The right to strike in the public services

Lithuania

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The right to strike in the public services: Lithuania

Contents

This factsheet reflects the situation in April 2021. It was elaborated by Natalja Mickeviča (independent expert), updated by Diana Balanescu (independent expert) and reviewed by EPSU/ETUI; it was also sent for comments to the Lithuanian EPSU affiliates.

1. Legal basis

International level

UN instruments

Lithuania has ratified[1]:

International Covenant on Economic, Social and Cultural Rights
(ICESCR, Article 8)
International Covenant on Civil and Political Rights
(ICCPR, Article 22)

ILO instruments

Lithuania has ratified:

Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise
(ratification on 26 September 1994);
Convention No. 98 concerning the Right to Organise and to Bargain Collectively
(ratification on 26 September 1994);
Convention No. 154 concerning the Promotion of Collective Bargaining
(ratification on 26 September 1994).

Lithuania has not ratified
Convention No. 151 concerning Labour Relations (Public Service).[2]

European level

Lithuania has ratified:

Article 6(4) (the right to collective action) of the Revised European Social Charter (ESC) with no reservations[3]
(ratification on 29 June 2001)

Lithuania has not yet accepted the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints;[4]

The European Convention on Human Rights
(ratification on 20 June 1995), including Article 11 (the freedom of assembly and association).[5]

National level

The Constitution of Lithuania

Article 51 of the Constitution of the Republic of Lithuania[6] provides that employees have the right to strike in order to protect their economic and social interests. Limitations on this right and the conditions and procedure for its implementation are established by law.

Applicable laws

The main legislative act regulating the right to strike is the Lithuanian Labour Code.[7] It provides for the procedural requirements for pre-strike negotiations and the legal requirements for the conduct of a strike, as well as limitations to the right to strike. The Law on Civil Service[8] is the main legislative act regulating the right to strike for public-sector workers and officials.

2. Who has the right to call a strike?

According to Article 243 of the Labour Code, a trade union or trade union organisation has the right to declare a strike according to the procedure laid down in its regulations.

Although works councils – another form of employee representation in Lithuania – have the right to submit their claims in the case of a collective labour dispute over interests, the right to strike is vested exclusively in trade unions.

3. Definition of strike

Definition of a strike

Article 244 of the Labour Code defines a strike as the suspension of work organised by trade unions or trade union organisations aimed at resolving a collective labour dispute over interests or guaranteeing the enforcement of a decision adopted during the settlement of such dispute.

The Labour Code provides for two types of strikes: regular strikes and **warning strikes**, which may not last longer than two hours.

Lithuanian case law has established that a strike, as a means of resolving a collective labour dispute, may be used only if the grounds set out in the Labour Code exist after all other options for resolving disputes established by law have been exhausted. The strike itself, or the threat thereof, may be the only true measure of the legitimate impact of the employees' exercise of the right to strike on the employer, and while it may encourage the employer to seek a compromise, a strike can also have negative consequences for both the employer and employees as well as for other groups of society.

A strike is the consequence of unsuccessful negotiations and may be declared only following the procedure laid down by law, with the involvement of the relevant entities and in accordance with the conditions established by law, since the right to strike, as a means of guaranteeing a person's rights, may endanger other rights and values of public interest.

The unilateral disregard (even temporarily) of collective will violates the right to negotiate collectively, as well as the principle of goodwill negotiations, and determines the trade unions' right to compromise by means of an *ultima ratio measure* in the form of a strike. In any event, based on the principles of honesty, reasonableness and justice and the prohibition of abuse of the right to strike, it is necessary to assess whether, before the strike was declared, the two parties sought consensus in good faith.[9]

However, the courts have subsequently highlighted that, in any negotiations, the parties must realise that they may not always arrive at a joint decision, despite their good faith efforts to reach agreement, i.e. even if the parties fail to reach a mutually satisfactory solution during the negotiations, it does not automatically follow that the negotiations were unfair.[10]

Forms of strike that are prohibited or limited

No specific forms of strike are prohibited by the Labour Code. A strike may be prohibited by reason of its objectives and non-respect for legal provisions. The Labour Code provides that the court must declare the strike unlawful if:

- its objectives are contrary to the Constitution of Lithuania, the Labour Code and the laws of the Republic of Lithuania;
- it is declared in violation of the procedural requirements of the Labour Code;
- it is declared in cases where strikes are prohibited or limited;
- it seeks to impose demands that were not declared previously, political demands or other demands that have no connection with the work or interests of the employees participating in the strike (Article 251 of the Labour Code);
- it has been declared during the term of validity of a collective agreement with regard to the working conditions regulated in the agreement if these conditions are respected (Article 248 of the Labour Code).

