When a ship is undergoing repairs or is otherwise laid up in a seaport, crew members may be scheduled for a full day's work at sea and in a seaport, if provided for in the collective agreement. Crew members may be granted rest days/days off for previously unused rest days while the ship is in port and/or undergoing repairs. The work schedules of the crew members at sea and in the seaport should correspond with the work schedules of the port or repair plant.

Employees of port stevedoring companies engaged in cargo handling and servicing, cargo transport, forwarding and warehousing operations, transshipment of cargo to sea and other modes of transport, and other employees engaged in these activities (chief stevedores, stevedores, pursers (cargo inspectors), dock mechanics, crane operators), workers in crane mechanisation workshops, power stations, refrigeration workshops, other ship handling and transfer services should be allowed to work up to 12 hours on a total working time basis by applying aggregated working hours recording, the accounting period for which is to be defined in collective agreements.

c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

On-call is regulated by Article 118 of the Labour Code. In the case of a worker who is

passively on duty at a designated place, this time is working time, whereas in the case of a worker who is passively on duty at home, this time is not working time. When the worker must be at a place specified by the employer, ready to perform his or her duties if necessary (passive on-call), the working day (shift) may be up to twenty-four hours but cannot exceed the worker's working time within a maximum accounting period of two months. In this case, the employee must be given the opportunity to rest and eat at the workplace. During both active and passive on-call, the employee must have a possibility to eat and rest. The working time regime and accounting of these employees are subject to general working time accounting rules.

The presence of an employee outside the workplace, but when he or she is ready to perform certain actions or come to the workplace when there is a need during normal rest periods (passive on-call at home), does not count as working time, except for the time for the actually performed actions. Such on-call time cannot exceed a continuous period of one week over four weeks. Such passive on-call time at home must be agreed upon in the employment contract and the worker must be paid a bonus of at least twenty per cent of the average monthly salary for each week of on-call time away from the workplace. Actions actually performed are to be remunerated as working time actually worked but not exceeding sixty hours per week. Passive on-call cannot be assigned to a person at home on the day on which he or she has working continuously for at least eleven consecutive hours.

Article 111 of the Labour Code provides that working time should in any event include the following periods:

- (1) Preparation for work at the workplace.
- (2) Physiological breaks and special breaks.
- (3) The time spent travelling from the workplace to the place of temporary performance of the work function specified by the employer.
- (4) On-call time in accordance with the Labour Code.

The on-call time of officers, including inactive duty periods, is regulated by Article 50 of the Statute. An officer's on-call time is the time during which an officer, according to the on-call schedule approved in advance by the head of the statutory institution or a person authorised by him or her, must be at a pre-agreed location (statutory institution, home or a place of the service area chosen and pre-agreed by the officer) during normal rest hours so that the head of the statutory institution or a person authorised by him or her or the on-call service can call him or her to perform urgent actions. The time spent by an officer on duty in a statutory body should be considered working time, while the time spent by an officer on duty at home or at a place of the officer's choice and at a pre-arranged location in the service area should not be counted as working time. The time spent by an officer on duty at home or at a place of the officer's choice and at a pre-arranged location in the service area should be paid at 50% of his or her average salary. For duty in a statutory body in excess of the average working time of the working day/shift, the working week or, in the case of aggregated working hours recording, the average working time of a 7-day period, the officer should, at his or her choice, be granted, during the following month, a period of rest of the same duration as the exceeded working time, multiplied by an appropriate duration as laid down in Article 58(4) of the Statute, or this rest time may be added to the officer's annual leave,

or be paid for as overtime work. An officer should be paid his or her average salary for the rest time granted. Rest time granted for on-call duty cannot coincide with daily or weekly uninterrupted rest time.

Article 3 – The right to safe and healthy working conditions

Article 3§1 Health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- *in the gig or platform economy;*
- *as regards telework;*
- *in jobs requiring intense attention or high performance;*
- *in jobs related to stress or traumatic situations at work;*
- *in jobs affected by climate change risks.*

Article 158 of the Law on Occupational Safety and Health of the Republic of Lithuania (hereinafter referred to as OSH Act) ensures that every worker is to be provided with appropriate, safe and healthy working conditions, regardless of various factors such as the type of activity of the undertaking, the type of employment contract, the number of employees, the profitability of the undertaking, the place of work, the working environment, the nature of the work, the length of the working day or the duration of the shift, and the worker's personal characteristics, such as nationality, race, ethnicity, gender, sexual orientation, age, social origin, or political or religious beliefs.

Article 39 of the OSH Act stipulates that the occupational safety and health status should be determined by an assessment of the occupational risk based on the extent to which the working arrangements and working conditions in the undertaking comply with the requirements laid down in the normative legal acts on occupational safety and health, the presence of any harmful and/or hazardous factors in the workplace or other places in the undertaking where workers may be present during working hours, the results of the occupational risk assessment, and the preventive measures taken to eliminate or reduce the occupational risks. The person representing the employer or a person authorised by the him or her on his or her behalf should organise the occupational risk assessment in the undertaking. The general regulations on occupational risk assessment are approved by the Minister for Social Security and Labour and the Minister for Health.

Psychosocial occupational risk factors should be assessed in accordance with the provisions of legislation common to all companies:

- General Regulations on Occupational Risk Assessment (hereinafter referred to as the Regulations) approved by Order No A1-457/V-961 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania as of 25 October 2012 on Approval of General Regulations on Occupational Risk Assessment¹. These Regulations provide general requirements for the occupational risk assessment and the implementation of prevention measures. According to the Regulations, a psychosocial factor is a factor which, as a result of working conditions, work requirements, work arrangement, work content, relations

¹ <https://www.e-tar.lt/portal/lt/legalAct/TAR.5B121E9A63FD/asr>

between workers or between employer and worker, causes mental stress to a worker.

- Methodological guidelines for the study of psychosocial occupational risk factors (hereinafter referred to as the Guidelines), approved by Order No V-699/A1-241 of the Minister of Health of the Republic of Lithuania and the Minister of Social Security and Labour of the Republic of Lithuania as of 24 August 2005 on the Approval of the Methodological Guidelines for the Study of Psychosocial Occupational Risk Factors (a new version is available since 2019)². The Guidelines set out the specialised requirements for the assessment of psychosocial risk factors. Psychosocial factors are measured using methodologies based on best practice and/or research and/or recommended by international organisations.

Telework has become particularly relevant during the Covid-19 pandemic. In Lithuania, various measures have been implemented to ensure the psychosocial well-being of workers, including the regulation of working and resting time, the provision of technological equipment and psychological support. Lithuanian legislation does not contain any other/different requirements for the occupational safety and health than when they carry out their functions in the workplace (the requirements for ensuring safe and healthy working conditions are identical for all categories of workers). Article 381 of the OSH Act provides that remote workers should be subject to the same occupational safety and health conditions as other employees of the undertaking. When a worker is assigned to work remotely, the employer should, if necessary, provide the worker with work equipment and personal protective equipment. The work equipment and the workplace used by the workers should comply with the requirements of occupational safety and health legislation. The employer must train a worker in the safe use of the work equipment provided by the employer. A worker must take care of his or her own safety and health, as well as the safety and health of others who might be harmed by his or her misconduct or mistakes, also, for the proper use of work equipment and personal protective equipment.

It should also be noted that no such concepts or categories such as jobs requiring intense attention or high productivity, as well as jobs related to stress or traumatic situations at work are defined/enumerated in the legislation of the Republic of Lithuania.

However, Article 40(3) of the OSH Act provides that the duration of working time of workers who work in a working environment where the levels of harmful factors exceed the permissible limit values and it is not possible to reduce them by technical or other means to the permissible limit values laid down in the normative legal acts on occupational health and safety should not exceed 36 hours per week.

The descriptions of special breaks per working day/shift and the conditions for their determination, the procedure for shortened working time rate and payment, the duration of additional leave, the conditions and procedure for granting it, the list of certain categories of employees entitled to extended leave and the duration of such leave, approved by the Resolution No 496 of the Government of the Republic of Lithuania as of 21 June 2017, contain certain benefits/privileges for workers.

The description of working time rate and payment procedures for short-time working states that a working time rate of no more than 36 hours per week is set for workers in working environments where, following an occupational risk assessment, the levels of

² <https://www.e-tar.lt/portal/lt/legalAct/TAR.E5C970D50036/asr>

chemical work environment factors (including carcinogens and mutagens), physical working environment factors or ergonomic working environment factors exceed the permissible limits (quantities) laid down in the regulatory legislation on occupational health and safety and where there is no possibility of reducing the level of such factors in the working environment to levels that are not harmful for health, by technical or other means. Where occupational risks have been assessed and it has been established that the levels of factors harmful to health in the working environment exceed the permissible limits/quantities laid down in the legislation on the safety and health of workers, until the levels of factors harmful to health in the working environment can be reduced by technical or other means to permissible levels, it is compulsory to reduce the weekly standard of work to no more than 36 hours.

The description of the duration of special breaks during the working day/shift and the conditions for determining them specifies that special breaks are to be granted to workers when working in outdoor conditions (outdoors or in unheated rooms), in occupational risk conditions, and in the case of work involving heavy physical or mental strain. The purpose of special breaks is to preserve workers' working capacity, improve productivity and the quality of work, protect workers from fatigue or overwork, prevent occupational diseases and accidents at work, as well as reduce the possible effects of harmful and/or hazardous factors in the working environment. Special breaks should be granted under the following conditions when workers are working outdoors at ambient temperatures below -10 °C or above +28 °C, or in unheated premises at ambient temperatures below +4 °C, and when workers are working in occupational hazardous conditions, or are engaged in work involving severe physical or mental strain, or when, according to the results of an occupational risk assessment, the worker is exposed to at least one occupational risk factor exceeding the level laid down in the occupational health and safety legislation and thus the occupational risk has been assessed as being tolerable.

The description on the duration, conditions and procedures for granting additional leave states that additional leave should be granted for work in conditions where there are deviations from normal working conditions and such deviations cannot be eliminated - for workers who work under conditions of tolerable occupational risk (i. e. a risk that can be tolerated if risk prevention measures are implemented to reduce the risk to a practicable level, i. e. to the level that it can be demonstrated that the cost of further risk reduction (in terms of time, money and/or workload) would be disproportionate to the benefits achieved), on the basis of an occupational risk assessment carried out in accordance with the Regulations where the levels of factors harmful to health exceed the permissible limit values/quantities laid down in the normative legal acts on occupational safety and health, and where it is not possible to reduce the level of such factors in the working environment to a level that is not harmful to health, by technical or other means - up to 5 working days. Additional leave should also be granted for the special nature of the work of the workers whose work (at least half of the total annual working time for which leave is granted) is of a mobile nature, or is carried out while travelling, in the open air, or involves travelling (2 working days), and in the event of an imminent or actual crisis or emergency, or in the event of the declaration of an emergency.

The list of certain categories of workers entitled to extended leave and the description of the duration of such leave indicate that teachers, pupil support specialists in educational establishments, other teaching staff in schools, psychological and pedagogical psychological services, orphanages and homes for children with

developmental disabilities, and research staff in science and education establishments, creative workers in professional performing arts institutions, health professionals, psychologists working in courts, remand centres, correctional institutions, probation services, social care institutions (except orphanages), pharmacists, social services workers working in places of detention and imprisonment, pilot instructors, air traffic controllers, pilots, navigators, test pilots, etc.

The State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour (hereinafter referred to as the SLI) advises workers, workers' representatives, persons representing employers, persons authorised by employers on the application and enforcement of laws and other normative legal acts on occupational safety and health, and prepares and/or organises the drafting of relevant methodologies, methodological guidelines, best practice guides, as well as the approbation and dissemination of such guidelines. It also monitors the implementation of the above-mentioned requirements during scheduled and unscheduled inspections. However, the questionnaires for inspecting undertakings do not include individual questions related to the above-mentioned aspects, and therefore, it is not possible for the SLI to provide statistics on the dynamics of the infringements detected during the inspection.

It should be noted that the effect of climate change is currently not very significant in the Republic of Lithuania due to its geographical location. Information on risk management and health protection is provided to workers in sectors particularly affected by climate change, such as agriculture or construction. The SLI actively promotes the recommendations developed each year during the warm seasons such as 'Exposure to heat at work. Guidelines for workplaces, heat, warmth, and heatstroke'³, and press releases are distributed during the cold season.

Regulating greater professional risk in internal service

Article 6(4) of the Statute stipulates that when officers perform functions prescribed by the laws regulating the activities of statutory bodies, which entail a greater hazard or a greater risk to the life and health of such officers and which ensure the implementation of the tasks and functions set for the statutory body (hereinafter referred to as Specific Activities), the provisions on ensuring the safety and health of officers, as laid down in the description of the procedures for the management of harmful and hazardous factors in the internal service system, which is adopted by the Minister of the Interior, in coordination with the Minister of Justice and the Minister of Finance, apply to such officers. Where officers carry out activities which do not fall within the scope of Specific Activities, they should be subject to the occupational safety and health requirements laid down in the OSH Act and in other normative legal acts on occupational safety and health.

