I. Please indicate whether effect is given to the Articles of the Convention:
(a) by customary law or practice; or
(b) by legislation.

In the first alternative, please indicate how effect is given to the Articles of the Convention. In the second alternative, please give a list of the constitutional and legislative provisions or administrative or other regulations which give effect to the Articles of the Convention. Where this has not already been done, please forward copies of these various provisions, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of ratification.

Article 138 of the Constitution of the Republic of Lithuania indicates that international treaties ratified by the Seimas of the Republic of Lithuania shall be a constituent part of the legal system of the Republic of Lithuania.

Article 11 of the Law on Treaties of the Republic of Lithuania defines binding character of treaties of the Republic of Lithuania:
1. The treaties of the Republic of Lithuania that have entered into force shall be binding in the Republic of Lithuania.
2. If a ratified treaty of the Republic of Lithuania which has entered into force establishes norms other than those established by the laws, other legal acts of the Republic of Lithuania which are in force at the moment of conclusion of the treaty or which entered into force after the entry into force of the treaty, the provisions of the treaty of the Republic of Lithuania shall prevail.
3. If a law or any other legal act has to be passed for the purpose of implementation of a treaty of the Republic of Lithuania, the Government of the Republic of Lithuania shall submit to the Seimas according to the established procedure a draft of the appropriate law or shall adopt an appropriate resolution of the Government or ensure according to its competence the passing of another legal act.

Article 12 of the same Law regulates the implementation of treaties of the Republic of Lithuania. It is stated that the Government of the Republic of Lithuania shall ensure implementation of treaties of the Republic of Lithuania. A treaty of the Republic of Lithuania may also lay down special rules for the implementation of the treaty.
II. Please indicate in detail for each of the following Articles of the Convention the provisions of the abovementioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

In this Convention the term “representative organisations” means the most representative organisations of employers and workers enjoying the right of freedom of association.

Please identify the representative organizations for the purpose of the Convention in your country. If your country has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), please also indicate the manner in which these organizations are assured of the right of freedom of association.

Article 165 of the Labour Code indicates that employee representation shall mean the protection of the rights and interests of employees and their representation in relations with other parties to the social partnership and at institutions of labour dispute resolution and social partnership, and the creation and amendment of their rights and obligations or other involvement in establishing labour, social and economic rights and obligations for employees in accordance with the procedure established by labour law provisions. Trade unions, work councils and employee trustees are considered to be employee representatives.

Trade unions shall collectively represent their members – employees and persons working on the basis of legal relations deemed the equivalent of employment relations as specified in the Republic of Lithuania Law on Employment – in collective labour relations. Trade unions may, in the procedure established by law, also represent third country nationals in judicial or administrative proceedings. Trade unions shall also defend their members on an individual basis and represent them in individual employment relations. Collective bargaining, the conclusion of collective agreements and the initiation of collective labour disputes on interests shall be the exclusive right of trade unions.
Article 182 of the Labour Code indicates that employers’ organisation is a public sector entity that has its own name and limited civil liability – an association established according to the Republic of Lithuania Law on Associations. Employers shall have the right, without any restrictions, to establish organisations whose activities are based on the Labour Code, the Republic of Lithuania Law on Associations, and the by-laws/statutes of the employers of the organisations, and to join these organisations. Associations established and operating according to the Republic of Lithuania Law on Associations shall also be recognised as employers’ organisations if, under their by-laws/statutes, they represent the rights and interests of their members (employers) in a social partnership.

The Tripartite Council of the Republic of Lithuania shall discuss issues and present conclusions and proposals in the areas of labour, social and economic policy, as well as on matters that must be considered in accordance with Convention No 144 of the International Labour Organisation Concerning Tripartite Consultations to Promote the Implementation of International Labour Standards.

