Impact of the working time directive on collective bargaining in the road transport sector — Lithuania

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In the road transport sector, collective bargaining takes place at enterprise level only. No bargaining is held at this level concerning working time, because, according to the social partners, working time is quite consistently regulated by the legislation valid in the country.

1. Details of the road transport sector in your country

Over 50% of cargo and more than 97% of passengers are carried by road transport in Lithuania. This is a result of well-developed road infrastructure.

According to the Ministry of Transport and Communications of the Republic of Lithuania (Susisiekimo ministerija, SM) Lithuanian road transport occupies a significant position in the international carriage services market. In 2005, Lithuanian carriers used more than 150,000 TIR carnets (i.e. documents certifying the cargo carriage according to the TIR Convention) for cargo carriage to third countries (other than EU member states). (According to this indicator Lithuania is eighth among 52 states).

In 2005, 3,684 carriers (17.8% more than in 2004) were authorized to transport cargo; they operated 20,900 vehicles (a 20.5% increase). In 2005, the number of carriers transporting passengers over international routes increased to 317 (15.3% growth over 2004). The number of passenger vehicles used for this transportation grew to 975 (a 19.3% increase). 303 carriers carried passengers over long distance routes (5.2% growth over 2004). The number of passenger vehicles used for this transportation grew to 1,343, which is 2% growth over 2004.

Lithuanian Statistics (Lietuvos statistikos departamentas, STD) provides information on the average number of employees in transport and storage sector (see Table 1).

Table 1. Average number of employees in transport and storage activities

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of employees, thous.</th>
<th>Share of employees, working in private sector, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>70,0</td>
<td>63.4</td>
</tr>
<tr>
<td>2004</td>
<td>69,7</td>
<td>64.9</td>
</tr>
<tr>
<td>2005</td>
<td>73,3</td>
<td>68.9</td>
</tr>
</tbody>
</table>

Source: Lithuanian Statistics

As one can see from the data presented above, the importance of the private sector increases during last years.

2. Collective bargaining in the road transport sector

2.1. Employers
The main and the biggest employer organisation in the sector is Lithuanian National Road Carriers’ Association ‘Linava’ (Lietuvos nacionalin? vež?j? automobiliais asociacija ‘Linava’). ‘Linava’ was established on 4 October 1991. Currently, 1,150 Lithuanian carriers – transport companies having over 14,500 freight vehicles licensed for international freight transportation and about 3,000 buses and trolleybuses are members of ‘Linava’. The main office of the association is located in Vilnius; regional offices are opened in all biggest Lithuanian cities: Kaunas, Klaip?da, ?iauliai, Panev?žys and Alytus. On 23 May 1992, ‘Linava’ was admitted to the International Road Transport Union (IRU) and became its full member. The association represents Lithuanian carriers in passenger and goods transport councils of this international organisation. ‘Linava’ is a member of peak Lithuanian employer organisation – Lithuanian Confederation of Industrialists (Lietuvos pramoninink? konfederacija, LPK).

Absolute majority of ‘Linava’ members are transport companies engaged in transportation of goods. Bus fleets account for a very tiny share of the members of ‘Linava’ (less than 5%).

In addition to ‘Linava’, there are small carriers’ associations operating in the Lithuanian transport sector, but they do not assume the functions of the employer and play no role in the social dialogue at sectoral level.

2.2. Trade unions

In the transport sector, the biggest number of members is jointed by the Lithuanian Federation of Roads and Transport Workers Trade Unions (Keli? ir autotransporto darbuotoj? profesin? s?jung? federacija, KADPSF). The KADPSF unites more than 1,000 members. The absolute majority of the members of the KADPSF are employees of bus fleets of respective city or regional municipalities. The KADPSF also unites road agency workers (road-makers) subordinated to SM. The KADPSF is a member of the biggest peak trade union confederation in Lithuania – Lithuanian Trade Union Confederation (Lietuvos profesin? s?jung?, LPSK).


According to the president of the VPS ‘Solidarumas’ P.Gr?bliauskas, trade union has more than 1,000 members, however the biggest part of them are employed in the air transport sector. VPS ‘Solidarumas’ unites almost 400 employees working in the road transport sector. All members of VPS ‘Solidarumas’, working in the road transport sector, are employees of bus fleets.