By Order No. 1V-55 of the Minister of the Interior of the Republic of Lithuania as of 15 January 2019 on the Implementation of the Statute of the Internal Service of the Republic of Lithuania, the Description of the Procedure for the Management of Hazardous and Dangerous Factors in the System of the Internal Service of the Republic of Lithuania, which establishes the provisions for ensuring the health and safety of officers when they perform the tasks stipulated by the laws regulating the functions of statutory bodies, which entail a higher risk or greater hazard to the life and health of those officers and which ensure the implementation of the tasks and functions assigned

³ <https://www.vdi.lt/AtmUploads/heat.pdf>

to the statutory body, and determines the activities of those involved in the management of harmful and hazardous factors specific to the internal service system by organising and carrying out the analysis, monitoring, elimination or mitigation of harmful and hazardous factors and the risks they pose, as well as the implementation of preventive measures.

Implementing the Description of Procedures for the Management of Harmful and Hazardous Factors in the internal service system:

- Central statutory institutions, in managing harmful and hazardous factors (hereinafter referred to as Factors), should collect, analyse, systematise and summarise information provided by themselves and subordinate statutory agencies, which is necessary for safety and health and for the management of factors, such as incidents that occurred in the agencies, accidents, determined occupational diseases, workplaces, the nature of the activities of officers and cadets, and any changes in the nature of such activities, and should provide such information to the health care body authorised by the Minister of the Interior.
- Heads of the central statutory bodies in the context of factor management: approve the methodology for risk assessment in the central statutory body and its subordinate statutory bodies; determine the specific activities carried out by the officers or cadets of the central statutory body and its subordinate bodies; determine the factors for each specific activity carried out by officers or cadets of the central statutory body and its subordinate bodies; establish the safety and health requirements for the specific activities of officers or cadets of the central statutory body and its subordinate bodies; approve the factor management plans of the central statutory body and its subordinate bodies; establish the procedure for the instruction and training of officers and cadets of the central statutory body and its subordinate bodies in safety and health issues.
- Heads of statutory bodies: appoint one or more occupational safety and health officers within the body; establish and ensure the functioning of an Officers' Safety and Health Committee (hereinafter referred to as the Committee), provide the Committee with the information necessary for the performance of its functions; and ensure that officers or cadets are consulted, informed or trained in safety and health issues.

In order to ensure the provision and accessibility of psychological assistance to officers, Order No 1V-410 of the Minister of the Interior of the Republic of Lithuania as of 29 June 2023 also approves a Description of the Procedure for the Practical Activities of a Psychologist in Statutory Bodies under the Authority of the Minister of the Interior, which regulates the purpose of the practical activities of a psychologist, the objectives of the psychological assistance, the qualifications of the psychologist and the areas of his or her activities, the directions and organisation of the activities of the psychologist and psychological assistance, and the evaluation of the organisation of the activities of the psychologist.

The following legal acts have also been adopted in the Lithuanian Police in order to create an appropriate environment for occupational health, safety and working environment:

- The description of the procedure for providing psychological assistance to Lithuanian Police employees suspected of being addicted to psychoactive substances or gambling, approved by the Order No 5-V-590 of the Commissioner General of the Lithuanian Police as of 29 July 2021 on the approval of the Description of the Procedure for

Providing Psychological Assistance to Lithuanian Police Employees Suspected of Being Addicted to Psychoactive Substances or Gambling. The description provides for/regulates the course/organisation of providing psychological assistance to employees in a police institution. The purpose of the description is to refer employees who are found to be using alcohol in a harmful or irresponsible manner, or who are addicted to alcohol, psychoactive drugs or gambling, to psychological support in order to ensure that timely measures are taken to preserve and improve their mental health, as well as to provide support to the supervisor and the employee in order to guide them towards a solution to the problem.

- Order No 5-V-233 of the Commissioner General of the Lithuanian Police as of 25 February 2022 on the approval of the service training programmes 'Mindfulness-Based Stress Management' (the aim of the programme is to provide experience and skills to reduce subjectively perceived stress and improve the participants' physical and psychological health); 'Prevention of Mobbing in the Police Organisation' (the aim of the programme is to provide police officers with the knowledge to recognise mobbing in the workplace and how to react and behave constructively in such situations); 'Prevention of Addictions and Assistance to Police Employees', and 'Social Adaptation' (the aim of the programme is to provide participants with knowledge about addictions common in Lithuania and information about possible ways of assistance in case of an addiction problem), and 'Social Adaptation' (the aim of the programme is to provide knowledge on the process of adaptation within an organisation and on easier ways of adapting within an institution).

- Description of the Procedure for Providing Psychological Assistance after Critical Incidents, approved by Order No 5-V-630 of the Commissioner General of the Lithuanian Police as of 10 June 2022 on the Approval of the Description of the Procedure for Providing Psychological Assistance after Critical Incidents. The purpose of post-critical event psychological support is to mitigate the effects of a critical incident (1. Suicide of a police officer or another employee. 2. Health disorder or injury (personal injury) in the course of duty/work. 3. Sudden unexpected death of a police officer or another employee. 4. Use of a firearm. 5. Alleged or actual acts of terrorism. 6. Traumatic shocking images of the incident (dismemberment of the victim's body, etc.). 7. Incidents in which the safety or life of an officer or other employee has been threatened (if a colleague or partner has been threatened). 8. Shocking events involving children, family members, relatives, or acquaintances. 9. Unsuccessful rescue efforts (the person committed suicide anyway, the person trapped in the car was not extricated in time, etc.). 10. Suicide of a family member. 11. Other incidents not mentioned which have had an unusually strong impact on the psychological state of the police officer or another employee) traumatic effect and to ensure that police officers, other employees and their family members affected by the critical incident receive timely and immediate/effective psychological assistance, including, if necessary, continuing psychological assistance.

- Description of the Procedure for the Prevention of Violence and Harassment and its Implementation in Police Institutions approved by Order No 5-V-1229 of the Commissioner General of the Lithuanian Police as of 21 December 2022 on the Approval of the Procedure for the Prevention of Violence and Harassment and its Implementation in Police Institutions. The Description establishes the processes for the implementation of the policy on the prevention of violence and harassment in police institutions in order to ensure the safety and security of employees working under employment contracts, statutory civil servants, career civil servants, police cadets and employees temporarily carrying out tasks in the police institutions under contractual,

internship, international and other contracts, or the honour and dignity of civil servants or their group, the physical or psychological integrity of a person, the ways of recognising violence and harassment, possible forms, the procedure for reporting and handling cases of violence and harassment, the protection measures and assistance to be provided, the procedure of familiarisation with the prevention measures, the rules of conduct/work ethics of employees in the police institutions. The purpose of the Description is to ensure the physical and psychological safety of the employees of police institutions, the implementation of the policy on the prevention of violence and harassment and creation of a safe working environment in police institutions.

- Order No 5-V-432 of the Commissioner General of the Lithuanian Police as of 23 April 2024 on the qualification improvement programme 'Stress Management' approved for the qualification improvement programme 'Stress Management'. The programme is aimed at providing theoretical knowledge and develop practical skills necessary to increase resilience to and manage stress. The programme is designed to increase stress resilience and improve stress management skills of police officers. The programme provides police officers with theoretical and practical knowledge about stress, its possible effects and practical skills to manage stress effectively.

In the State Border Guard Service, the following legislation has been adopted in order to provide an appropriate environment for occupational health, safety and working environment:

- Description of the Procedure for Providing Psychological Assistance after Critical Incidents (approved by Order No 4-457 of the Head of the State Border Guard Service as of 22 December 2020).
- Description of the Procedure for Conducting an Organization's Climate Study (approved by Order No 4-408 of the Head of the State Border Guard Service as of 30 November 2021).
- Description of the Procedure for Conducting a 360-Degree Competency Assessment of Managers (approved by Order No 4-415 of the Head of the State Border Guard Service as of 9 December 2021).
- Description of the Procedure for the Implementation of the Policy for the Prevention of Violence and Harassment of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (approved by Order No 4-422 of the Commander of the State Border Guard Service as of 27 December 2022 and amended by Order No 4-438 of the Commander of the State Border Guard Service as of 11 December 2023).

The Psychological Unit of the State Border Guard Service has 9 psychological positions (currently 2 vacant) and 1 religious community position, whose main activities are as follow:

- Psychological counselling of State Border Guard Service officers, employees and their family members.
- Psychological education of State Border Guard Service officers, employees (conducting refresher training, in-service training on psychological topics, organising and conducting events on various psychological topics).
- Organising and conducting psychological investigations in the State Border Guard Service, as well as providing conclusions and recommendations.
- Psychological assessment of State Border Guard Service officers.
- Providing psychological support to the State Border Guard Service officers and staff after critical incidents.
- Referral of officers for preventive or postvention medical and psychological rehabilitation.
- Provision of spiritual counselling (religious community worker).

Article 3§2 of the Revised Charter (Article 3§1 of 1961 Charter) Health and safety regulations

a) *Please provide information on:*

- *the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);*
- *how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.*

Only during working hours should the worker perform his or her duties and carry out the employer's instructions. Rest time is time off from work and is at the employee's own disposal. Article 111 of the Labour Code stipulates that working time means any time during which a worker is at the employer's disposal or performs duties under an employment contract. Article 122 of the Labour Code establishes minimum rest time requirements stipulating that rest time is time free from work; unless otherwise provided for in the provisions of the Labour Code, the working time regime cannot infringe the following minimum rest time requirements:

(1) During the working day/shift, the worker should be given physiological breaks according to the worker's needs and special breaks in the case of work in outdoor conditions (outdoors or in unheated premises), in conditions of occupational risk, and in case of work involving heavy physical exertion or high mental strain.

(2) Workers must be given a lunch break for rest and meals after at least five hours of work. The duration of this break should not be less than thirty minutes and not more than two hours, unless the parties agree on a split working time regime. The worker may leave the workplace during the lunch break.

(3) The duration of daily uninterrupted rest between working days/shifts should not be less than eleven consecutive hours and the worker should be given at least thirty-five hours of uninterrupted rest in a period of seven consecutive days. Where a worker's working day/shift exceeds twelve hours but does not exceed twenty-four hours, the period of uninterrupted rest between working days/shifts should not be less than twenty-four hours.

(4) If the period of on-call duty is twenty-four hours, the period of rest should not be less than twenty-four hours.

Article 52 of the Labour Code states that in the case of the remote work, the time worked by the worker should be calculated in accordance with the procedure laid down by the employer. The worker should allocate his or her working time at his or her own discretion, within the limits of the maximum working time and the minimum rest time requirements. The employer must regularly, at least once a calendar year, and at the request of the works council, inform the works council or, in the absence of the works council, the trade union acting at the level of the employer, of the status of remote working in the undertaking, institution or organisation, indicating the number of employees so employed, the positions held and, if there are more than two employees in an occupational group, the average salary per occupational group and sex.

On 17 October 2024, the Parliament/Seimas adopted amendments to the Labour Code, which include a provision that overtime work is only possible with the written consent of the worker. Thus, the employer has no right to require the worker to carry out

assignments during his or her rest time.

All labour disputes arising should be dealt with by a labour dispute committee. Violations of working and rest periods can also be referred to the State Labour Inspectorate, which, if it finds specific violations, fines the employer.

b) *Please provide information on:*

- *the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;*
- *whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.*

In Lithuania, every worker must be provided with safe and healthy working conditions, regardless of the type of activity of the undertaking, the type of employment contract, the place of work, the nature of the work, the duration of the working day or working shift (Article 3 of the OSH Act).

Self-employed workers

The Occupational Safety and Health Act provides that a self-employed person, as that term is defined in Article 5(1) of the Employment Act, who carries out self-employed activities on a construction site should *mutatis mutandis*:

- Comply with the Regulations on the Installation of Workplaces on Construction Sites (approved by Order No A1-22/D1-34 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of the Environment of the Republic of Lithuania as of 15 January 2008 on the Approval of the Regulations on Workplaces on Construction Sites ⁴ (Article 15(1) of the Law).
- Must use only technically sound work equipment that complies with the requirements of regulatory legislation on occupational safety and health (Article 16, Article 33(1)(1), (3) of the Law).
- Take measures to ensure that the constructions in which the workplaces are situated, the workplaces themselves, the work equipment and the working environment comply with the requirements of occupational safety and health legislation, and organise the preparation and implementation of the necessary preventive measures (Article 25(1)(1) of the Law).
- Use personal protective equipment which complies with the requirements of the regulatory legislation on occupational safety and health (Articles 28(2) and 33(1)(2) of the Law).
- Organise work in such a way as to ensure the occupational safety and health, and cooperate and coordinate with other employers (Article 30 of the Law; Article 33(1)(4), (5), (6)).