One of the difficulties of exercising the right to strike when organising strikes at a higher level than that of the enterprise is the lack of special rules concerning strikes at sectoral, territorial or national level. Another aspect of this problem is encountered when declaring a strike during the term of validity of the collective agreement if the agreement is complied with. The legislator does not specify which collective agreement is to be taken into consideration in this regard: that of an enterprise, sectoral or territorial.[11]

In Case No. 3K-3-6/2014, the court considered a situation where a trade union had missed the deadline for informing the employer of an impending strike by one day. The court did not find a serious breach of the procedural requirements and did not declare the strike as unlawful. The court referred to the interpretations of the European Court of Human Rights establishing that the over-formal approach of national courts to the application of procedural rules to individuals exercising the right to freedom of association is criticised in certain circumstances and is declared incompatible with the principle of proportionality. In assessing the legality of a strike, a balance must be maintained between the various rights being defended.

The court considered various aspects of the situation:

- in the collective labour dispute concerned, the trade union submitted territorial requirements;
- the municipality did not agree to conciliation, did not seek cooperation and made no effort to resolve disagreements peacefully;
- the employers and the municipality had been aware of the collective labour dispute for more than three months; and
- neither the employer nor the municipality provided any evidence indicating that the one-day delay in giving the strike notice had affected their ability to make the necessary preparations for the strike.

The court therefore concluded that, in these particular circumstances, declaring the strike unlawful on the ground that there was a one-day delay in giving the strike notice would be disproportionate.[12]

The Labour Code defines a **lockout** as a temporary suspension declared by the employer or employers' organisation in the performance of the employment contracts of striking employees of one or several employers (Article 255 of the LC).

A lockout shall be applied by the employer to its employees who are members of the trade union or their organisation who is a party to a collective labour dispute over interests or to striking employees. The employer may declare a lockout not earlier than seven calendar days after the beginning of the strike. Before declaring a lockout, the employer or employers' organisation shall notify the trade union or their organisation involved in the collective labour dispute not later than five working days in writing. The warning notice shall indicate: (1) the beginning of the lockout; (2) the reasons and objectives (demands) of the lockout; (3) the list of employees to whom the lockout will apply. The employer must give individual notice of the lockout to each employee whom the lockout will be imposed upon at least three working days before the start of the lockout (Article 256 of the Labour Code).

Upon receiving notice from an employer of the decision to declare a lockout, the trade union or their organisation shall have the right to apply to the court regarding the recognition of the lockout as unlawful within five working days after the day of receipt of the notice (Article 260 of the Labour Code).

4. Who may participate in a strike?

Article 51 of the Constitution of the Republic of Lithuania guarantees the right to strike for all employed persons. Article 250 of the Labour Code provides that no one may be forced to participate or prevented from participating in a strike. This means that any employee has the right to participate in a strike subject to certain limitations on the right to strike laid down in the relevant legislative acts.

Limitations on the right to strike

The Labour Code prohibits the right to strike for ambulance workers and other public-service workers whose rights to strike are limited by other legislative acts (Article 248 of the LC). They include **persons working in internal affairs, national defence and state security**. Collective labour disputes over interests concerning these persons are settled by the competent public bodies.

Strikes are also prohibited in certain emergency situations, e.g. in natural disaster areas and in regions where a state of martial law or a state of emergency has been declared, until resolution of the consequences of the natural disaster or the lifting of the state of martial law or state of emergency has taken place (Article 248 of the LC).

For certain categories of employees in the public service, the right to strike is limited by the requirement to ensure a **minimum level of services**. Article 247 of the Labour Code requires that, in the enterprises and sectors that provide essential services, a minimum level of services must be guaranteed during a warning strike and a regular strike. **Essential services are health care, electricity, water, gas and heating supply services, waste disposal and sewerage services, civil aviation services, including flight management, telecommunications, and railway and public transport services**.