The most representative Lithuanian workers’ organisations currently participating in the Tripartite Council are:
1. Lithuanian Trade Union Confederation;
2. Lithuanian Trade Union “Solidarumas”;
3. Lithuanian Trade Unions’ Federation “Sandrauga”;

The most representative Lithuanian employers’ organisations currently participating in the Tripartite Council are:
1. Lithuanian Confederation of Industrialists;
2. Lithuanian Employers’ Confederation;
3. The Association of Lithuanian Chambers of Commerce, Industry and Crafts;
4. Association Investors’ Forum;
5. Lithuanian Business Confederation;

Article 2

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organisation set out in Article 5, paragraph 1, below, between representatives of the government, of employers and of workers.

2. The nature and form of the procedures provided for in paragraph 1 of this Article shall be determined in each country in accordance with national practice, after consultation with the representative organisations, where such organisations exist and such procedures have not yet been established.
Please describe the procedures which ensure effective consultations with respect to the matters set out in Article 5, paragraph 1, between representatives of the government, of employers and of workers.

Please describe the manner in which these procedures were determined and indicate any consultations which took place with the representative organizations for this purpose.

According to Article 163 of the Labour Code, social partnership may take place at the following levels:

1) national;
2) sectoral (industry, services, professional);
3) territorial (municipal or county);
4) employer (natural person or juridical person, or in the case established in Article 21(4) of this Code, the division (branch, representative office) thereof);
5) workplace (if this is established in this Code, labour law provisions or social partner agreements).

Forms of Social Partnership

Social partnership is implemented:

1) by forming bipartite or tripartite councils, participating in their activities and concluding agreements on labour, social and economic matters;
2) by initiating and conducting collective bargaining and concluding collective agreements;
3) through information and consultation procedures and participation in the management of an employer who is a juridical person.

One of the key and the most effective form of the nationally carried out social partnership is the formation of Tripartite Council of the Republic of Lithuania and the activity of social partners that comprise it and the State, when solving issues directly related to the legal status of employees, employers and legal subjects that represent them; by initiating the drafting of legal acts that regulate labour relations. Social dialog carried out by this institution plays an important role in coordinating the interests of participants of legal labour relations. The Tripartite Council of the Republic of Lithuania has been granted enough rights to regulate labour relations on the national basis.

The Tripartite Council shall have the right to adopt decisions and submit conclusions and recommendations to the parties, to conclude tripartite agreements in the areas established in paragraph 9 of this Article, to receive the information necessary for the work of the Tripartite Council, and to invite representatives of the parties as well as experts to its meeting and hear them out on matters within their competence.

According to Article 184 of the Labour Code, based on agreements between social partners, bipartite and tripartite labour and social councils may be established in order to examine and resolve employment, safety and health at work and other labour and labour-related issues on the basis of equal social cooperation.

Bipartite and tripartite labour and social councils may be established at sectoral and territorial levels of social partnership. Depending on the level of social partnership that the labour and social council is being established at, the parties thereto may be state and municipal institutions and employee and employers’ organisations operating at the respective level.
The activities of bipartite and tripartite labour and social councils shall be established in accordance with their regulations, as approved by the founders of these councils.


The Tripartite Council focuses on relevant issues of socio-economic development as well as macroeconomic and social stability of the country, therefore, its activities are in line with the national objectives and serve as a force uniting society for the attainment of these objectives. By its activities, the Tripartite Council promotes national and European self-awareness. Due to its composition the Tripartite Council represents economic and social structure of Lithuanian society. All interest groups have real opportunities for presenting their opinions, raising issues and making proposals to the Tripartite Council.

The Tripartite Council is a forum for discussions and preparatory work, where issues are assessed in a competent manner and conclusions and proposals are formulated for presentation to the Government of the Republic of Lithuania, ministries, the Seimas (Parliament) of the Republic of Lithuania and the public. Activities of the Tripartite Council are democratic, public and transparent, and the Council is open to dialogue and compromise.

The work done by the Tripartite Council is in line with the objectives and tasks of the European Economic and Social Committee.

The Tripartite Council acts in accordance with the Constitution of the Republic of Lithuania, the Labour Code of the Republic of Lithuania, laws and regulations, the Regulations of the Tripartite Council and trilateral agreements.