The SLI monitors compliance with occupational safety and health requirements for self-employed persons carrying out self-employed activities on construction sites, advises self-employed persons carrying out self-employed activities on construction sites on compliance with occupational safety and health requirements, and provides them with

⁴ <https://www.e-tar.lt/portal/lt/legalAct/TAR.3923E605202A/asr>

methodological assistance.

Teleworkers

Article 381 “Remote workers’ safety” of the Law on Occupational Safety and Health stipulates that remote workers should be subject to the same occupational safety and health conditions as other workers of the undertaking. When a worker is assigned to work remotely, the employer should, if necessary, provide the worker with work equipment and personal protective equipment. The work equipment and the workplace used by the worker should comply with the requirements of occupational safety and health legislation. The employer must train a worker in the safe use of the work equipment provided by the employer. A worker must take care for his or her own safety and health, as well as the safety and health of others who might be harmed by his or her misconduct or mistakes, also, for the proper use of work equipment and personal protective equipment.

Domestic workers

The concept ‘domestic workers’ is not defined in the national law. General occupational safety and health apply as described earlier in Article 3§1.

Temporary workers

Article 38 of the Law on occupational safety and health defines the safety of temporary workers. Rights and obligations between the temporary worker, the temporary employment undertaking and the user of the temporary work should be arranged this way:

1. The employer (temporary employment undertaking) should fulfil all the obligations of an employer laid down in this Law, subject to the specificities set out in this Article.
2. Before the temporary worker commences work, the user of the temporary work must inform the temporary worker of any potential risks, specify the professional qualifications or skills and health requirements, and clearly indicate the specific increased risks that may arise from the work.
3. The user of the temporary work should only allow the temporary worker to commence work once the temporary worker has been made aware of the occupational safety and health regulatory requirements applicable to him or her, including existing and potential risks and the specifics of the use of means of protection, and has been instructed in the safe operation of the workplace in question, even if he or she has received the prescribed occupational safety and health training at the temporary employment undertaking.
4. The user of the temporary work must inform the occupational safety and health officer/officers, the occupational safety and health service, the person authorised by the employer to carry out the occupational safety and health service’s functions, the natural person or legal entity carrying out the occupational safety and health service’s functions or part thereof, of the start and end of the temporary workers’ work for the user of the temporary work so that they can organise the appropriate occupational safety and health preventive measures for all workers.
5. The user of temporary work must inform in advance, before sending the temporary worker by the temporary employment undertaking, about the qualifications of the worker needed and the characteristics of the workplaces. The temporary employment

undertaking must inform the temporary workers concerned.

6. Without prejudice to the employer's responsibility, the user of the temporary employment should be responsible for the working conditions of the temporary worker as far as the occupational safety and health is concerned.

Standard of protection under health and safety regulations

General occupational safety and health apply to temporary workers, interim workers and workers on fixed-term contracts. Every worker must be provided with safe and healthy working conditions, regardless of the type of contract or the nature of the work (Article 3 of the OSH Act).

Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:

- *domestic workers;*
- *digital platform workers;*
- *teleworkers;*
- *posted workers;*
- *workers employed through subcontracting;*
- *the self employed;*
- *workers exposed to environmental-related risks such as climate change and pollution.*

The terms or categories 'domestic workers', 'subcontracted workers', and 'digital platform workers' are not defined/named in the legislation of the Republic of Lithuania, and therefore these groups of workers are not distinguished. These categories of workers in the Republic of Lithuania are usually classified as self-employed, and the requirements and monitoring of the application of the requirements for this group are discussed in the reply to Article 3(2) of the Charter.

The legislation of the Republic of Lithuania does not impose any other/different requirements on the safety and health of posted workers than those imposed on employed workers. The monitoring of OSH requirements is entrusted to the SLI but the SLI does not have the option of automated monitoring.

As regards workers exposed to environmental risks such as climate change and pollution, the measures taken to monitor the implementation of health and safety rules have been addressed in response to Article 3(1) of the Charter.

Article 4 – The right to fair remuneration

Article 4§3 Right of men and women to equal pay for work of equal value

a) Please indicate whether the notion of equal work and work of equal value is defined in

domestic law or case law.

In Lithuania, the concepts of 'equal work' and 'work of equal value' are defined both in domestic law and in case law. In Lithuanian law, these concepts are mostly linked to the principles of equal opportunities and non-discrimination, in particular in the area of salaries. Article 26 of the Labour Code establishes the principle of gender equality and non-discrimination of employees on other grounds. Paragraph 2 states that in implementing the principles of gender equality and non-discrimination on other grounds, the employer should, without regard to the worker's sex, race, nationality, citizenship, language, origin, social status, religion, beliefs or opinions, age, sexual orientation, disability, state of health, marital or family status, ethnic origin, membership of a political party, trade union or association, religion (except in cases of, where the employee works in religious communities, societies or centres, where it is customary, lawful and justified to require the employee to take into account the religion, faith or belief of the religious community, society or centre), the intention to have a child, the fact that the employee is exercising or has exercised the rights provided for in this Code, or any other grounds provided for by law, pay equal salary for equal work of equal value.

Article 140 of the Labour Code determinates the pay system which should be designed to avoid any discrimination based on gender and other grounds. Men and women should be paid equally for equal or equivalent work. Equal work means the performance of a work activity which, according to objective criteria, is identical or similar to another work activity to the extent that the two workers can be interchanged without significant cost to the employer. Equivalent work means that it is, according to objective criteria, at least as well qualified and as relevant to the employer's objectives as other comparable work. For the purposes of implementing the principles of equality between the genders and non-discrimination between workers on other grounds, non-discriminatory remuneration of a worker means the non-discriminatory remuneration and any additional remuneration, whether in cash or in kind, which the worker receives directly or indirectly from the employer in return for his or her work.

Case-law has also dealt with cases involving breaches of the principle of equal pay for equal work or work of equal value. Courts often refer to European Union laws and directives that lay down the principles of equal pay.⁵

b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

Guidance for the development of pay systems have been approved and are being made public, detailing the objective criteria on the basis of which and in what manner a worker's pay should be detailed and determined, regardless of their gender or other non-objective criteria. The Government of the Republic of Lithuania Resolution No. 857 on the Approval of Recommendations for the Establishment of a Pay System⁶ of 8 November 2023 approves the recommendations for the establishment of a pay system (mandatory in public sector but also applicable in the private sector). The main aspects of the Resolution include:

- Creation of a job level structure: Guidelines are established on how to form the

⁵ [IMMC.COM%282021%2993%20final.LIT.xhtml.1_LT_ACT_part1_v2.docx](#)

⁶ [857 Dėl Darbo apmokėjimo sistemos nustatymo rekomendacijų patvirtinimo](#)

- job level structure of state or municipal institutions.
- Criteria for job comparison and determination of the salary coefficient: Criteria are defined for determining the salary coefficients.
- Setting intervals for salary coefficients: Intervals are established within which salary coefficients can be set.
- Determination of salary after performance evaluation: It is determined how the salary can be adjusted after the performance evaluation of a civil servant.

There are other methodologies reflecting the equal pay principle, developed by national experts and the Equal Opportunities Ombudsman's Office:

1. Methodological guidance on the development of a pay system published by the Public Management Agency⁷;
2. Methodology for appraising jobs and posts⁸;
3. Strata 2023 Guidelines for the Development of a Remuneration System for Civil Servants and contract workers⁹;
4. The Equal Opportunities Ombudsman's Office has developed and publishes guidance on equal opportunities in the workplace - both general equal opportunities and fair pay (*regular review of pay systems and real pay and other measures*):1) Equal Opportunities Guide for Employers ¹⁰ and Equal Opportunities in the Workplace¹¹.

This is a major help to employers in implementing Article 26(2)(4) and Article 140(5)(6) of the Labour Code.

Since 2020, the State Labour Inspectorate has been performing annual thematic planned inspections on the gender pay gap. For the period between 2020 and 2021, inspections were carried out in financial and insurance undertakings, as this sector had the highest pay gap. Since 2022, inspections have been carried out on the basis of data from the State Social Insurance Fund Board (Sodra) on the gender pay gap, i. e. the 30 companies with the highest pay gaps have been selected for inspections. It has been noted that the list of undertakings to be inspected includes undertakings from a wide range of sectors, such as finance, IT, healthcare, construction, etc.

Between January and October 2023, the State Labour Inspectorate carried out thirty planned investigations on compliance with the principles of equal opportunities and non-discrimination in undertakings with the highest gender pay gaps. Particular attention was paid to the issues of pay systems and the implementation of equal opportunities policies and enforcement measures in order to identify the causes of the gender pay gap. During the planned investigations, 6 remedial actions were issued, which identified 10 infringements: 1 infringement concerning equal pay for women and men, 8 infringements concerning other labour law issues and 1 infringement concerning occupational safety and health. During the inspections, 4 administrative offence reports were drawn up, identifying 2 infringements of labour laws and occupational safety and health legislation, 1 infringement of the procedure for

⁷ [Metodinės rekomendacijos.pdf \(lrv.lt\)](#)

⁸ [Darbu_pareigybiu_vertinimo_metod_leidinys2004 \(lpsk.lt\)](#)

⁹ [Darbo_apmokėjimo_sistemos_kūrimo_gairės.pdf \(lrv.lt\)](#)

¹⁰ [lygiugalimybuvadovas.pdf \(lygybe.lt\)](#)

¹¹ https://lygybe.lt/wp-content/uploads/2023/05/lygiu_galimybiu_vadovas_2020.pdf

calculating and paying salaries and 1 infringement of illegal work.

To summarise the results for the period between 2020 and 2023, it can be concluded that the observed salary gap between women and men is not linked to direct gender discrimination. The gender pay gap is due to objective reasons, such as differences in qualifications, work experience or other objective criteria for the same job. However, there is a tendency for women to be more likely than men to choose/take certain occupations that are generally lower paid on the labour market, such as customer service, cleaning services (cleaners), etc., while men dominate in the construction, IT and engineering sectors, where salaries are generally significantly higher. There has been a positive development in the IT sector where women are increasingly taking up positions in this sector as IT specialists and not just as administrators or customer service specialists.

c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 establishing mechanisms for pay transparency and enforcement, reinforcing the principle of equal pay for men and women for equal work or work of equal value, must be transposed into national law not later than 7 June 2026. The directive is currently being analysed and a plan for amending national legislation is being prepared.

On 9 October 2024, the Government of the Republic of Lithuania adopted Resolution No. 848 on labour statistics, which instructed the State Data Agency to conduct an annual statistical survey of the gender pay gap and to prepare and publish statistical information on the gender pay gap in gross average hourly earnings by form of property ownership (public and private), type of economic activity, size of undertaking, duration of workers' working time (full-time and part-time) and age. The information will be published on the Official Statistics portal. This analysis will help to detect changes in the gender pay gap more quickly, identify which sectors are most sensitive to this problem and, as a result, make the inspections carried out by the State Labour Inspectorate more targeted and focused, which will help to reduce the gender pay gap in the most vulnerable sectors.

Statistical trends in retrospect (according to the State Data Agency of Lithuania¹²):

- In 2018, the gender pay gap in the national economy, excluding agriculture, forestry and fisheries enterprises, was 13%, and decreased by 1.2% compared to 2017. The highest gender pay gaps were in financial and insurance activities - 37.3%, information and communication - 27.8%, and human healthcare and social work - 26.9%. In transport and storage, as well as construction enterprises, women's average gross hourly earnings exceeded those of men resulting in a negative gap of -10.1% and -3.2% respectively.
- In 2019, the gender pay gap in the national economy, excluding agriculture, forestry and fisheries enterprises, was 12.4%, and decreased by 0.6% compared to 2018. The highest gender pay gaps were in financial and insurance activities - 36.3%, information

¹² <https://osp.stat.gov.lt/statistiniu-rodikliu-analize?indicator=S3R837#/>

and communication - 30.2%, and human healthcare and social work - 26.8%. In transport and storage, as well as construction enterprises, women's average gross hourly earnings exceeded those of men resulting in a negative gap of -10.7% and -2.9% respectively.

- In 2020, the gender pay gap in the national economy, excluding agriculture, forestry and fisheries enterprises, was 12.1%, and decreased by 0.3% compared to 2019. The highest gender pay gaps were in financial and insurance activities - 33.8%, information and communication - 28.8%, and human healthcare and social work - 27.1%. In transport and storage, as well as construction enterprises, women's average gross hourly earnings exceeded those of men resulting in a negative gap of -3.5% and -1.8% respectively.

- In 2021, the gender pay gap in the national economy, excluding agriculture, forestry and fisheries enterprises, was 11.1%, and decreased by 1% compared to 2020. The highest gender pay gaps were in financial and insurance activities - 34.3%, information and communication - 29.3%, and human healthcare and social work - 27.5%. In transport and storage, as well as construction enterprises, women's average gross hourly earnings exceeded those of men resulting in a negative gap of -5.8% and -1.7% respectively.