'Essential services' in the strict sense of the term have been defined by the ILO as those services 'the interruption of which would endanger the life, personal safety or health of the whole or part of the population'.[13]

Lockouts shall be prohibited in ambulance services, in natural disaster areas as well as in the regions where mobilisation, state of martial law or state of emergency has been declared in accordance with the established procedure, as well as in public administration institutions and in other cases provided for by laws (Article 258 of the Labour Code).

5. Procedural requirements

Procedural requirements are provided for in the Labour Code.

Pre-strike dispute resolution requirements
The Labour Code provides for an obligation to **resolve a dispute** through alternative means of dispute resolution – a dispute resolution commission, mediation and arbitration – before calling a strike. According to Article 243 of the Labour Code, trade unions have the right to organise a strike in the following cases:

1. when the dispute committee pronounces the collective labour dispute over interests unresolved, or one of the parties withdraws from the negotiations, or the employer or employers' organisation fails to appoint members to the dispute committee during the preliminary examination of the collective labour dispute over interests;
2. when the mediator adopts a decision to pronounce the collective labour dispute over interests unresolved or partially resolved;
3. when the employer or employers' organisation fails to comply with the decision of the labour arbitration committee.

Procedural requirements for adopting a decision to call a strike and declaring a strike
In order to declare a strike organised at enterprise level, the trade union requires the support of at least one quarter of its members. If the strike is organised at industry (sectoral, services, occupational) level, the decision to declare a strike must be taken by the relevant trade union decision-making body in accordance with its by-laws.

Lithuanian case law has established that, if the trade union's by-laws do not specifically regulate the procedure for adopting a strike decision, it does not preclude the trade union from exercising the right to take a strike decision.[14]

A **warning strike** may be organised in advance of a full strike. Written notice of a warning strike is given to the enterprise or institution by the governing body of the trade union or trade union organisation without the need to obtain the consent of the union's members.

When giving notice of strike action, the trade union or trade union organisation must indicate the following:

1. the demands put forward as grounds for the strike;
2. the date, time and place (enterprise in which the strike will take place) of the strike;
3. the expected number of striking workers;
4. the composition of the strike committee;
5. documentary evidence proving the number of members of the trade union who voted in favour of the strike. All documents, including ballots, ballot papers and

other related documents, must be kept by the trade union for three years (Article 245 of the Labour Code).

The trade union or trade union organisation must announce a decision to declare a strike by informing the employer or employers' organisation in writing of the commencement date of the scheduled strike action:

- at least three working days in advance in the case of a warning strike;
- at least five working days in advance in the case of a full strike.

Lithuanian case law clarifies the meaning of the obligation to give the employer prior written notice of the commencement of a strike. The court explained such requirement by the fact that the employer must be given the opportunity to face the consequences of a strike.[15] The requirement to inform the employer in advance must be respected so that the possible harmful consequences of a strike can be kept to a minimum. In this way, the employer is given the time to decide on possible action to improve his position in the collective labour dispute, to apply for a court injunction involving recognition of the strike as illegal, to prepare for the negative consequences of the strike and to take measures to mitigate any potential damage.[16]

Minimum level of essential services

If a warning or regular strike is planned in an enterprise or sector which provides essential services, the trade union or the trade union organisation must notify the employer or the employers' organisation and its individual members of the decision to declare a strike at least 10 working days prior to any strike action (Article 246 of the Labour Code).

The minimum level of services that must be maintained during a strike is agreed by the parties to the collective labour dispute within:

- three working days from the date of giving notice to the employer of the impending strike action;
- one working day in the case of a warning strike.

The parties to a dispute must notify the Government of the Republic of Lithuania and the municipal authorities about the agreement on a minimum level of services. If the parties fail to reach agreement on the minimum level of services within five days, the minimum level of services is determined by the commission on labour disputes.

The minimum level of services is guaranteed by the strike committee, the employer and appointed employees. If the parties to the collective labour dispute regarding interests consider it necessary, before the strike begins, they can agree on a list of employees who, during the strike, will be called on to work and to ensure the provision of a minimum level of services (Article 247 of the Labour Code).

Procedural requirements during the strike

A strike is managed by a strike committee. The strike committee and the employer work together to guarantee the protection of property and persons, and may conclude a written

agreement outlining the actions that must be taken during the strike in order to maintain the equipment, technological systems and devices of the employer in such a state that, as soon as the strike ends, it will be possible to resume the activities of the enterprise and preserve the products, materials and other resources used by the enterprise.