The main principles of work of the Tripartite Council include equality of parties, regularity of activities, consensus in decision-making, and recommendatory nature of the decisions to the parties.

According to Paragraph 10.10 the Regulations of the Tripartite Council, approved by the Protocol of the Tripartite Council No TTP-1 on 9 January 2018, seeking to implement its goals, the Tripartite Council considers issues stipulated in the ILO Convention No. 144 and its authorised to adopt relevant decisions.
At present, there are six committees and commissions under the Tripartite Council, in which representatives of non-governmental organisations also participate (Labour Relations Commission; Bilateral Commission of Civil Servants; Education Committee; Committee of Culture, Commission for Wages Policy, Working Group on Workers in the Cargo Transportation on International Routes Issues).

**Article 3**

1. The representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organisations, where such organisations exist.

2. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.

Please describe the manner in which the representatives of employers and workers for the purposes of the Convention are chosen, and indicate what measures have been taken to ensure their representation on an equal footing on any bodies through which consultations are undertaken.

According to the Article 185 of the Labour Code, the Tripartite Council of the Republic of Lithuania (hereinafter ‘the Tripartite Council’) shall be formed for a term of four years and shall consist of 21 members: seven representatives delegated by national-level trade unions, seven representatives delegated by national-level employers’ organisations, and seven representatives delegated by the Government of the Republic of Lithuania. The composition of the Tripartite Council shall be formalised by resolution of the Government of the Republic of Lithuania.

Trade union organisations and employers’ organisations seeking to delegate their representative to the Tripartite Council must meet the following criteria:

1) they must have the status of a juridical person;
2) they must have at least five employees working under employment contracts;
3) they must be in operation for at least three continuous years;
4) they must be members of an international trade union or employers’ organisation;
5) there may not be a conviction against them in effect;
6) no bankruptcy orders or out-of-court bankruptcy proceedings may be implemented against them, and there may not be any intention to seek forced liquidation proceedings or an arrangement with creditors;
7) they may not have tax arrears to the state budget of the Republic of Lithuania, municipal budgets, or funds for which taxes are administered by the State Tax Inspectorate (except for cases where the payment of taxes, late fees or fines has been deferred or a tax dispute is pending regarding unpaid taxes, late fees or fines), and they may not be in debt to the budget of the State Social Insurance Fund;
8) they must be a trade union organisation that unites at least 0.5 per cent of the people working in the territory of the Republic of Lithuania under employment contract or on the basis of other legal relations deemed the equivalent of employment relations as specified in the Republic of Lithuania Law on Employment, or they must be an employers’ organisation whose members (employers) employ at least three per cent of the people working in the territory of the Republic of Lithuania under employment contract or on the basis of other legal relations deemed the equivalent of employment relations as specified in the Republic of Lithuania Law on Employment;

9) the structural divisions of the organisation must represent employees from different sectors of economic activities, or the members of the organisation must operate in the territory of at least two-thirds the counties of the Republic of Lithuania.

The Ministry of Social Security and Labour of the Republic of Lithuania shall assess whether the organisations meet the established criteria.

The first five organisations on the employers’ organisation list and the first five organisations on the trade union organisation list shall be invited by the Ministry of Social Security and Labour of the Republic of Lithuania to delegate one member and one alternate member each to the Tripartite Council. Any of the organisations, together with the organisations of its members, shall have the right to delegate one member and one alternate member each to the Tripartite Council. This rule shall not apply if there are less than five organisations on the list that meet the established criteria. In this case, the organisations on the list shall, in consecutive order, acquire the right to delegate one more member and one more alternate member to the Tripartite Council until the number of members delegated by the organisations on the list reaches five.

**Article 4**

1. The competent authority shall assume responsibility for the administrative support of the procedures provided for in this Convention.

2. Appropriate arrangements shall be made between the competent authority and the representative organisations, where such organisations exist, for the financing of any necessary training of participants in these procedures.