- In 2022, the gender pay gap in the national economy, excluding agriculture, forestry and fisheries enterprises, was 11.1% and has not changed compared to 2021. The highest gender pay gaps were in financial and insurance activities - 31.8%, information and communication - 28.4%, and human healthcare and social work - 25.6%. In transport and storage, as well as construction enterprises, women's average gross hourly earnings exceeded those of men resulting in a negative gap of -11.9% and -3.6% respectively.

- In 2023, the gender pay gap in the national economy, excluding agriculture, forestry and fishing enterprises with 10 or more employees, was 10.7%, a decrease of 0.4% was observed compared to 2022.

Please also refer to Annex No. 1. For more detailed information on the economic activity analysis by gender, please visit the State Social Insurance Fund Board (Sodra) open data website: <https://atvira.sodra.lt/en-eur/>

Article 5 Right to organise

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The development of social dialogue was established in the Programme of the Eighteenth Government¹³ of the Republic of Lithuania, approved by the Resolution of the Seimas of the Republic of Lithuania No. XIV-72 of 11 December 2020, 131(2), which provides for the development of social dialogue and corporate social responsibility, the promotion of social partnership, increasing the involvement of people in trade unions and associations, consulting social partners before taking decisions, promoting collective bargaining with a view to transferring part of the regulation of labour relations at the national level, at the level of individual branches/sectors and enterprises from laws to collective agreements, and aiming to achieve a rise in the average wage.

The government have actively participated in the social dialogue in the annual negotiation of the National Collective Agreement. The National Collective Agreement 2023-2025 was signed on 10 October 2022 and amended on 12 October 2023 and 11 October 2024. This is the fifth national agreement signed by the Government of the Republic of Lithuania and national trade union organisations. This Agreement applies to employees of budgetary institutions and, as from 1 January 2024 to employees of state and municipally owned enterprises and public bodies who are members of trade unions. The application of the Treaty is increasing year by year: in 2023, it applied to some 58 000 workers, in 2024 it covered around 66,000 workers, and from 1 January 2025, following the entry into force of the Agreement amending the Agreement signed on 11 October this year, around 72,000 Lithuanian workers belonging to signatory or constituent organisations will be able to benefit from the advantages of the working conditions set out in the Agreement.

The national trade union organisations, together with the Ministry of Social Security and Labour, review and update the provisions of the agreement annually and apply the agreement to those trade union members who have become members since the agreement was signed. The annual renewal of the contract strengthens trade unions, improves cooperation between the government and trade union organisations, and provides trade union members with direct benefits: a trade unionist who feels unwell or has a planned visit to a medical facility is entitled, after informing the employer, to up to 5 working days (in the current year) to improve his/her health, at the rate of the average wage; a trade union member shall also be entitled to two working days of paid leave for self-education or volunteering at a time agreed with the employer; a trade union member who is studying in formal education programmes or participating in non-formal adult education programmes, or who is in the process of upgrading his/her qualifications, may, in consultation with his/her direct manager, be entitled to receive up to 10 working days of leave at the average wage, or up to 20 d at half the average wage.

According to the State Data Agency of Lithuania, 106.3 thousand, 121.2 thousand, 99.3 thousand, 89.6 thousand, 86.6 thousand, and 92.1 thousand members belonged

¹³ The new, 19th government of Lithuania, led by Prime Minister Gintautas Paluckas, started working on December 12, 2024

to trade unions in 2022, 2021, 2020, 2019, 2018, and 2017, respectively.

At the end of November 2023, the selection of social partners to participate in the project Developing Social Dialogue to Create Quality Jobs and Increase Competitiveness, funded by the European Union Funds Investment Programme, took place. The Project partners are some of the largest employers' and trade union organisations at national level: Lithuanian Confederation of Industrialists, Lithuanian Confederation of Trade Unions, Lithuanian Confederation of Employers and the Lithuanian trade union "Solidarumas". The Project provides training for trade union and employers' organisation representatives in negotiation skills and leadership development, social dialogue, collective bargaining, collective dispute resolution mechanisms, labour law, economics, financial literacy, digital skills, new and non-standard forms of work, including platform workers, and other topics; conferences or roundtables for trade union and employers' organisation representatives on the European Semester agenda, relevant European Union institutional documents and autonomous agreements involving the European social partners; round tables for representatives of workers and employers in individual sectors – for representatives of trade unions and employers of companies operating in a particular sector and for representatives of trade unions and business organisations operating in particular sectors; consultation on social dialogue in the workplace, on the social partnership system, on employee and employer representation, on collective bargaining for the benefit of employees and employers, on how to address the problems arising in practice in the workplace through social dialogue, on how to achieve a fair and equitable transition to a climate-neutral economy, and on what specific measures could be taken in the workplace, also taking into account the recommendations made in international documents (e.g. the opinions of the European Economic and Social Committee: "Green Collective Bargaining", "Democracy at Work"); dissemination of the benefits of social dialogue (including Lithuanian and foreign good practices) through various publicity tools; research on the situation of social dialogue in Lithuania. The Project Agreement was signed on 16 April 2024 and the Project activities started. The Project aims to develop social dialogue to create quality jobs and increase competitiveness by: building the competences and capacities of employers and trade unions; changing the attitudes of employers' organisations and public authorities towards social dialogue and its importance; increasing the focus on social dialogue education; and promoting trade union membership and the conclusion of collective agreements.

Priority is given to the private sector. It will also encourage membership of employers' associations. The main reason for prioritising the private sector is the low coverage of collective agreements in the private sector – around 30%. The expected result is positive developments in social dialogue in enterprises. The target is that at least 30% of at least 668 organisations and enterprises participating in social dialogue activities will have experienced a positive change in the 6 months following the end of their participation in social dialogue activities. A positive development will be defined as concrete results achieved in the organisation or enterprise, such as the signing of a collective agreement in the enterprise, improved 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.

In implementation of Directive (EU) 2022/241 of the European Parliament and of the Council of 19 October 2022 on a fair minimum wage in the European Union, the

Minister of Social Security and Labour approved the Action Plan for the Promotion of Social Dialogue and Collective Negotiations for the years 2024-2028 by the Order of the Minister of Social Security and Labour of the Republic of Lithuania of 25 October 2024, No A1-709 "On the Approval of the Action Plan for the Promotion of Social Dialogue and Collective Bargaining for the Years 2024-2028"¹⁴ (hereafter referred to as the Action Plan).

The Action Plan aims to promote social dialogue and collective bargaining in the private and public sectors, with priority given to the private sector.

The objectives of the Action Plan:

- Improving the competences and capacity of those involved in social dialogue and collective bargaining.
- Informing the public about social dialogue and collective bargaining and collective agreements.
- Monitoring the situation and progress of social dialogue and collective agreements.
- Implementing legislative initiatives.
- Promote consultation of the social partners by state and local authorities.

The Action Plan will be implemented together with the social partners identified in the Action Plan for the period 2024-2028.

The measures for the implementation of the Action Plan shall be financed from the European Union Funds Investment Programme for the period 2021-2027 and from the general appropriations approved in the state budget of the Republic of Lithuania for the institutions responsible for the implementation of the measures of the Action Plan and from other funds received in accordance with the procedure established by legal acts. The Action Plan includes measures such as training for workers' and employers' representatives, training for trade union and employers' organisation representatives, roundtables, conferences, consultations on social dialogue and other measures.

The Action Plan provides a more detailed overview of the social dialogue situation in Lithuania and other countries, measures, indicators and responsible actors.

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.

The establishment of workers' and employers' organisations is guaranteed by Article 35 of the Constitution of the Republic of Lithuania (hereinafter – the Constitution), the Labour Code and the Civil Code of the Republic of Lithuania (hereinafter – the Civil Code), as well as by special legal acts: Law on Trade Unions of the Republic of Lithuania (hereinafter – the Law on Trade Unions), Law on Associations of the Republic of Lithuania (hereinafter – the Law on Associations) and other legal acts.

As set out in Article 182 of the Labour Code, an employers' organisation is a public legal person with its own name and limited civil liability – an association established under the Law on Associations of the Republic of Lithuania. Employers shall have the right to establish and join organisations based on this Code, the Law on Associations of the Republic of Lithuania and the statutes of employers' organisations without any restrictions. Associations established and operating in accordance with the Law on Associations of the Republic of Lithuania shall also be recognised as employers' organisations if, in accordance with their statutes/statutes, they represent the rights and interests of their members (employers) in the social partnership.

¹⁴<https://eseimas.lrs.lt/portal/legalAct/lt/TAD/ef258651930811ef955ff95815eb5ce5?positionInSearchResults=0&searchModelUUID=fd47d44e-2c63-41c0-8680-13a0ad59441e>

The Law on Amendments to Articles 14, 30, 35, 36, 41, 42, 56, 57, 59, 62, 72-1, 112, 119, 134, 140, 141, 144, 171, 179, 181, 182, 185, 193, 194, 222, 223, 225, 226, 228, 237, 240, 241 and the Annex to the Labour Code of the Republic of Lithuania, which was negotiated with the social partners, came into force on 17 October 2024. This law added Article 182(5) of the Labour Code, which stipulates that employers' organisations have the right to organise themselves into higher-level employers' organisations (associations, federations, confederations, unions, etc.) at national, sectoral and territorial levels. Employers' organisations operating at national level must meet the following criteria:

- 1) have legal personality.
- 2) has been operating as an employers' organisation for a continuous period of at least three years.
- 3) has an autonomous organisational structure.
- 4) has at least five employees with an employment contract.
- 5) members of employers' organisations – employers – employ at least 3 per cent of the persons employed on the territory of the Republic of Lithuania under an employment contract or on other legal relations on the basis of other legal relations referred to in the Law on Employment.
- 6) they are not the subject of a final conviction.
- 7) they have no tax arrears to the state budget of the Republic of Lithuania, municipal budgets, funds to which taxes are administered by the State Tax Inspectorate (except in cases where payment of taxes, interest, fines has been postponed or there is a tax dispute regarding unpaid taxes, interest, fines), and they are not indebted to the budget of the state social fund;
- 8) they belong to the EU, to organisations of the European Economic Area or to other international organisations in which more than half of the members are EU Member States, or more than half of the EU Member States belong to an international organisation in which membership fees are payable.

The criteria provided for in Article 182(5) shall apply to employers' organisations which, after the date of entry into force of Article 21 of Law XIV-3024 (25 October 2024), start negotiations on the conclusion of a national (inter-branch) collective agreement, and/or which are applying to be part of the tripartite council for the new term of the Republic of Lithuania.

In social partnership at branch or national level, employers – institutions, organisations maintained from the budgets of the State, municipalities and the State Social Insurance Fund and other funds established by the State, as well as enterprises, institutions and organisations whose rights and obligations of the owner are exercised by the State or a municipality – shall be represented by the Government of the Republic of Lithuania or by an institution authorised by the Government of the Republic of Lithuania (Article 181(2) of the Labour Code).

In social partnership at the territorial level, employers – institutions and organisations supported from municipal budgets – are represented by the municipal council, and institutions and organisations supported from the budgets of the State Social Insurance Fund and other funds established by the State are represented by the Government of the Republic of Lithuania or an institution authorised by it. The municipal council also represents in the social partnership at territorial level those enterprises, institutions and organisations whose ownership rights and obligations are exercised by the municipality concerned (Article 181(3) of the Labour Code).

The Government of the Republic of Lithuania or an institution authorised by it, or a municipal council shall be subject to the legal norms regulating the rights and obligations of the employers' organisation (Article 181(4) of the Labour Code).

Employers' organisations operate in accordance with the Law on Associations of the Republic of Lithuania. In accordance with the Law on Associations, the association shall act in accordance with the Constitution of the Republic of Lithuania, the Civil Code of the Republic of Lithuania, this and other laws, governmental decrees, other legal acts and shall base its activities on its statutes.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Please provide information:

- *on the status and prerogatives of minority trade unions;*
- *on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.*

The Constitution guarantees the right of citizens to freely form societies or associations, provided that their aims and activities are not contrary to the Constitution and the law. Article 50 of the Constitution provides that trade unions shall be free to form and act independently. They defend workers' economic, professional and social rights and interests.

Trade unions operate at national, branch, territorial and employer level, in accordance with Article 179 of the Labour Code and Article 1 of the Law on Trade Unions of the Republic of Lithuania.

In order to ensure that social partnership at national level is properly implemented, a draft amendment to Article 179 of the Labour Code has been prepared on the initiative of trade union organisations. These criteria were agreed by the majority of trade unions represented in the Court of Justice at the time.

