

Lithuania

Last update: July 2013

PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining		Enterprise (since 2013, starting to be sector level)					
	Workplace Representation		Union (or works council if there is no union)					
	Board–level Representation		No					
National worker representation	Lithuanian legislation provides for employees at workplace level to be represented either by trade unions or – if there is no union – by a works council. They both have almost identical functions, including collective bargaining and information and consultation, and since 2005, works councils can (like unions) also organise strikes. In practice, most workplaces in Lithuania have neither.							
Principal legal documents on H&S	Safety and health at work is regulated by Labour Code, Law on Safety and Health at Work (1 July 2003 and subsequently amended), other laws (e.g. General Regulations on Occupational Health and Safety Committees (29 October 2003)), and legislation adopted by Government regulations and orders of the ministers.							
Public authorities on H&S	In Lithuania national policy, the area of safety and health at work is implemented by the Ministry of Social Security and Labour (together with the Ministry of Health). The State Labour Inspectorate operating under the auspices of the Ministry of Social Security and Labour is responsible for the prevention of accidents at work and occupational diseases, safety and health at work, the prevention of violations of legal acts regulating labour, as well as the control of compliance.							
Employers' obligations on H&S	The creation of secure and healthy working conditions in all work–related aspects is the duty of the employer. Safety and health at work measures in the enterprise are funded by the employer. In order to ensure safety and health at work, the employer may appoint one or more specialists in health and safety at work or establish an occupational safety and health service. Employers must also provide conditions for employees and employee representatives with specific responsibilities for health and safety to take part in discussions on health and safety issues. Persons appointed by the employer, specialists in safety and health at work or natural persons performing the functions of the occupational safety and health service or part of such functions must meet the qualification requirements set by the Minister of Social Security and Labour. The duty of these persons is to prepare proposals with regard to preventive measures designated to protect workers against injuries and occupational diseases, to coordinate the implementation of these measures and to control the compliance of workers of an undertaking with the occupational safety and health requirements.							
Worker representative bodies on H&S	Health and safety committees (darbuotojų saugos ir sveikatos komitetai) should be established in most enterprises with 50 employees or more and in some cases in smaller enterprises. They contain an equal number of employer representatives and employee representatives with specific health and safety responsibilities (darbuotojų atstovas saugai ir sveikatai), elected by all employees. In addition trade unions or, if there is no local trade union, the works council represent the interest of workers in relation to health and safety, and collective agreements can provide more favourable arrangements for dealing with health and safety than those set out in legislation.							
Organisation of the social dialogue on H&S issues within the country	Actors involved		Their role		Scope of influence			
	Lithuanian Safety at Work council		Tripartite Council		National			
	Occupational Safety and Health Commission		Established on the principle of tripartite co–operation of social partners in order to co–ordinate the interests of the State, workers and employers in the sphere of safety and health at work.		National			
	Territorial occupational safety and health commissions and occupational safety and health commissions in separate sectors of economic activities		bilateral co–operation and/or investigation of the issues related to prevention of violations of safety and health at work requirements in undertakings		Sector			
Specialized H&S bodies	Name		Setup conditions		Composition		Role and functions	

on regional, sectorial or another level	N/A	N/A	N/A	N/A
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PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	An occupational safety and health committee should be established in most enterprises with 50 employees or more and in some cases in smaller enterprises. They contain an equal number of employer representatives and employee representatives with specific health and safety responsibilities, elected by all employees.
Interaction of H&S representation with the general representation of workers	In addition trade unions or, if there is no local trade union, the works council represent the interest of workers in relation to health and safety. Collective agreements may provide for additional and more favourable provisions for ensuring safety and health at work than the valid legal regulations on safety and health at work.
Worker representation bodies on H&S at work	
<i>Implementation of worker representation in H&S on enterprise level</i>	All workers are covered
<i>Thresholds of implementation</i>	A joint employer/employee health and safety committee should be set up in most enterprises with at least 50 employees. In smaller enterprises it should be set up if either the employer or employee representatives (the local union or the works council) call for it, or if it is requested by more than half of the workforce. A health and safety committee should also be set up in smaller enterprises, where the government considers that the hazards are greater; examples include chemical production, construction and the railways). There are also some industries, such as hotels and restaurants, education and business services, where the threshold for establishing a health and safety committee is 100 employees. The number of employee representatives with health and safety responsibilities is decided by the local union or works council in conjunction with the employer, although the legislation requires that there is at least one employee safety representative for each separate shift. Where there is more than one employee safety representative, one among them should be designated as the senior employee safety representative.
<i>Role of the trade unions</i>	Trade unions are identified by law to represent the interests of workers related to safety and health at work (Labour Code, the Law on Trade Unions, and other regulations on safety and health at work). If there is no trade union in an undertaking, a workers' meeting may transfer the function of workers' representation and protection to a trade union of a relevant sector of economic activities. In case such a transfer has not been done, a labour council will represent the workers' interests related to safety and health at work.
<i>Composition, mode of nomination or election of members</i>	The health and safety committee is chaired by a representative of the employer and the secretary is from the employees' side. Half of the members of the health and safety committee are appointed by the employer and half are elected by the employees as employee representatives with specific health and safety responsibilities. The employer should draw up rules of procedure, after consulting with the employee representatives and taking account of the government regulations on the operation of health and safety committees. Among other things, these regulations state that decisions should be taken by consensus. The election of the employee representatives with responsibility for health and safety should be organised by the local trade union in the enterprise, or, if there is none, by the works council. The election should take place at a meeting of all employees and, where a senior employee safety representative must also be chosen (if there is more than one), he or she is the individual with the most votes. The legislation does not set out a specific term of office.
<i>Area of competencies</i>	Safety and health at work comprises all preventative measures aimed at protecting functional capacity, health and life of employees at work which are used or planned at all operational stages of the enterprise to protect employees from occupational risks or minimise these risks. The term 'working conditions' refers to the working environment (space surrounding a workstation which may contain dangerous risk