During a strike, strikers may organise rallies, pickets, demonstrations, marches and other peaceful assemblies in the manner prescribed by law (Article 249 of the Labour Code).

Challenging the legality of a strike

An employer or employers' organisation may challenge the legitimacy of a strike within five working days of receiving a declaration of strike by applying to the court. The court must consider the lawfulness of the strike within five working days. The court cannot base its consideration of the legitimacy of the strike on the socio-economic demands submitted by the parties to the dispute. If the strike is recognised as unlawful by the court, the strike cannot go ahead, and any ongoing strike action must be halted immediately (Article 251 of the Labour Code).

The court shall recognise a strike as unlawful if its objectives are in conflict with the Constitution, the Labour Code or other laws. A strike may also be recognised as unlawful if:

1. it was declared in violation of the procedure and requirements established in the Labour Code;
2. it was declared in cases where the Labour Code or other laws prohibit striking;
3. it was declared due to demands that were not put forward in the established procedure, or due to political or other demands irrelevant to the labour and employee-related interests of the strikers.

Postponing or ending a strike

Upon application by the employer or organisation of employers, the court has the right to postpone, for up to 15 working days, any strike that has not yet begun or halt a strike that has begun if there is a distinct possibility that, during the strike, the agreement of the parties to a collective labour dispute over interests or the decision of the labour arbitration committee establishing the minimum level of services (in enterprises, institutions, organisations or sectors that provide urgent (vital) services) will not be fulfilled, and this could endanger people's lives, health and safety (Article 252 of the Labour Code).

In addition to postponing the strike, the court may, upon application by the employer, apply temporary protection measures until it has ruled on the legality of the strike.[17] In practice, this may delay the strike for up to two and a half years.[18]

Terminating a strike

A strike is terminated if:

1. the employer or organisation of employers meets the strike demands;
2. the parties to the labour dispute agree to call off the strike;
3. the trade union or organisation of trade unions declares that it is inexpedient to continue the strike.

Work must be resumed no later than the next working day (or shift) after the strike ends (Article 253 of the Labour Code).

A **lockout shall end** if the parties to the collective labour dispute reach an agreement to end the lockout; or the employer recognises that it is inexpedient to continue the lockout. After the end of the lockout, the performance of employment contracts shall be resumed within three working days after the employer's decision to end the lockout (Article 259).[19]

6. Legal consequences of participating in a strike

In the case of a lawful strike:

- the employment contract is suspended for the duration of the strike with no detrimental effect on the period of work seniority (length of service) or the right to social security;
- workers participating in the strike are not paid wages and are exempted from the obligation to perform their work duties; however, the parties to the labour dispute may agree that, on calling off the strike, the strikers will be paid all or part of their wages;

- workers who do not participate in the strike but are prevented from performing their duties because of the strike are remunerated for time laid off or, with their consent, may be transferred to another job (Article 250 of the Labour Code).

The employer is prohibited from:

- replacing striking workers, except where necessary in order to provide a minimum level of services;
- taking a unilateral decision to completely or partially stop the work process (activities) of the enterprise, institution, organisation or structural unit;
- preventing workers from coming to workplaces, or refusing to provide employees with work or work equipment;
- creating other conditions or taking decisions that might completely or partially stop the work (activity) of the enterprise, institution, organisation or structural unit (Article 250 of the Labour Code).

The Labour Code specifies that the prohibition on replacing striking workers does not apply if the employer has declared a lockout (Article 250).

In the case of a lawful lockout:

- performance of the employment contracts with the employees to whom the lockout will apply shall be suspended until the end of the lockout;
- the employer may hire new employees under temporary employment contracts to the vacant working places, use temporary employees or offer to other employees of the enterprise, institution or organisation to undertake additional work without breaching the requirements for maximum working time and minimum rest time set out by the Labour Code;
- no wage shall be paid to the employees with suspended performance of the employment contracts during the lockout, except in the cases when the parties to the collective labour dispute or the labour law provisions provide otherwise. Calculation of the length of the employment relationship as well as of working time for the purpose of annual leave entitlement shall be suspended for these employees, but their right to

social insurance in accordance with the procedure established by legal acts shall be retained (Article 257 of the Labour Code).