*Please describe the manner in which administrative support is provided for the procedures operated for the purpose of the Convention.*

*Please describe any arrangements made for the financing of any necessary training of participants on the consultative procedures.*

To promote social dialogue, implementation of the project No. 08.5.1-ESFA-V-423-01-001 'Pattern of Cooperation between Trade Unions and Employers through Social Dialogue', financed from the European Union structural funds, was launched. The purpose of this project is to promote cooperation between trade unions and employers by developing social dialogue
and to create conditions ensuring quality coordination of social partners' interests. The project also aims assurance of monitoring of the social dialogue situation in Lithuania and assessment of results at the national scale. Project activities will strengthen representation of trade unions, promote employers and employees to develop social dialogue in companies, increase their participation in collective negotiations, which will inspire conclusion of collective agreements. Activities under implementation will promote trade unions and employers' organisations to make more active contribution to improvement of labour relations, social insurance and employment increase, will help employees to take more active participation in corporate management and joint social collective responsibility.

The project will be implemented by social partners: Lithuanian Trade Union Confederation, Lithuanian Trade Union 'Solidarumas', Lithuanian Employers' Confederation and Chamber of Agriculture of the Republic of Lithuania together with the State Labour Inspectorate under the Ministry of Social Security and Labour of the Republic of Lithuania.

During the project implementation, round table discussions will be organised, publicity means for social dialogue will be developed, research work will be carried out, methodology for development of a system of assessment of achievements in the field of social dialogue development will be created and a methodological publication will be issued. Besides, training-discussions will be held for representatives of institutions and organisations and social partners. Open training, regional conferences will be organised for public. Within the framework of the project, international conferences will be held, other international cooperation activities will be carried out, social polls in the field of social dialogue development will be conducted.

Methodological tools for collective negotiations, templates of collective agreements, etc. are planned to be developed during the project implementation. All these measures will promote smoother collective cooperation and social responsibility in the future, in Lithuania, i.e. will help to improve working conditions and environment, to include more employees into corporate management, to increase employers’ responsibility in drafting and implementing collective agreements.

Methodological tools to be developed during the project will be freely accessible to all interested persons and organisations.

The commencement date of the implementation of the project activities is 10 April 2017, the end – 9 October 2020.

Article 5

1. The purpose of the procedures provided for in this Convention shall be consultations on:

(a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
(b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;

(c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;

(d) questions arising out of reports to be made to the International Labour Office under article 22 of the Constitution of the International Labour Organisation;

(e) proposals for the denunciation of ratified Conventions.

2. In order to ensure adequate consideration of the matters referred to in paragraph 1 of this Article, consultation shall be undertaken at appropriate intervals fixed by agreement, but at least once a year.

Please give particulars of the consultations held, during the period covered by the report, on each of the matters set out in paragraph 1, including information as to the frequency of such consultations, and indicate the nature of any reports or recommendations made as a result of the consultations.

According to the Article 185 (9) of the Labour Code, the Tripartite Council shall discuss issues and present conclusions and proposals in the areas of labour, social and economic policy, as well as on matters that must be considered in accordance with Convention No 144 of the International Labour Organisation Concerning Tripartite Consultations to Promote the Implementation of International Labour Standards.

a) The Ministry of Social Security and Labour consults employers’ and workers’ organisations regarding all the questionnaires received from the International Labour Office. The latest consultations were held on the questionnaires related to the Conference item “Ending violence and harassment in the world of work” in 2017 and 2018, in accordance with the Article 39 of the Standing Orders of the International Labour Conference. Comments received from the social partners were included in the filled questionnaires.

b) When submitting information regarding the Conventions and Recommendations after its adoption at the International Labour Conference to the competent authorities, all the relevant information is sent to the social partners. The Ministry of Social Security and Labour submits copies of such documents to the International Labour Office. On the 4 February 2016, by the letter No. (29.5-61)SD-808, information regarding the Recommendation concerning the transition from the informal to formal economy adopted at the 104th International Labour Conference was sent to the most representative Lithuanian workers’ and employers’ organisations. On 25 January 2018, according to the Paragraph 2 of the Article 23 of the Constitution, which states that each Member shall communicate to the representative employers’ and workers’ organisations copies of the information communicated to the Director-General, information regarding adopted Recommendation No. 205 as well as copies of the
documents submitted to the Lithuanian Parliament were also sent to the most representative Lithuanian workers’ and employers’ organisations.