*Article 179(4) of the Labour Code states:

"4. Trade union organisations at national level can be joined by trade union organisations at branch and territorial level. Trade union organisations at national level must meet the following criteria:

- 1) Have legal personality.
- 2) Have been active as a trade union organisation for a continuous period of at least three years.
- 3) Have an autonomous organisational structure.
- 4) Have at least five employees with an employment contract.
- 5) Unite at least 7 different trade union organisations operating at branch and/or territorial level, with branches in at least 2/3 of the territories of the districts of the Republic of Lithuania.
- 6) Are not the subject of a final conviction.
- 7) Lapsed on 25.10.2024
- 8) Do not have any tax arrears to the state budget of the Republic of Lithuania, municipal budgets, funds to which the taxes paid are administered by the State Tax Inspectorate (except for cases when the payment of taxes, interest, fines is postponed or there is a tax dispute regarding unpaid taxes, interest, fines), and they do not owe any debts to the budget of the State Social Insurance Fund;
- 9) Represent at least 15 per cent of the total number of Lithuanian trade union

members.

10) Belong to the European Union (hereinafter – EU), to organisations of the European Economic Area, or to other international organisations in which more than half of the members are Member States of the EU, or in which more than half of the Member States of the EU are members of an international organisation in which a membership fee is payable."

Trade union organisations operating at branch or territorial level may be established if they consist of at least five trade unions operating at employer level (Article 179(3). Trade union organisations at branch level can conclude collective agreements at branch level (production, service, professional), while trade union organisations at territorial level can only conclude collective agreements at territorial level.

A trade union at employer level is considered to be a trade union that is established and operates within the employer. According to Article 6 of the Trade Union Law, in order to establish a trade union, it is necessary that it has: 1) at least 20 founders or, in an enterprise, institution or organisation, at least 1/10 of the total number of employees (and 1/10 of the total number of employees is at least three); 2) Statutes approved by the assembly; 3) elected governing bodies; and 4) headquarters decided. Trade union organisations operating at national, branch or territorial level shall have the right to set up their own branches in accordance with the procedure laid down in their statutes, and such branches shall be considered as trade unions operating at employer level and shall have all the rights and obligations of employee representatives provided for in this Code and other legal acts (Article 179(2)). The branches and organs of a national, branch or territorial trade union shall be constituted in accordance with the statutes of the trade union already established and operating. In accordance with Article 197(1) of the Labour Code, an employer-level trade union may conclude only an employer-level collective agreement that applies only to employees of that employer. Only an employer-level collective agreement may be exempted and apply to all employees of that employer, not just union members, if the union and the employer agree to apply the employer-level or workplace-level collective agreement to all employees and if it is approved by the employer's general meeting/conference of employees.

According to Article 6 of the Law on Trade Unions, trade unions can be established and operate on other principles defined by the trade unions themselves, but this severely limits the scope for trade union action, as only trade unions operating at national, branch, territorial or employer/workplace level can operate in social partnership (Article 164 of the Labour Code), in accordance with Article 163 of the Labour Code. Therefore, trade union organisations that do not operate at the levels set out in Article 163 of the Labour Code cannot conclude collective agreements, because according to Articles 191-192 of the Labour Code, in Lithuania only national (only national-level trade union organisations can conclude agreements), territorial (only territorial-level trade union organisations can conclude agreements), sectoral (only sectoral-level trade union organisations can conclude them) and employer (workplace) level collective agreements (only employer-level trade unions can conclude them, or if there is no employer-level trade union, the general meeting of the employer's employees may authorise the sectoral trade union to negotiate an employer-level collective agreement (Article 188(3)). Nor can such unions set up branches with employers, because according to Article 179(2), only trade union organisations at national, sectoral or territorial level may set up branches.

Setting up trade unions

The establishment of a trade union as a legal person is governed by the Civil Code. According to Article 2.38 of the Civil Code, "trade unions are legal persons if the provisions of paragraph 2 of this Article are met, i.e. a trade union is established if it has at least twenty founders or if, in an enterprise, institution or organisation, these founders constitute at least 1/10 of the total number of employees (and 1/10 of the total number of employees would be at least three employees), and its statutes are approved at a meeting of the trade union, and the governing bodies of the trade union are elected. The founders of a trade union may be citizens of the Republic of Lithuania and foreigners with legal capacity to work. Trade unions shall submit to the Register of Legal Entities documents confirming the existence of the circumstances referred to in paragraph 2 of this Article.

Article 8 of the Law on Trade Unions stipulates that trade unions or their associations, in accordance with the procedure established by the legislation, must submit to the Register of Legal Entities the statutes of the trade union and other documents confirming the existence of the circumstances referred to in Article 6(2) of this Law, i.e.:

- 1) at least 20 founders or, in an enterprise, institution or organisation, the founders would represent at least 1/10 of the total number of employees (and 1/10 of the total number of employees would be at least three employees), and the union's constitution and elected governing bodies have been approved by a meeting of the trade union;
- 2) the statutes adopted by the meeting.
- 3) the elected governing bodies.
- 4) the decision taken on the headquarters.

A trade union shall be deemed to be established from the date on which the conditions referred to in the second paragraph of this Article are fulfilled.

There are no minority trade unions in Lithuania.

Employee representation means defending and representing the rights and interests of employees in relations with other parties to the social partnership, in labour disputes and in social partnership bodies, and creating and modifying or otherwise participating in the determination of the employment, social and economic rights and obligations of employees in accordance with the provisions of labour law.

The workers' representatives are considered to be the trade union, works council or workers' trustee. The activities of workers' representatives must be organised and conducted in cooperation and in such a way as to ensure that the general interests and rights of workers are defended as effectively as possible. The works council cannot perform those functions of employee representation that are considered to be the exclusive rights of trade unions under the Code, e.g. collective agreements can only be concluded by trade unions, and employees are informed and consulted through the works councils (Labour Code, Section 3, Articles 203 to 209).

Trade unions have the right to operate at any level of social partnership and to represent their members collectively and individually. They have exclusive rights to collective bargaining, collective agreements and collective action. Collective agreements apply to workers who are members of the trade unions that concluded

them. If a trade union and an employer agree to apply a collective agreement at employer level or workplace level to all employees, it applies to all employees if it is approved by the employer's general meeting/conference of employees.

Works councils and worker trustees are independent employee representative bodies that represent all employees at employer level in information, consultation and other participatory procedures that involve employees and their representatives in the employer's decision-making. The works council shall be set up for a term of office of three years, starting from the beginning of the term of office of the works council.

A works council must be set up at the initiative of the employer when the average number of employees of the employer is twenty or more. If the workplace has an employer-level trade union whose membership exceeds 1/3 of the total number of employees of the employer, no works council shall be established and the trade union shall acquire all the powers of a works council and shall perform all the functions assigned to a works council under this Code. If more than 1/3 of the employees in the workplace belong to trade unions, the functions of the works council shall be performed by a trade union elected by the members of the trade unions, or by a joint representation of trade unions.

If the average number of employees of the employer is less than 20, the employees' rights of representation may be exercised by an employee trustee elected by the employees for a period of three years at a general meeting of the employees of the employer). Unless otherwise provided, all provisions of the Labour Code and other laws and regulations governing the rights, duties and guarantees of the works council and its members shall apply *mutatis mutandis* to the employee trustee.

d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

Article 1 of the Law on Trade Unions of the Republic of Lithuania stipulates that the peculiarities of the application of this Law in national defence, police, state security and other organisations may be laid down in the laws regulating the activities of these organisations.

Pursuant to Article 36 of the Law on the Organisation of the National Defence System and Military Service of the Republic of Lithuania, servicemen may participate in the activities of associations and other non-political associations, as well as in other non-political activities aimed at the promotion of moral, national, patriotic and civic democratic values, provided that such participation does not interfere with the performance of the soldier's direct duties. This article of the law prohibits members of the professional military service from going on strike and from being members of a trade union.

Statute of the Internal Service lays down the main provisions governing the activities of trade unions in the internal affairs institutions (including the police), as well as the rights and specificities of trade union representatives.

Statute of the Internal Service provide that officials may, in accordance with the procedure laid down by law and these Regulations, form or join trade unions to defend their interests. The head and deputy heads of a statutory body may not be members

of a trade union within the statutory body.

Trade union activities in a statutory body may be suspended or terminated in accordance with the procedure laid down by law if they contravene laws and other legal acts or interfere with the exercise of the functions of the statutory body in order to safeguard human rights and public security.

Trade unions operating in statutory bodies are prohibited:

- 1) Organise and participate in strikes.
- 2) Organise and participate in pickets or rallies which would directly interfere with the activities of a statutory body or the performance of the official's official duties.

Officials who are members of trade unions shall not be subject to disciplinary action on the grounds of their membership of trade unions, their representation of members of trade unions of statutory bodies or their activities in trade unions. The imposition of service penalties on officials who are members of trade unions, with the exception of dismissal from the internal service, shall also require the prior agreement of the elected body of the trade union.

Trade union members who have been dismissed from the internal service at their own request for election to elective office in trade union organisations shall, on termination of their term of office in elective office, be reinstated, at their request, in the office held before their election, or, in the absence of such an office, in another equivalent post in the same or, with the written consent of the person concerned, in another statutory body, and, in the absence of such an office, in a lower post in the same or in another statutory body, with the person written consent. They shall be reinstated in the internal service in accordance with the procedure laid down by the Minister.

Officials who are trade union representatives shall have the right to participate in the professional, economic and social affairs of officials, as well as in the organisational activities of trade unions. This is up to 120 hours of service/work time per year, this time is compensated. For officials who are trade union representatives, the sectoral collective agreement may set a different number of hours of service/work per year for trade union activities.

Statute of the Internal Service governs the conclusion of collective agreements. A collective agreement of a statutory body may be concluded between the head of the statutory body, or a person authorised by him/her and the trade unions representing the officials in the statutory body. This contract shall lay down the conditions of service (work) and rest and other socio-economic conditions for officials of the statutory body. The collective agreement of a statutory body may not contain additional terms and conditions relating to additional resources from the state and municipal budgets and public funds.

A sectoral collective agreement may be concluded between trade union organisations (federation, federation, centre, etc.) representing officials serving in a single field of public administration and the Government or an institution authorised by it. It lays down the remuneration, service and rest periods and other socio-economic conditions for all officials in that area of public administration. The branch collective agreement may provide for the possibility of organising (chairing) trade union meetings during working hours, and for the use of office space, communication and transport facilities for trade union activities.

Officials are also covered by a national collective agreement concluded between trade union organisations (federation, federation, centre and others) representing civil servants and the Government, which lays down the pay, service (work), rest periods and other socio-economic conditions for Lithuanian civil servants.

Article 6 – The right to bargain collectively

Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

The Lithuanian Tripartite Council is the most important forum for dialogue between employers, workers and government representatives. It meets annually to agree on the minimum wage, find solutions on working conditions, address employment, worker safety, undeclared work, the tax system, health care, and other issues affecting workers and employers. The Lithuanian Tripartite Council shall be composed of 21 members for a four-year term of office: seven representatives delegated by trade unions operating at the national level, seven representatives delegated by employers' organisations operating at the national level, and seven representatives delegated by the Government of the Republic of Lithuania. The Government of the Republic of Lithuania delegates its representatives to the Tripartite Council by a resolution of the Government of the Republic of Lithuania, and trade union and employers' organisations applying to delegate a representative to the Tripartite Council must comply with the criteria set out in Article 185 of the Labour Code. Trade union organisations applying to be delegated to the Tripartite Council must also meet the criteria set out in Article 179(4) of the Labour Code for a national-level trade union organisation. Also, employers' organisations applying to delegate a representative to the Tripartite Council will have to meet the criteria for a national employers' organisation as set out in this Article, following the amendment to Article 182(5) of the Labour Code (in force from 25 October 2024).

On 1 July 2022, the new Tripartite Council, established for a four-year term, started its work. Currently, the Tripartite Council is composed of representatives from the Government of the Republic of Lithuania (1 member), the Ministry of Social Security and Labour of the Republic of Lithuania (2 members), the Ministry of Finance of the Republic of Lithuania (2 members), and the Ministry of Economy and Innovation of the Republic of Lithuania (2 members). Trade union organisations are represented by representatives of the Lithuanian Confederation of Trade Unions (3 members), the Lithuanian Trade Union Solidarity (2 members) and the Republican Joint Trade Union (2 members). Representatives of employers' organisations include the Investors' Forum Association (1 member), the Lithuanian Employers' Confederation (1 member), the Confederation of Lithuanian Industrialists (2 members), the Confederation of Lithuanian Business (1 member), the Association of the Lithuanian Chambers of Commerce, Industry and Crafts (1 member), and the Chamber of Agriculture of the Republic of Lithuania (1 member). These organisations have also delegated alternates.

The Tripartite Council has 7 committees and commissions in which representatives of non-governmental organisations participate (Commission on Labour Relations;

Commission on Wage Policy; Bilateral Commission for Government Officials; Working Group on Systemic Changes in Social Guarantees; Working Group on the Problems of Workers in International Road Freight Transport; and the Committee on Culture).