	factors (physical, chemical, biological and others)), the nature of work, schedules of work and rest periods, and other circumstances, which have direct impact on the worker's condition, functional capacity and health.	
Functions	<p>Inform and consult.</p> <p>The main functions of employee representatives with responsibility for health and safety are to represent the enterprise's workers on the health and safety committee and to participate in all measures carried out by the employer to improve health and safety in the enterprise, including risk assessment and measures taken to eliminate or mitigate risk. More specifically, their functions include:</p> <ul style="list-style-type: none">– participating in the selection and appointment of workers responsible for first aid, rescue measures and evacuation;– participating in providing workers with appropriate personal protective equipment and monitoring its use;– participating in the investigation of accidents at work, occupational diseases and incidents (provided this has been authorised by the local union or works council); and informing workers about dangers and helping move workers to a safe location, where the employer has asked them to do this.	
Rights of workers' representatives on H&S		
Right of withdrawal, of production stop in case of immediate danger	Yes	
	In the event of danger, workers have the right to terminate work and leave working premises and workstations. The safety and health committee also has the right to request that the head of the subdivision or another person authorised by the employer, or the employer's representative would suspend works in cases when the working environment is hazardous and/or dangerous to health or life.	
Right to conduct surveys	Yes	
	They have the right to take part in risk assessment and the planning of preventative measures	
Right to require external assessments	No	
Right to lodge an appeal	Yes	
	They have the right to approach the employer if his or her representative has failed to take the necessary steps to ensure employees' health and safety and to approach the State Labour Inspectorate where the employer fails to act	
Right to receive training	Yes	
	Members of the committee should be given appropriate training (paid for by the employer).	
	Amount of training	A collective agreement sets the amount of training to be provided.
	Frequency of training	A collective agreement sets the periodicity of training to be provided.
	Training providers	committee members shall be trained in educational institutions which render services related to training in the field of occupational safety and health in compliance with the General Regulations of Training and Testing of Knowledge in Safety and Health at Work, seminars or at the undertaking.
Allocated time during working hours to conduct their role	No	
	Employee representatives with specific responsibilities for health and safety should be given sufficient paid time off to enable them to carry out their functions. It is left to a collective agreement to determine the amount.	
Protection against sanctions, dismissals in the frame of their mandate	Yes	
	Employee representatives with responsibility for safety should no be disadvantaged for carrying out their functions. They also cannot be dismissed unless the body to which they belong agrees. Where dismissal is refused the employer can take the issue to a court for a final decision.	
Link and the nature of the relations between the employee representatives and the trade unions		

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	Yes	
	<i>Objectives of these changes</i>	Most of legislation on H&S issues have been improved or changed. Active trainings and consultations of labour inspectorate and trade union
	<i>Management of these changes</i>	Government (labour inspectorate), Tripartite council H&S Commission
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	Figures are going down, but we don't know if it's linked. The number of registered accidents is increasing, which could be a sign that they register it more. At the same time the number of registered deathly accidents is decreasing. Occupational diseases are also decreasing.
Assessment of the achievements on H&S issues through social dialogue	Stable	
	<i>Some important milestones</i>	N/A

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	The first thing is training. Vocational education has to be connected with H&S issues. which have to be going on. As H&S specialists as worker's representatives as well as workers and employers need periodical trainings. At the moment we have lack of trainings for trade unions in this area. Also in companies we have H&S committees but they are not working.
Existing key success factors	Collective agreements and employers understanding what is social dialogue and that social dialogue is useful not just for worker but for employer too. The employers little by little understand that decent conditions for worker can bring more profit for employer.

PART 4 – APPENDICES

Glossary

<i>Darbuotojų saugos ir sveikatos komitetai</i>	<i>Health and safety committees</i>
<i>Darbuotojų atstovas saugai ir sveikatai</i>	<i>Workers' representative with specific responsibility for the safety and health of workers means any worker elected at the workers' meeting, who is entrusted to represent workers' interests where problems arise relating to the safety and health protection</i>

Interesting links

- Ministry of Social Security and Labour (<http://www.socmin.lt>);
- Ministry of Health (<http://www.sam.lt>);

Sources

Trade union contacts	Federation Of Lithuanian Forest And Wood Worker Trade Unions	Ruginienė Inga
Other	<ul style="list-style-type: none"> – http://www.worker-participation.eu – EU OSHA – Ministry of Social Security and Labour – Law on Safety and Health at Work (2003, last amended on 5 June 2012) 	