If the strike is declared unlawful

- the declared strike cannot be started and any ongoing strike action must be terminated;
- the trade union or trade union organisation that declared the strike must compensate the employer from its own resources for any damages caused;
- if the trade union or trade union organisation's own resources are insufficient to compensate the employer for the damages in full, the employer can decide to use the resources provided for benefits and guarantees in accordance with the collective agreement;
- third parties are compensated in accordance with civil laws for any damages caused to them by the illegal strike (Article 254 of the Labour Code).

In case of an unlawful lockout:

- the court shall declare a lockout as unlawful if its objective contravenes the Constitution, the Labour Code and other laws. A lockout shall also be recognised as unlawful, if it has been declared in disregard of the procedure and requirements laid down in the Labour Code or if the employer abuses the right of lockout;
- the performance of employment contracts of the employees shall be resumed within three working days and they shall get payment of the entire unpaid wage and other payments due under the collective agreement, other agreements or internal legal acts from the beginning of the lockout until the renewal of the contract performance;
- damage caused by the lockout to third parties shall be compensated for according to the procedure prescribed by law (Article 260 of the Labour Code).[20]

7. Case law of international and European bodies

ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise – decisions of the Committee of Freedom of Association (CFA)

There are no recent decisions of the CFA relevant for the right to strike.

In previous cases, CFA decided as follows:

In Case No. 2078 (complaint date 14 December 1999), following the application submitted by the Motor-Transport Workers' Federation, the CFA analysed the alleged government interference in the right to strike through the imposition of a unilaterally determined minimum service for a **strike at the bus and trolleybus depots**, as well as court judgments postponing the strike action.

The CFA considered legislative regulation providing that the court has the right to postpone strikes due to 'especially important reasons', taking into account that there was no further clarification in the legislation as to what might constitute 'especially important reasons'. Considering that legislative acts required preliminary procedures before calling a strike, including the consideration of the dispute by a reconciliation commission and a 21-day warning notice for strikes in city public transport, the CFA concluded that any systematic use of postponing legitimate strikes due to 'especially important reasons' would be contrary to the principles of freedom of association.

Given that the unclear drafting of the legislative act under review could give rise to abuse, the CFA requested the Government to consider amending the provision so as to ensure that it is not used to restrict the right to strike in practice beyond what is permissible under accepted principles of freedom of association.

Regarding the **requirement to ensure 70% minimum service**, the CFA concluded that it cannot be considered to be a truly minimum service and that the likely result of such an imposition would be to render the exercise of the right to strike ineffective in practice.

Noting that the legislation provided for a unilateral determination by the government authorities of the minimum services required, the CFA requested the Government to take the necessary measures to amend the legislation so as to ensure that the workers' and employers' organisations concerned may participate in the determination of the minimum service to be provided and, in the event that no agreement is reached, to ensure that the matter is settled by an independent body.[21]

In Case No. 2907 submitted by the Trade Union of Lithuanian Food Producers, the CFA analysed alleged violations of the right to strike in the **brewery industry**, namely, the obligation to ensure the provision of minimum conditions (services) for beer production and the prohibition to strike during the period of validity of the collective agreement in question. The CFA recalled that it does not consider beer production to be an essential service in the strict sense of the term. To determine situations in which a strike could be prohibited, the criterion which has to be established is the existence of a clear and imminent threat to the life, personal safety or health of the whole or part of the population.

The CFA stated that the dispute between the parties concerned the interpretation of the collective agreement, not its application. In this regard, it recalled that the solution to a legal conflict, as a result of a difference in interpretation of a legal text, should be left to the competent courts. The prohibition of strikes in such a situation does not constitute a breach of freedom of association.

If strikes are prohibited while a collective agreement is in force, this restriction must be compensated for by the right to have recourse to impartial and rapid mechanisms, within which individual or collective complaints about the interpretation or application of collective agreements can be examined. This type of mechanism not only allows the inevitable difficulties which may occur regarding the interpretation or application of collective agreements to be resolved while the agreements are in force, but also has the advantage of preparing the ground for future rounds of negotiations, given that it allows problems which have arisen during the period of validity of the collective agreement in question to be identified.[22]

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

There are no recent comments of the CEACR relevant to the right to strike.