The TDF reports joining about 1,500 members where the absolute majority are workers of bus/trolleybus fleets. Carriers of goods account for roughly 5% of the members of the TDF. In addition, the TDF is a structural unit of the Forum of Lithuanian of Lithuanian Transport Workers Trade Unions (Lietuvis transporto darbuotoj? profesini? s?jung? forumas, LTDPDF). The LTDPDF was established in 2002 with the purpose to deal with ‘problems of transport workers, share in negotiations with employers in order to settle the identified problems, to analyse legislation drafts, to submit, together with trade unions centres, proposals concerning legal rules of employment and employment relations of transport workers’. In addition to the TDF, the LTDPDF joins the Lithuanian Unit of Sailors (Lietuvos j?rinink? s?junga), the Trade Union of Dockers (Dokinink? profesin? s?junga) and the member of LPSK – Lithuanian Federation of Railway Workers (Lietuvos geležinkelinink? profesin? s?jung?, LGPSF) which do not belong to any peak trade union confederation.

Another one sectoral trade union, operating in the transport sector – Lithuanian Transport Federation (Lietuvis transporto federacija, LTF) – is a member of the third peak trade union confederation – Lithuanian Labour Federation (Lietuvis darbo federacija, LDF).
According to the president of LTF E.Šniutienė, trade union has 1,500 members, however almost all of them are working in the rail transport sector. Only less than 2% of members are employed in the road transport sector.

2.3. Collective bargaining

As we can see from the data above, in the Lithuanian road transport sector collective bargaining is hardly possible (and actually does not exist) at sectoral level due to the following two basic reasons: low trade union density in the sector on the whole and ‘mismatch’ of the social partners in the sector (members of the central employers’ organisation ‘Linava’ operate in the field of freight transport, while majority of trade unions’ members are passenger carriers).

A potential partner for bargaining with trade unions, joining the employees of municipal bus/trolleybus fleets, is the Association of Local Authorities in Lithuania (Lietuvos savivaldybių asociacija, LSA). Unfortunately, the LSA has not assumed the function of the employer in Lithuania so far.

On 13 October 2006, ‘Linava’ and LTDPSF signed a bilateral co-operation agreement whereby the parties agreed to exchange information on the issues relating to transportation of passengers and goods, to consult on mutually acceptable solution of the existing problems, to consider the main problems on the bipartite principle, to develop and co-ordinate draft agreements and proposals for legal rules. Representatives of trade unions and employers agreed to collaborate in such areas as organisation of working and rest hours of drivers, working conditions and remuneration for work, wages and daily allowances of workers, initial and periodical training of drivers, procedure of drivers’ alcohol testing. The agreement stipulates that when certain bargaining is initiated, the representatives of the parties shall meet in the procedure defined in the bargaining kick-off minutes. Before or after certain bargaining, the representatives of the parties shall meet at least once in six months to share information and routine consultations. No bargaining has been initiated in the sector so far. According to the social partners, preparatory procedures for the bargaining are taking place at the moment.

Thus we can say that currently the social dialogue in the road transport sector in Lithuania is in place at enterprise level only and also only in city and regional bus/trolleybus fleets, where traditionally quite strong trade unions are functioning. Collective agreements at enterprise level are signed nearly in all bus/trolleybus fleets that are the members of sectoral trade unions. According to the representatives of trade unions, main issues of collective bargaining at enterprise level are: remuneration and social benefits/privileges (i.e. benefits in case of family-related issues – marriage, death of family member, etc.). According to the representatives of trade unions, ‘working time related issues are quite well governed by legislation, so these issues usually are not the subject matter of bargaining’.


3.1. Transposing legal acts

Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (further – Directive) has been transposed into Lithuanian national legislation amending Governmental Resolution No 587 of May 14, 2003 (Official Gazette, No 48-2120, 2003). The named amendments came into force since 22 May 2005 (Official Gazette, No 64-2291, 2005). As a result, this Governmental Resolution regulates, inter alia, specific features of working and rest time in the road transport (further – Specific features) following provisions of the named Directive and other related EU legal acts (mainly Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport and European agreement concerning the work of crews of vehicles engaged in international road transport (AETR). If there are any contradiction between Specific features and the named Regulation and AETR agreement, the later legal acts are applicable.
Specific features are applied to all mobile workers employed at enterprises registered in the territory or the Republic of Lithuania and provide for working time and rest time duration requirements, as well as related guarantees. These Specific features are applied jointly with the Labour Code and other related labour legislation (Law on Health and Safety, etc.). Presently there are no valid sectoral, territorial or national collective agreements in the road transport sector.