The Tripartite Council of the Employment Service is a body made up of an equal number of representatives of trade unions, employers' organisations and the government. Its main purpose is to make proposals on the priority areas of the Employment Service, the appropriateness of the development of employment programmes, the implementation of employment support measures, the provision of labour market services, and the improvement of the efficiency of its activities.

Key features:

- Making recommendations on the priorities of the Employment Service.
- Assessing and proposing programmes to boost employment.
- Helping implement employment support measures.
- Making recommendations on how to deliver labour market services and improve their efficiency.

The Tripartite Council also deals with a wide range of issues related to the labour market situation, the activities of regional career centres, cooperation with municipalities and other institutions

The Tripartite Council at Sodra (Lithuania's State Social Insurance Fund Board) is the body that examines social security issues and makes recommendations on Sodra's activities. The Council is made up of an equal number of representatives from trade unions, employers' organisations and the government.

Key features:

- Examining and making recommendations on social security contributions, benefits and other issues relating to Sodra.
- Assessing and proposing improvements to legislation on social security.
- Participating in discussions and taking decisions on important social security policy issues.

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

Since the Tripartite Council was set up in 1995, the social partners have met every month (and more often if necessary) to discuss key social, economic and labour policy issues such as:

- Wages: the minimum monthly wage (MMW).
- Working conditions: improving working conditions, safety and health.
- Social security: social protection measures, including pension and social benefit systems.
- Illegal work: finding ways to tackle illegal work and the shadow economy.
- Tax system: tax policy and its impact on the labour market.
- Employment: measures to increase employment and reduce unemployment.

The main purpose of such meetings is monitoring and analysis of social, economic, and labour issues and providing proposals for their resolution. All draft laws and other legal acts in the social, economic, and labour fields are discussed both within the Labour Relations Commission of the Tripartite Council and within the Tripartite Council, and their conclusions and recommendations are taken into consideration. The Tripartite Council provides the Government with conclusions on the determination of

the minimum wage. For instance, it was agreed on MMW increase in 2023. The records and protocols of these meetings are publicly available online (since 2022).¹⁵

All draft legal acts are also coordinated with the public and other interested institutions through the Legal Acts Information System of the Chancellery of the Seimas of the Republic of Lithuania. Anyone who is interested in the provisions of the draft legislation may submit comments, suggestions, etc. on the draft legislation contained in the legislative acts information system¹⁶.

c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

During the meeting of the Trilateral Council of the Republic of Lithuania on 7 November 2023, the members of the Trilateral Council were presented with information on the green transformation and heard the opinions of the social partners on this issue (Minutes No TTP-12, agenda item "On the presentation of the green transformation in the Trilateral Council"). Speakers from three ministries were invited to present this issue. The Ministry of Economic Affairs and Innovation presented slides on "Towards a climate-neutral economy". The Ministry of the Environment presented a slide show on "The circular economy: impact on the labour market – new jobs and new skills".

¹⁵ [Trišalės tarybos posėdžiai - Lietuvos Respublikos socialinės apsaugos ir darbo ministerija](#)

¹⁶ https://www.lrs.lt/sip/portal.show?p_r=35386&p_k=2

Article 6§2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

- the operation of factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements;
- the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

If an employee is subject to several collective agreements:

1) a collective agreement at the employer level and at the branch level, it shall be subject to the collective agreement of the branch, unless the collective agreement of the branch permits the company's collective agreement to derogate from the terms set out in the agreement.

2) an employer-level collective agreement and a territorial collective agreement, it shall be subject to the territorial collective agreement, unless the territorial collective agreement permits the employer-level collective agreement to derogate from the terms of the territorial collective agreement.

3) branch and territorial collective agreements, it is subject to the *lex specialist* provisions of the collective agreement (Article 197(4) of the Labour Code).

The national collective agreement provides that trade union members are subject to different ways of improving their situation, as set out in the agreement and in collective agreements at branch, territorial, employer or workplace level. The ways in which collective agreements at different levels improve working conditions for a trade union member in the same way are not cumulative, but the provision of the collective agreement that improves his/her situation the most (point 11).

Article 197(1) of the Labour Code stipulates that collective agreements apply to employees who are members of the trade unions that have concluded them, but the same article of the Labour Code provides for the possibility of extending the application of employer-level collective agreements to all employees of the same employer, subject to certain conditions: the union and the employer agree to extend the application of the employer-level or workplace-level collective agreement to all employees, and it is approved by the general meeting (conference) of the employer's employees. Collective agreements at national, sectoral or territorial level apply only to members of the trade unions that have signed them. The law does not provide for the extension of these collective agreements to all workers.

Article 198(1) of the Labour Code states that the application of individual provisions of a national (interbranch), territorial, branch (production, service, trade) collective agreement may be extended compulsorily to all employers in a given territory or branch by order of the Minister of Social Security and Labour, provided that such a proposal

has been submitted in writing by both parties to the collective agreement. The Lithuanian labour relations legal framework extends collective agreements to employers and not to their employees.

Article 198 of the Labour Code. Extension of the scope of collective agreements

1. The application of individual provisions of a national (interbranch), territorial or branch (manufacturing, service, professional) collective agreement may be extended by order of the Minister of Social Security and Labour on a compulsory basis to all employers falling within the scope of the national (interbranch) collective agreement or to employers in a particular territory or branch, respectively, provided that such a proposal has been submitted in writing by both parties to the collective agreement.

2. The offer submitted by the parties to the collective agreement referred to in paragraph 1 of this Article shall specify:

- 1) the name of the collective agreement whose scope is proposed to be extended.
- 2) which provisions of the collective agreement are proposed for extension.
- 3) the reasons for extending the scope of the collective agreement.
4. the estimated number of workers covered by the collective agreement.

3. A proposal to extend the scope of a national (interbranch), branch (production, service, professional) or territorial collective agreement may be submitted to the Minister of Social Security and Labour if at least six months remain before the expiry of the agreement.

4. The Minister of Social Security and Labour shall take a decision on the extension of the scope of application of the collective agreement not later than within sixty calendar days from the date of receipt of the proposal referred to in paragraph 1 of this Article.

5. The Order of the Minister of Social Security and Labour on the extension of the scope of application of individual provisions of a collective agreement, together with the texts of the extended collective agreement or its provisions, shall be published in the Register of Acts.

6. A decision to extend the scope of a collective agreement shall be valid for as long as the collective agreement itself is valid, unless otherwise specified in an order of the Minister of Social Security and Labour. If such a collective agreement is supplemented or amended, the application of the amendments and supplements shall not be deemed to have been extended on a compulsory basis without a separate order of the Minister of Social Security and Labour.

Article 193(3) of the Labour Code provides that collective agreements concluded at national, sectoral or territorial level may derogate from the mandatory rules laid down in this Code or in other provisions of labour law, provided that the collective agreement achieves a balance between the interests of the employer and the employees, with the exception of rules relating to maximum working hours and minimum rest periods, the conclusion or termination of the contract of employment, the minimum wage,

occupational health and safety, equality between the sexes, and non-discrimination on any other ground. If a clause in a collective agreement is found to be contrary to mandatory rules laid down in this Code or other labour law provisions, or if the collective agreement does not achieve a balance between the interests of the employer and the employees, it may not be applied, but the rule of this Code or a labour law provision shall apply. In any case, a collective agreement can improve the position of workers compared to that laid down in this Code or other labour law provisions.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining).

Lithuania is characterised by decentralised collective bargaining, especially in the private sector, as most collective agreements are concluded at employer level and only one branch agreement exists in the private sector. Private sector employers and trade unions are reluctant to negotiate at branch level. This is due to a lack of employers' organisations and trade union branch organisations, and a lack of competences and skills for collective bargaining.

b) Please provide specific details on:

- *the measures taken or planned in order address those obstacles;*
- *the timelines adopted in relation to those measures;*
- *the outcomes achieved/expected in terms of those measures.*

The information on the project Developing Social Dialogue to Create Quality Jobs and Increase Competitiveness and on the Action Plan for the Promotion of Social Dialogue and Collective Negotiations for the years 2024-2028 is provided under Article 5 a).

The project "Developing social dialogue for quality jobs and competitiveness" runs from 2024 to 2027. The project will end on 31-10-2027.

The Action Plan for the Promotion of Social Dialogue and Collective Bargaining 2024-2028 is to be implemented by the end of 2028.

The expected result is positive developments in social dialogue in enterprises. The target is that at least 30% of at least 668 organisations and enterprises participating in social dialogue activities will have experienced a positive change in the 6 months following the end of their participation in social dialogue activities. A positive development will be defined as concrete results achieved in the organisation or enterprise, such as the signing of a collective agreement in the enterprise, improved 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.

d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

National legislation implementing Directive (EU) 2024/ of the European Parliament and of the Council of 23 October 2024 on improving working conditions on digital platforms will be adopted by 23 October 2026. At the same time, the issue of collective bargaining for the self-employed on digital work platforms will be addressed. Currently, the Commission's Communication Guidelines on the application of Union competition law to collective agreements concerning the working conditions of the self-employed (2022/C 374/02) is followed, which allows for collective agreements for the self-employed and does not constitute a breach of competition.

Currently, platform workers in Lithuania are represented by the Courier Association, which was established in 2018 as the May Day Trade Union and operates on a territorial level, as well as the Courier and Drivers Association.

Article 6§4 Collective action

a) *Please indicate:*

- *the sectors in which the right to strike is prohibited;*
- *those sectors for which there are restrictions on the right to strike;*
- *sectors for which there is a requirement of a minimum service to be maintained.*

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

Workers who are employed under employment contracts and whose right to strike is restricted are ambulance workers and workers in nuclear facilities (Article 51 of the Nuclear Energy Act).

National law sets out some specific features for the application of the Trade Union Law in national defence, police, state security and other organisations. These specificities are specified in individual laws of the Republic of Lithuania: Statute of the Internal Service of the Republic of Lithuania, Law on Intelligence of the Republic of Lithuania, Law on the Organisation of the National Defence System and Military Service of the Republic of Lithuania, Law on the Public Prosecutor's Office of the Republic of Lithuania and others.

Under the Internal Service Statute, officials are prohibited from striking in accordance with the law and this Statute. Trade unions operating in a statutory body shall be prohibited from organising or participating in strikes, pickets or rallies which directly interfere with the activities of the statutory body or the performance of the official's duties.

In accordance with Article 40 of the Law on Intelligence, an intelligence officer is prohibited from forming, joining or participating in trade unions, strikes and picketing. The Law on the Organisation of the National Defence System and Military Service stipulates that members of the professional military service may not be members of a trade union or strike.

The Law on the Prosecutor's Office provides that prosecutors may join trade unions and associations to meet their professional, cultural and social needs, but prosecutors are not allowed to strike or picket.

The Special Investigation Service officers are subject to the restrictions laid down in the Law on the Special Investigation Service of the Republic of Lithuania. Officials are

prohibited to strike or take part in pickets, rallies, which would directly interfere with the activities of the Special Investigation Service or the performance of their duties as an official of the Special Investigation Service, or to be members of a trade union.

Officials of the Financial Crimes Investigation Service shall be prohibited to strike or participate in pickets, rallies, which would directly interfere with the activities of the Service or the performance of official duties of an official of the Service, in accordance with the Law on the Financial Crimes Investigation Service.

The Law on Courts of the Republic of Lithuania provides for the right to form associations of judges or other non-political organisations that defend the rights of judges, represent their interests and meet their professional needs. Judges are not allowed to strike.

According to the Law on Diplomatic Service of the Republic of Lithuania, diplomats may be members of trade unions, organisations or associations, as well as members of political parties or organisations, and participate in political activities outside of their official (working) time. Diplomats are not allowed to strike.

At the end of 2023, amendments to the Labour Code, the Law on the State of Emergency of the Republic of Lithuania (the "Law on the State of Emergency") and the Law on Crisis Management and Civil Protection of the Republic of Lithuania (the "Law on Civil Protection") were adopted. The amendment to Article 248 of the Labour Code abolishes the mandatory prohibition of strike action during a state of emergency and a state of emergency, and establishes that restrictions on strike action during mobilisation, a state of emergency, martial law or a state of emergency are determined by the laws governing mobilisation, a state of emergency, martial law or state of emergency.

Article 18(2) of the Law on State of Emergency provides that the head of the authority responsible for managing the state of emergency, after consulting the Tripartite Council of the Republic of Lithuania, may impose strike restrictions in the territory where the state of emergency has been imposed, in order to manage the state of emergency, but not longer than until the lifting of the emergency. The Tripartite Council of the Republic of Lithuania must give its opinion on the planned restrictions on the strike no later than 48 hours from the receipt of the request for an opinion. The decision to limit the strike must be reviewed every 3 months. Article 18(3) of the Law stipulates that restrictions on the exercise of rights and freedoms may be used only to the extent that the criticality of the situation so requires.

Article 5 of the Law on Civil Protection provides that in the course of search, rescue and emergency work, in the course of the liquidation of an event, emergency, crisis or emergency and in the elimination of their consequences, in the cases and in the procedure set out in this Law, temporary restrictions may be placed on a person's freedom of movement, rights to property and inviolability of the dwelling, the freedom of economic activity, the provision of public and administrative services, and strikes.