c) The need to ratify the unratified ILO conventions is discussed in the Tripartite Council. During the meeting on 8 March 2017 of the Tripartite Council, trade unions expressed the interest to ratify ILO Convention No. 102. The Ministry of Social Security and Labour has already started to prepare for the ratification process and asked the assistance from the International Labour Office.

d) Each year after finalising the reports on the measures which have been taken regarding the ratified ILO Conventions according to the reporting schedule, reports are sent to the most representative Lithuanian workers’ and employers’ organisations asking them to make the comments. The reports are also published online on the website of the Ministry of Social Security and Labour https://socmin.lrv.lt/lt/veiklos-sritys/ataskaitos/tarptautiniu-dokumentu-igyvendinimo-ataskaitos/ataskaitos-apie-ratifikuotu-konvenciju-taikyma.

e) The denunciation of the Convention No. 24 on Sicknes Insurance (Industry), after being classified as outdated by the Standards Review Mechanism Tripartite Working Group, will be discussed with the social partners in due course.

Article 6

When this is considered appropriate after consultation with the representative organisations, where such organisations exist, the competent authority shall issue an annual report on the working of the procedures provided for in this Convention.

If annual reports are issued on the working of the procedures, please provide copies of the reports issued during the period covered by the report on the Convention. If no such annual reports are issued, please give particulars of the consultations that have taken place with the representative organizations on this question.

There were no annual reports on the functioning of the procedures provided for in the ILO Convention No. 144.

III. Please state to what authority or authorities the application of the abovementioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

The Tripartite Council has been established on the basis of equal trilateral partnership and free will, under the Agreement on Tripartite Partnership signed by the Government of the Republic of Lithuania, trade unions and employer organisations on 5 May 1995, therefore, its activities are not supervised by any state institution.
IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

Courts of the Republic of Lithuania have not yet rendered decisions on fundamental issues related to the application of the Convention No. 144.

V. Please add a general appreciation of the manner in which the Convention is applied in your country, giving, for example, extracts from official reports and any other information bearing on the practical application of the Convention, in so far as these have not already been supplied in response to previous questions.

Each year in March the preparation for the International Labour Conference is discussed in the Tripartite Council. The representatives of the Ministry of Social Security and Labour present the items on the agenda of the ILC to the social partners. The employers’ and workers’ representatives nominate their representatives for the session of the ILC and the nominated delegates are approved by the protocol of the Tripartite Council. After the ILC the delegation that has participated in the ILC presents the main outcomes of the discussions, discusses the issues that have raised after the ILC and the possible future steps.

VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization. If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

In accordance with the provisions laid down in paragraph 2 of Article 23 of the ILO Constitution, copies of this report were sent to the following organisations:

- Lithuanian Trade Union Confederation;
- Lithuanian Trade Union “Solidarumas”;
- Lithuanian Trade Unions’ Federation “Sandrauga”;
- Lithuanian Confederation of Industrialists;
- Lithuanian Employers’ Confederation;
- The Association of Lithuanian Chambers of Commerce, Industry and Crafts;
- Association Investors’ Forum;
Lithuanian Business Confederation;
Chamber of Agriculture of the Republic of Lithuania.
Comments from the above organisations concerning the report have not yet been received.

Direct request of the Committee of Experts on the Application of Conventions and Recommendations

Article 5 of the Convention. Effective tripartite consultations. The Committee notes the report provided by the Government on the application of the Convention for the period ending in June 2015. The Committee requests the Government to provide more specific information on the effective consultations held during the next reporting period on each of the matters related to international labour standards listed in Article 5(1) of the Convention.