European Social Charter

Conclusions of the European Committee of Social Rights (ECSR) on Article 6(4)

In its **2014 Conclusions**, the ECSR concluded that the situation in Lithuania is in conformity with Article 6(4) of the Charter. However, it still awaited information on what criteria are used to determine whether a **minimum service** should be introduced.[23] **In its Conclusions 2018**,[24] the Committee reserved its position, pending receipt of the information requested.

As regards entitlement to call a collective action and restrictions on the right to strike, the Committee previously found the situation to be in conformity with the Charter pending receipt of information on the establishment of a works council and the criteria used to determine whether a minimum service should be introduced in a particular sector. No such information was provided on these issues.

The Committee noted that the report provided information on the new Labour Code (which entered into force outside the reference period). The Committee stated that it will examine this new legislation during the next cycle of control. Meanwhile it deferred its conclusion.

The Committee also referred to its general question regarding the right of members of the police to strike.

8. Bibliography

- Clauwaert, S. (2016) 'The right to collective action (including strike) from the perspective of the European Social Charter of the Council of Europe', *Transfer*, Vol. 22(3), pp. 405-411.
- Clauwaert, S. and Warneck, W. (2008) *Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points*, Report 105, Brussels: ETUI (https://www.etui.org/Publications2/Reports/Better-defending-and-promoting-trade-union-rights-in-the-public-sector2).
- Clauwaert, S. and Warneck, W. (eds.) (2009) *Better defending and promoting trade union rights in the public sector, Part II: Country reports*, Report 108, Brussels: ETUI (https://www.etui.org/Publications2/Reports/Better-defending-and-promoting-trade-union-rights-in-the-public-sector).
- Council of Nordic Trade Unions (NFS) (2017) Workers' rights in the Baltics. An analysis of the Baltic States: Determining whether any given legislation or practice complies with the ILO Core Conventions and Convention 144 on Tripartite Consultation. Strategy for developing workers' rights in the Baltic States by strengthening social dialogue and compliance with the ILO Core Conventions, 12 October 2017 (http://www.nfs.net/aktuellt/ilo/workers-rights-in-the-baltic-countries-33924881).
- Petrylaité, D. (2014) Chapter 18 The Right to Strike: Lithuania, in Waas, B. (ed.), 'The Right to Strike. A Comparative View', Kluwers Law International, 2014, p. 369-385.
- Novitz, T. (2017) The Restricted Right to Strike: "Far-Reaching" ILO Jurisprudence on the Public Sector and Essential Services, Comparative Labour Law and Policy Journal, 38(3/ p. 353-374.
- Warneck, W. (2007) *Strike rules in the EU27 and beyond: A comparative overview*, Report 103, Brussels: ETUI-REHS (https://www.etui.org/Publications2/Reports/Strike-rules-in-the-EU27-and-beyond).
- Bruun, N., Lörcher, K., Schömann, I and Clauwaert, S (2017), The European Social Charter and the Employment Relation, "Article 6. The Right to Bargain Collectively. A Matrix for Industrial Relations" Dorssemont, F. pp. 249-288, Hart Publishing.
- Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 – 841.
- ESC, Country Profile: Lithuania (https://www.coe.int/en/web/european-social-charter/lithuania).
- The 11th National Report on the implementation of the European Social Charter submitted by the Government of Lithuania (Cycle 2018), pp. 32-38, (https://rm.coe.int/11th-report-from-lithuania/1680776365).
- ETUC, COVID-19 Watch, Human Rights and COVID-19, 10 June 2020 (https://www.etuc.org/en/publication/covid-19-watch-etuc-briefing-notes).
- European Committee of Social Rights, Statement on COVID-19 and social rights, adopted on 24 March 2021 (https://rm.coe.int/statement-of-the-ecsr-on-covid-19-and-social-rights/1680a230ca).
- Eurofound, 'Living and Working in Lithuania', 15 March 2021 (https://www.eurofound.europa.eu/cs/country/lithuania).
- Eurofound, Inga Blaziene, Rasa Mieziene and Ramune Guobaite-Kirsliene, 'Lithuania: Working life in the COVID-19 pandemic 2020', 23 March 2021 (https://www.eurofound.europa.eu/sites/default/files/wpef21022.pdf).