3.2. Derogations

Derogations from working time duration, night work limitations and guarantees may be made for objective or technical reasons or reasons concerning the organisation of work. These derogations can be adopted by means of collective agreements, agreements between the social partners, but only after consultation of the representatives of the employers and workers concerned and only if efforts are made to encourage all relevant forms of social dialogue.

Maximum working time

The average weekly working time may not exceed 48 hours. However, the maximum weekly working time may be extended to 60 hours, but only if, over 4 months, an average of 48 hours a week is not exceeded. It is also possible to derogate from this provision, but a reference period may not exceed six months.

When employee works for more than one employer, working time is the sum of the working hours. The employer is obliged to ask the mobile worker concerned in writing for an account of time worked for another employer. The mobile worker has an obligation to provide such information in writing.

Persons performing mobile road transport activities, in no circumstances work for more than six consecutive hours without a break. Working time have to be interrupted by a break of at least 30 minutes, if it is between 6 and 9 hours, and of at least 45 minutes, if working hours exceed nine hours. Breaks may be subdivided into periods of at least 15 minutes each. All these breaks may not be calculated as working time. Apprentices and trainees are covered by the same provisions on rest time as other mobile workers.

Night work

If night work is performed, the daily working time may not exceed 10 hours in each 24 hour period. Compensation for night work (higher remuneration, additional rest time, etc.) is provided for in the Labour Code, collective agreements, agreements between the two sides of industry, on condition that such compensation is not liable to endanger road safety.

4. Specific issues

4.1. Main problems in the road transport sector

Long-term (till 2025) strategy of the Lithuanian transport system development, as approved by the Government of the Republic of Lithuania (Lietuvos Respublikos Vyriausyb?, LRV) on 23 June 2005, stipulates the primary trends of the general Lithuanian transport policy which also identify the main problems in the road sector:

- Transport development and environmental protection;
- Improvement of traffic safety in road transport;
- Security of transport infrastructure installations, cargos and passengers;
• Strengthening of administrative skills;
• Development of information technologies and intellectual transport system.

The mentioned trends are also reflected in the ‘Strategic action plan for year 2006-2008’ of the State Road Transport Inspectorate under the Ministry of Transport and Communications (Valstybin? keli? transporto inspekcija prie Susisiekimo ministerijos, VKTI).

4.3. Other issues

Information of employees

Mobile workers have to be informed of the relevant requirements, the internal rules of the undertaking and agreements between the two sides of industry, in particular collective agreements. Moreover requirements of the Labour Code have to be fulfilled: ‘when concluding an employment contract, the employer must introduce the person being employed against his signature to the conditions of his potential work, the collective agreement, work regulations, other acts regulating his work, which are in force at the workplace’ (Article 99(4)).

Working and rest time recording

The working time of persons performing mobile road transport activities is recorded. Records have to be kept for at least ten years after the last recording. Employers are responsible for recording the working time of mobile workers and upon request are obliged to provide mobile workers with copies of the records of hours worked.

One of the measures referred bellow must be used for recording of vehicles drivers’ working and rest time:

• recording equipment – tachographs;
• traffic schedules compiled (if the passengers are carried on regular services on the territory of the Republic of Lithuania and no tachographs are installed in the buses);
• identification cards used for recording working and rest time in digital tachographs.

Employers have to ensure that employees working in vehicles have their working time scheduler.

Control and sanctions

State control over compliance with labour laws (including collective agreements), as well as violation prevention, is exercised by the State Labour Inspectorate (Valstybin? darbo inspekcija, VDI) and other institutions (mainly by the VKTI).

Penalties for infringements of above mentioned legal requirements are provided in the Code of Administrative Law Breaches as well as in the Governmental resolution of 23 October 1997 No 1170 on Road Transport License Regulations.

5. Views of the national centre
In the road transport sector, social dialogue is weak as is the case in Lithuania in general. Collective bargaining is taking place, but collective agreements are signed only in enterprises where strong trade unions have been functioning from the Soviet times. As for the time being the shortage of labour force is badly felt in Lithuania and is extremely relevant for the road transport sector, the main subject matter of social partners’ bargaining is remuneration for work, while working time is not covered by bargaining in Lithuania.

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