As mentioned above, all these amendments, in order to ensure that the right to strike is not restricted without an assessment of the necessity and proportionality of such a restriction, abolished the mandatory restriction on strike action during states of emergency and situations of urgency, and the separate Emergency and Civil Protection Acts set out the cases and conditions under which a strike could be restricted, but not automatically, and only after an assessment of the need for and proportionality of the restriction.

In employers' undertakings and branches of industry that provide emergency (vital) services to the public, a minimum level of provision of these services to the public must be ensured during an actual and a warning strike (Article 247(1) of the Labour Code). The minimum services to be provided shall be determined by agreement between the parties to the collective labour dispute within three working days from the date of delivery of the notice of the imminent actual strike to the employer (within one working day in the case of a warning strike) and shall be notified in writing to the Government of the Republic of Lithuania and the municipal authorities, respectively. In the absence of an agreement between the parties on the minimum services to be provided, the labour dispute body shall determine the minimum services to be provided within five working days of the request by one of the parties. The strike committee provides the minimum services, the employer and the workers they appoint. If the parties to a collective labour dispute deem it necessary, they draw up a list of workers who will be required to work during the strike before the strike begins, thus ensuring the provision of minimum services.

Emergency (vital) services to the public are considered to be (Article 247(4) of the Labour Code):

- health services.
- electricity supply services.
- water supply services.
- heat and gas supply services.
- sewerage and waste removal services.
- civil aviation services, including air traffic control.
- telecommunications services.
- rail and urban public transport services.

According to the State Data Agency, 2 warning strikes took place in 2019: a warning strike by prison health care workers (the strikers stated that they were striking over the restructuring of prison health care units and over wages, prison funding, etc.) and a warning strike by workers in education and vocational, scientific and technical institutions (striking workers in education and science institutions stated that they were on strike because of disagreements over the revision of the collective agreement of the Lithuanian education and science sector, wages of workers, etc.).

A strike at AB Achema began on 8 February 2022 and ended on 24 February. Lithuania declared a state of emergency due to the war in Ukraine. The workers went on strike because they could not agree on a collective agreement. At the end of the strike, the employer met all of the workers' demands – except for the signing of a collective agreement.

The strike by Vilnius public transport drivers (the sector where minimum services must be guaranteed) started on 5 December 2022. The strike was organised by the trade union of the employees of the company Vilnius Public Transport (VVT) in order to improve working conditions and negotiate a new collective agreement. Some 489 workers were on strike. The strike lasted until 22 December, when an agreement was reached between the PES and the trade union on the substance of the collective agreement. Following this agreement, the strike was called off and public transport services returned to normal.

In 2023, there was 1 real and 1 warning strike in the education sector, organised by the Lithuanian Education Workers' Trade Union. It should be noted that at the time, the collective agreement for the education sector signed with the trade union was in force and had been respected by the Government, which represented the employer, but the trade union had made new demands, all of which the Government could not accept, and the trade union would not compromise, demanding that all of their demands be accepted (20 demands were made). The strike started on 15 September with a warning strike. The real strike started on 29 September and lasted until 5 December, when the 2024 state budget was adopted. Education workers in Lithuania went on strike for several main reasons:

Salary increases: teachers demanded a 20% increase as early as 2023 and an additional 30% from 1 January 2024.

Workload reduction: the aim was to reduce teachers' workload from 24 to 18 hours per week.

Class size reduction: teachers wanted to reduce the number of pupils in the newly created classes.

Improving the educational environment for pupils with special educational needs: suggestions for better procedures for working with pupils with special educational needs, etc.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

Article 251 of the Labour Code provides that an employer or employers' organisation that receives a notification from a trade union or trade union organisation of a decision to declare a strike has the right, within five working days of receiving the notification, to apply to a court to determine whether the strike is lawful. The application of provisional measures of protection other than those provided for in Article 252 of this Code is prohibited. Article 252 of the Labour Code provides that, in the event of an imminent threat of non-compliance with a collective agreement between the parties to a labour dispute over interests or a decision of a labour arbitration concerning the provision of minimum services in enterprises, establishments, organisations and branches, in the event of a strike, in the provision of emergency (vital) services, and which may endanger the life, health and safety of persons, the court shall have the right to postpone for fifteen working days a strike which has not yet begun and to suspend the strike which has begun for the same period in those enterprises, establishments, organisations and branches.

The court has five working days to rule on the legality of the strike. The legality of a strike cannot be the subject of an investigation into the economic and social motives of the claims made.

The court shall declare a strike unlawful if its aims are contrary to the Constitution of the Republic of Lithuania, this Code and other laws. A strike is also illegal if it:

1) it is not published in accordance with the procedures and requirements laid down in this Code:

2) declared in cases where a strike is prohibited by this Code or other laws.

3) the notice is issued on the basis of demands not made in accordance with the procedure, political or otherwise, which are not related to the employment and related interests of the striking workers.

Once a court decision declaring a strike unlawful has become final, the strike may not

start, and a strike already in progress must be stopped immediately if such a decision is enforced urgently.

An employer or employers' organisation may apply to the court for a postponement or suspension of a strike if there is an imminent threat that, during the strike, an agreement between the parties to a collective labour dispute on interests or a labour arbitration award on the provision of minimum services in enterprises, institutions, organisations and branches providing emergency (vital) services will not be implemented, which could endanger the life, health and safety of people. In these enterprises, institutions, organisations and branches, the court has the power to postpone a strike that has not yet begun for 15 working days and to suspend a strike that has begun for the same period (Article 252 of the Labour Code).

The State Data Agency, in accordance with the Resolution of the Government of the Republic of Lithuania No.848 of 9 October 2024 on labour statistics, carries out a statistical survey of strikes and lockouts, and collects the following data for the statistical observation unit: the average number of workers who participated in the strike and the number of workers who are subject to a lockout, the time off work, the duration of the strike or the lockout, and the reasons for the strike or lockout.

Article 20 – Right to equal opportunities between women and men

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Lithuania has introduced several measures to promote greater participation of women in the labour market and to reduce gender segregation.

Flexible working conditions

Family-friendly legal provisions are enshrined in the Labour Code. It has been amended to provide for flexible working conditions (i. e. part-time work, remote working, working time arrangements, or unpaid time off). Unless the employer proves that it would entail excessive costs due to industrial necessity or the particularities of the organisation of work, on request:

- Pregnant workers, workers who have recently given birth or are breastfeeding, and workers with a child up to the age of eight (was up to the age of 3).
- A single parent of a child under 14 or a disabled child under 18.
- At the request of the worker, on the basis of a conclusion from a healthcare institution about his or her state of health or the need to care for a family member or person living with him or her.

If at least one of the above conditions is met, the employer must give the person the opportunity to work:

- Part-time (without additional conditions due to the nature of the production or organisation of work).
- Remotely (no longer does it remain possible to request remote working for only one-fifth of the working time, but for the full-time work).
- Upon selected time arrangements, i.e. they can request flexible working arrangements or individual working time arrangements.

The employer must also grant unpaid time off to the worker if the worker's request is related to a family emergency in the event of sickness or an accident in which the worker must be present.

New parental leave regime

Under the Labour Code, parents with children are currently entitled to stay longer with their children (parent's days, and in some cases longer annual leave) and other benefits:

At the beginning of 2023, a new parental leave regime came into force: all parents with children born after 1 January 2023 have the possibility to take non-transferable parental leave. Two months are given for the mother and two months for the father (four months in total). Each parent (guardian, adoptive parent) has the right to take part of the 2-month period of parental leave until the child reaches the age of 2, and this part of the leave cannot be transferred to anyone else.

The Law on Sickness and Maternity Social Insurance has been amended to reduce the maternity social insurance length of service requirement to 6 months in the last 24 months instead of 12 months in the last 24 months in order to be eligible for the paternity benefit (77.58%). This will allow more fathers to take a leave and receive the benefit during their leave.

It is now possible to divide the 30 calendar days of parental leave into up to two parts. This leave is granted at any time from the child's birth until the child reaches the age of one year.

Mothers and fathers with one child under 12 years of age are entitled to one parental day once every 3 months, and two days a month for parents with two children under 12 years of age, where one or both of the children has/have a disability (it was 1 day until 1 August 2022).

Reduced working week for parents with children under 3 in the public sector

The right to a reduced working week of 32 hours per week for employees of budgetary institutions with children under 3 years of age was introduced. The guarantees apply to employees of state and municipal institutions maintained from the state or municipal budget, the budget of the State Social Insurance Fund or other funds established by the state, state and municipal enterprises, public institutions owned by the state or municipality, and the Bank of Lithuania. The new guarantee applies only to the public sector in order to avoid increasing the burden on business and make the public sector more attractive to potential employees. At the same time, it is hoped that, once the 4-day week has proved its worth in the public sector, it will be adopted voluntarily in the private sector. However, this provision does not apply to the employees of non-budgetary institutions. This legislation is designed to encourage workers to return to work earlier, without losing their qualifications or their connection to the workplace, and to allow them to care effectively for a young child.

Opportunities to improve working conditions for staff

Both public and private sector workers can still bargain with their employers to reduce their working time by changing their working time patterns or by agreeing to lower working time (part-time), or to take additional days off.

Tackling gender segregation and improving women's participation

However, there is no evidence-based data that these measures have contributed to better outcomes in tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Article 11 of the Employment Law states that the tasks of the employment support system and the employment support measures are implemented and labour market services are provided in accordance with the principles of equal opportunities for women and men and non-discrimination. However, participation in the ADRP and labour market services encourages labour market participation and increases employment opportunities. To promote more active participation of women in the labour market, the Employment Service has taken several initiatives:

- Collaboration with Women Go Tech¹⁷: In 2023, the Employment Service began collaborating with Women Go Tech. The goal is to help women better understand the technology sector and encourage them to choose technical

¹⁷ <https://www.womengotech.com/>

professions. Active referral of women to projects and activities organized by Women Go Tech started in 2024.

- **Career Counseling:** Career consultants at regional career centers continuously provide specialized consultations and job interview simulations for women who want to return to the labour market after childcare leave, other extended periods of unemployment, psychological crises, or who have faced "uncomfortable" questions from employers.
- **Entrepreneurship Workshops:** In 2023 and 2024, the Employment Service organized entrepreneurship workshops for women who want to start their own businesses. During these workshops, female entrepreneurs shared their inspiring stories, and professional lecturers provided consultations on starting a business and other business conditions.
- **"Moms Learn" Project:** In 2023, women registered with the Employment Service were offered the opportunity to participate in the "Moms Learn" project. The aim of the project is to provide free learning opportunities for mothers raising children at home up to 3 years old.

The Ministry of Economy and Innovation's innovation incentives provide equal access and opportunities for all, regardless of gender. The Ministry contributes to women's economic empowerment through general measures to promote entrepreneurship, implemented through the Innovation Agency. Entrepreneurship support measures include advice on starting a business, setting up a business, tax issues, various digital tools and e-guides, and business mentoring programmes. Each year, the Swarm Network also organises targeted events on women's entrepreneurship. The majority of participants in the Ministry's entrepreneurship programmes are women (e.g. in the 50+ programme, 80% of the participants each year are women), reflecting a general trend of women seeking knowledge and inspiration in the field of business. The Innovation Agency is headed and chaired by a woman and has 3 women (out of 7 members) on its Board. The composition of the Boards aims to ensure gender balance.

In order to promote participation in high value-added jobs and professions, the Ministry contributes to enhancing the digital competence of small businesses through digital competence learning programmes, a large part of which is e-commerce for small and medium-sized enterprises (SMEs) and individual entrepreneurs in co-working spaces in the Swarm. Grants are also available for Swarm members to invest in business digitalisation solutions to digitise or optimise production or service delivery, customer management and service, the implementation of international quality management standards, or business organisation processes.

According to the State Data Agency, the stagnant 15% gender pay gap by 2017 has now almost halved to 8.5% in 2024. However, in high value-added sectors, women's salaries are 21.4% lower (the pay gap has narrowed by 3.7% since 2019), and only one in five companies in this sector is headed by a woman (compared to one in three in the economy as a whole).

In 2024, Lithuania has improved its ranking on the Gender Equality Index¹⁸, moving up to 16th place among EU countries. However, the country still scores below the EU average, indicating ongoing challenges. Gender segregation (horizontal and vertical) is one of such challenges in Lithuania. More statistical data regarding gender

¹⁸ [Lithuania | Index | 2024 | Gender Equality Index | European Institute for Gender Equality](#)

segregation is provided under Article 4§3 c).

In 2024, the Employment Service of Lithuania conducted a comprehensive analysis of clients' job preferences. According to this data, women's job preferences are predominantly in the nursing and education sectors, which face the greatest worker shortages. In Lithuania and elsewhere in Europe, the construction, engineering, and IT sectors receive less attention from women.