Notes

[1] Status of ratification by Lithuania of UN instruments, available at: https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=_en (accessed on 10 April 2021).
[2] For an overview of all ILO Conventions ratified by Lithuania see https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102752 (accessed on 10 April 2021)
[3] Status of ratifications of the Revised European Social Charter: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=jPYjkVEL (accessed on 10 April 2021); see also ESC, Country Profile: Lithuania (https://www.coe.int/en/web/european-social-charter/lithuania).
[4] Status of ratifications of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=F3KSQtYr (accessed on 10 April 2021).
[5] Status of ECHR ratifications: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=jPYjkVEL (accessed on 10 April 2021).
[6] Constitution of the Republic of Lithuania, adopted on 25 October 1992: http://www.lituanus.org/1993_1/93_1_01.htm.
[7] The Lithuanian Parliament adopted a new Labour Code of the Republic of Lithuania on 14 September 2016 (Law on Approval, Enforcement and Implementation of the Labour code No. XII-2603). The new Labour Code entered into force on 1 July 2017; see Ministry of Social Security and Labour, Presentation of the Labour Code: https://socmin.lrv.lt/en/activities/labour-and-employment/labour-law/presentation-of-the-labour-code#:~:text=The%20Labour%20Code%20just%20establishes,their%20safety%20and%20health%2C%20as .
[8] Law on the Civil Service, adopted on 23 April 2002: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.260891?jfwid=-fxdp7815.
[9] Decision of the Supreme Court of Lithuania of 31 January 2011 in Case No. 3K-3-15/2011.
[10] Decision of the Supreme Court of Lithuania of 6 March 2012 in Case No. 3K-3-81/2012;
Decision of the Supreme Court of Lithuania of 10 April 2015 in Case No. 3K-7-184-313/2015.
[11] ILO, National Labour Law Profile: Lithuania: http://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158913/lang--en/index.htm.
[12] Decision of the Supreme Court of Lithuania of 5 February 2014 in Case No. 3K-3-6/2014.
[13] Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 - 841 – ILO CFA has defined and listed as "*essential services in the strict sense of the term*" where the right to strike may be subject to restrictions or even prohibitions, the following: the hospital sector, electricity services, water supply services, the telephone service, the police and armed forces, the fire-fighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, air traffic control. The ILO CFA has stressed that compensatory guarantees should be provided to workers in the event of prohibition of strikes in essential services, see paras. 853 - 863; See also Clauwaert, S. and Warneck, W. (2008) *Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points*, Report 105, Brussels: ETUI, pp. 79-81.
[14] Decision of the Supreme Court of Lithuania of 3 March 2008 in Case No. 3K-3-141/2008.
[15] Decision of the Supreme Court of Lithuania of 5 February 2014 in Case No. 3K-3-7/2014.
[16] Decision of the Supreme Court of Lithuania of 5 February 2014 in Case No. 3K-3-6/2014.
[17] 'Workers' rights in the Baltics. An analysis of the Baltic States: Determining whether any given legislation or practice complies with the ILO Core Conventions and Convention 144 on Tripartite Consultation. Strategy for developing workers' rights in the Baltic States by strengthening social dialogue and compliance with the ILO Core Conventions.' Report published by the Council of Nordic Trade Unions (NFS), 12 October 2017, p. 107: http://www.nfs.net/aktuellt/ilo/workers-rights-in-the-baltic-countries-33924881.
[18] New Labour Code in Lithuania: Issues with a right to strike: http://www.lpsk.lt/2017/09/15/new-labour-code-in-lithuania-issues-with-a-right-to-strike.
[19] See the 11th National Report on the implementation of the European Social Charter submitted by the Government of Lithuania (Cycle 2018), pp. 36-38, at: https://rm.coe.int/11th-report-from-lithuania/1680776365 .
[20] See the 11th National Report on the implementation of the European Social Charter submitted by the Government of Lithuania (Cycle 2018), pp. 37-38, at: https://rm.coe.int/11th-report-from-lithuania/1680776365 .

[21] Case No. 2078 (Lithuania) – Report No. 324, March 2001, paragraphs 617-619: http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2905719.
[22] Case No. 2907 (Lithuania), Interim Report – Report No. 364, June 2012, paragraphs 670 and 673: http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:3063495.
[23] ECSR Conclusions 2004, 2006, 2010, 2014 – Lithuania – Article 6(4): hudoc.esc.coe.int/eng.
[24] ECSR, Conclusions 2018 – Lithuania – Article 6(4) at: http://hudoc.esc.coe.int/eng?i=2018/def/LTU/6/4/EN.