Technological changes are fundamentally altering the nature of professions in the labour market. Currently, less than half (44.7%) of female clients are seeking jobs in engineering and physical sciences. The proportion of women seeking jobs in engineering is growing among those wanting to work as furniture, clothing, or graphic designers. Only about 5% are looking for jobs as electrical or electronics engineers. Jobs for IT and communication systems specialists or technicians interest about 20% of women. The only exception is the job of a software tester, which is equally popular among both men and women.

In Lithuania, as in many EU countries, only health and teaching specialists are exceptions where the shortage of professionals is not filled by men. The demand for such specialists is increasing, and women are more likely to choose these jobs.

The personal care worker group is one of the most feminized professional groups. Jobs such as child care workers, teacher assistants, personal health care, or home care assistants are sought almost exclusively by women. In the education sector, the most significant gender differences are observed among preschool and primary education teachers and special needs teachers, with women making up 95% of those seeking such jobs.

In the education and health sectors, women are more likely than men to seek managerial positions. Only 2% of female clients are looking for managerial jobs in the construction sector.

Women's career ambitions or professional choices are still somewhat hindered by the persistent division of jobs into male and female roles. Although this is a diminishing phenomenon, there is a need to not only strengthen STEAM education but also to fight stereotypes that limit young people's career choices and older people's retraining opportunities. The National Agency for Education is developing a network of STEAM education open access centres as part of the European Union investment Project "Supplying Schools with Science and Technology" (from 2019). This network is based on the principle of cooperation between schools, municipalities, academic, research and business institutions. The STEAM centres aim to introduce students to science and technology through engineering, integrating arts and design, all grounded in mathematics. Their goals include encouraging students to pursue STEAM studies, enhancing general education with ongoing activities, and creating modern, inspiring learning environments. Additionally, they focus on improving teachers' competencies and qualifications, serving as in-service training and consultation centres for STEAM educators. More information: <https://steamlt.lt/>

Newly opened Regional Career Centers "Karjeros" are ready to change attitudes by allowing any resident of the country from the age of 14 to see various professions in real workplaces. Here, youth can clarify their expectations, visit companies, and often break stereotypes about certain professions.

Initiatives such as regular women entrepreneurship workshops contribute to improving attitudes towards women careers in business.

b) Please provide information on:

- *measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;*
- *the implementation of those measures;*
- *progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.*

In 2023, the Ministry of Social Security and Labour allocated funding to non-governmental organizations to promote gender equality. Recognizing the need for Lithuania to improve in the Power domain of the EIGE Gender Equality Index, the focus was placed on empowering women in politics. The tender aimed to encourage women's participation in political life and elections, and to combat gender stereotypes in political activities through educational, informational, analytical, and advocacy efforts.

Lithuania is incorporating the European Parliament and Council Directive of November 23, 2022, aimed at improving gender balance among directors of listed companies, into national law. The goal is to ensure that individuals of the underrepresented gender hold at least 33% of all director positions on the boards of listed companies, encompassing both executive and non-executive roles. To drive more substantial change, the scope of the Directive has been expanded to include large companies as well.

At the beginning of 2023, the Equal Opportunities for Women and Men 2023-2025 Action Plan was adopted. This plan aims to promote gender equality, eliminate status differences between women and men, inform the public about measures to promote equal opportunities, and strengthen inter-institutional cooperation in this field. The plan includes several measures to improve statistical data on gender equality in positions of power, such as:

- **Collecting and publishing statistics** on the number of women in leadership positions in public sector institutions and bodies, as well as women politicians in the Parliament and municipal councils, categorized by municipality, type of activity, and position held (to be implemented in 2024).
- **Collecting and publishing statistics** on the number of women leaders at various levels in diplomacy. The Ministry of Foreign Affairs of the Republic of Lithuania shares data on the number of women in diplomacy at different levels of seniority on social media. The Ministry's official website and social media accounts aim to raise awareness of gender equality, women's empowerment, and negative gender stereotypes. On March 5, 2024, the Ministry organized a discussion titled "Investing in Women, Accelerating Progress," during which the Chancellor presented data on gender distribution in the Ministry and called for a critical look at the lower number of women in leadership positions.
- **Collecting and publishing statistics** on the number of women leaders in the field of national defence. The Ministry of National Defence has collected data on the number of women leaders in this field (446 women). This information is published on the Ministry's website in the "Personnel" section. The expected value of the criterion for this measure was achieved, including an analysis of data on the number of female national defence leaders by main institutions, type

of post/service, and grade groups, as well as the number of female leaders of various ranks serving abroad.

To encourage women's participation in politics and reduce stereotypes, the Ministry of Social Security and Labour (SADM) allocated funding in 2023 for a project led by non-governmental organizations. The project, implemented by the Lithuanian Women's Lobby, aimed to promote women's involvement in political life and elections, and to combat gender stereotypes through information, education, and advocacy activities based on evidence and data-driven analytics.

Key activities and outcomes of the project included:

- **Public Education and Discourse:** The project increased women's political participation by educating the public and shaping discourse to promote gender-parity democracy.
- **Analytical Monitoring:** Three analytical activities were conducted to monitor women's involvement and participation in political life and elections.
- **Advocacy:** Advocacy efforts focused on applying temporary special measures to increase the number of women in politics and assisting the government in implementing the UN Committee on the Elimination of Discrimination against Women's recommendations, including the 29 Recommendations to Lithuania on increasing gender balance in politics.
- **Research and Analysis:** The project included research on political parties' 2020 election programs from a gender equality perspective, analysis of women's involvement in the 2023 local council and mayoral elections, and establishing the link between women's participation in local politics and the gender equality situation in municipalities.
- **Information Campaigns and Educational Activities:** Information campaigns and educational activities were conducted, along with the development of a "Strategy for the Promotion of Women's Political Participation."

These efforts collectively aimed to foster a more inclusive political environment and promote equal opportunities for women and men in Lithuania.

To ensure gender balance in the decision-making process of Local Action Groups (LAGs) for the implementation of Local Development and Smart Villages Strategies, as well as local development investments, the principle of gender equality is a mandatory element. This is specified in both the "LEADER Programme" of the Lithuanian Rural Development Programme 2014-2020 and the "Community-Led Local Development (LEADER)" Measure of the Lithuanian Strategic Plan for Agriculture and Rural Development 2023-2027.

Key points include:

- **Gender Equality Principle:** The establishment of a collegial management body for LAGs must adhere to the gender equality principle, ensuring a 40:60 ratio, meaning at least 40% representation of each gender.
- **Decision-Making Empowerment:** These management bodies are empowered to make decisions on the implementation of local projects, including local development strategies, within their representative rural areas.
- **Maintaining Gender Balance:** During the reporting period, the 49 LAGs had a total of 621 members on their governing bodies. Gender balance is maintained through the rotation of members, resulting in an overall composition of 52% female and 48% male members.

This approach ensures that both women and men are equally represented and involved in the decision-making processes that shape local development initiatives.

All these measures are in progress seeking to increase parity in the representation of women and men in decision-making positions.

The statistical data by Register of Legal Entities of Lithuania¹⁹ show evidence that men dominate in running as well as managing individual business.

Gender	Owners of individual business	Managers of individual enterprises	Managers of private limited companies	Issue date
Men	15413	7020	72010	2024-03-27
Women	8551	3787	25078	2024-03-27
Not defined	3375	893	14777	2024-03-27

Register of Legal Entities

In public sector, dominate women (please refer to Annex 3).

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

According to the European Institute for Gender Equality, 27% of the boards of the largest listed companies are women (34% in the EU, 2024). Since 2020, the number of women on boards in Lithuania has increased by 14% based on the structure (from 13% of women on boards). The highest proportion of women on boards is in the electricity, gas and water supply sector – 55.6%. There are no women at all in the hotel sector. More detailed information is available in the Gender Equality Fact Sheet²⁰ developed by the Ministry of Economy and Innovation.

For statistical data, please refer to Annexes 2 and 3.

¹⁹ <https://www.registrucentras.lt/p/1774>

²⁰ <https://app.powerbi.com/view?r=eyJrIjoiTg2NTE5Y2Q2Zjk1Yy00ZGNjLTg2ZGMtZWl1NWFKMzM2N2M3liwidCI6IjdiY2U0OWFkLTZIMTMtNDY2Ny05Njk4LTg5YjYyNzRiYTImNiIsImMiOiI9>

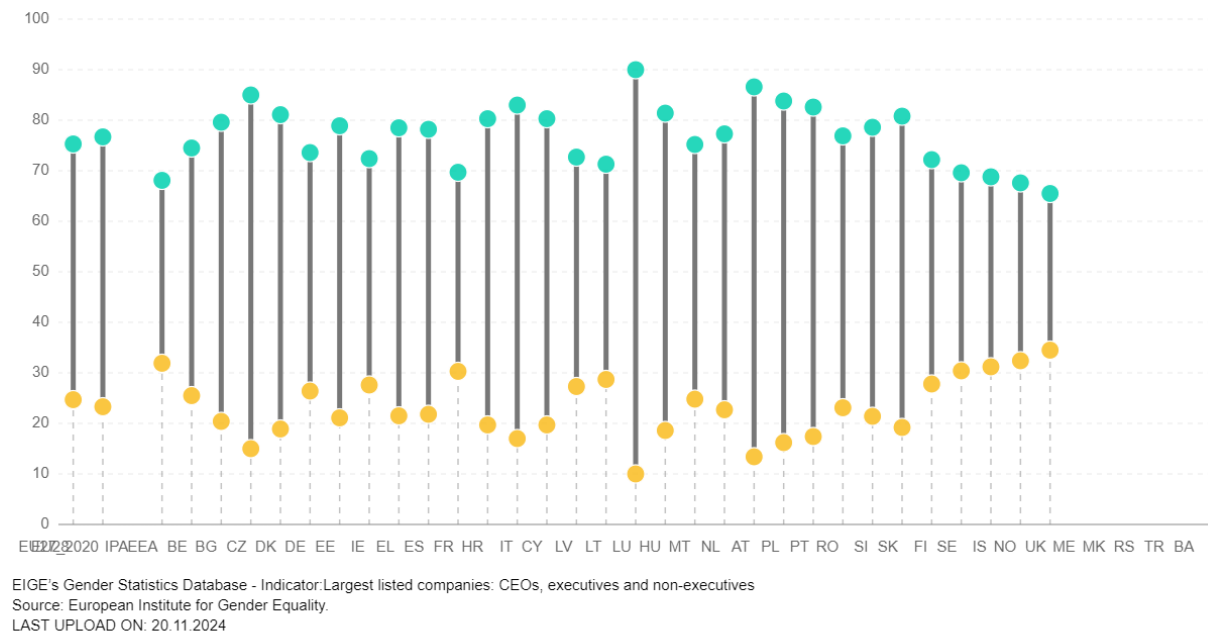
ANNEXES

No 1. Gender pay gap by sectors

		Gender pay gap per cent				
		2019	2020	2021	2022	2023
B_TO_N	Business	15	15,9	14,8	13,6	13,2
B_TO_S	Industry, construction and services	12,4	12,1	11,1	11,1	10,7
B_TO_S_NOT_O	Industry, construction and services (except public administration, defense, mining and quarrying)	13,3	13	12	12	11,5
B	Mining and quarrying	3,4	3,6	4,2	6,5	5,8
C	Manufacturing	24,6	24,1	24	23,4	23,6
D	Electricity, gas, steam and air conditioning supply	9,1	8,8	7,4	7,8	8
E	Water supply; sewerage, waste management and remediation activities	11,6	10,9	10,6	5,9	4,9
F	Construction	-2,9	-1,8	-1,7	-3,6	-2,7
G	Wholesale and retail trade; repair of motor vehicles and motorcycle	23	23,5	22,6	22,9	22
H	Transportation and storage	-10,7	-3,5	-5,8	-11,9	-14,7
I	Accommodation and food service activities	13,9	13,7	15	13,2	12,8
J	Information and communication	30,2	28,8	29,3	28,4	25,8
K	Financial and insurance activities	36,3	33,8	34,3	31,8	31,8
L	Real estate activities	14,3	12	9,3	9,7	10,5
M	Professional, scientific and technical activities	17,2	15,9	17,7	16,6	14,1
N	Administrative and support service activities	14,7	10,8	8,4	6	7,4
O	Public administration and defence; compulsory social security	4,2	4,6	3,2	2,2	3,7
P	Education	2,6	2,5	2,8	1,7	3
Q	Human health and social work activities	26,8	27,1	27,5	25,6	24,3
R	Arts, entertainment and recreation	12,1	10,9	10,1	9,1	11,4
S	Other service activities	14,8	12,5	9,7	11,3	12,7

Source: State Data Agency of Lithuania

No 2. Largest listed companies: CEOs, executives and non-executives



No 3. National administrations: top two tiers of administrators by function of government

