

Supervision and monitoring by State Labour Inspectorate in Lithuania

State Labour Inspectorate in Lithuania

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Informations on posted workers

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1. Knowledge of the posted situations:

To improve the registration of posted workers, The State Labour Inspectorate is going to simplify the procedure of prior declaration about posting.

Decree No. A1-169 of 16 June 2005, published by the Ministry of Social Security and Labour, adopting the information procedure on posted workers (Official Journal 2005, No. 77-2801) stipulates that various information relating posted workers in Lithuania must be submitted to the regional sections of the State Inspection of the Ministry of Social Security and Labour.

This Decree requires employers sending an employee from a Member State or from any other State to work temporarily on the territory of the Republic of Lithuania for a period longer than 30 days or to carry out construction works specified in the Law on Construction of the Republic of Lithuania (Official Gazette, 1996, No 32-788; 2001, No 101-3597) to submit the notification in Lithuanian in the form established in paragraph 1 of Article 4 of the Law on Guarantees to Posted Workers to the division of the State Labour Inspectorate. If the employee is temporarily assigned to a number of companies owned by individuals or legal entities, each individual or legal entity concerned must be mentioned in the notification.

The notification must be submitted by post or by fax not later than five days before the beginning of work period on the territory of the Republic of Lithuania.

In special cases not planned in advance (for example, if an employee is sent to carry out immediate repairs and restoration work on mechanisms or equipment in cases where their failure would force a

large number of employees to stop work or where materials might deteriorate or equipment might break down, etc.), the notification must be submitted on the first working day of the employee sent to work on the territory of the Republic of Lithuania.

Following submission of the notification, according to paragraph 1 of Article 4 of the Law applicable to employees sent on a business trip, if the length of or other conditions applicable to business trips are changed, the employer must immediately submit a revised notification in accordance with the established procedure.

The regional divisions of the State Labour Inspectorate register all notifications. The State Labour Inspectorate exchanges information on employees sent on business trips with the State Social Insurance Fund Board under the Ministry of Social Security and Labour and with the Lithuanian Labour Exchange under the Ministry of Social Security and Labour in accordance with the conditions and the procedure established in agreements on the exchange of such information.

2. Information exchanges with the other MS

The liaison office listed on the European Commission site is supervised by

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Where a Member State sends a request for information relating to posted workers to the liaison office via IMI, The Head of the State Inspectorate of Labour asked the regional divisions of the Labour Inspectorate to conduct a survey of the posting company or in the workplaces of employees posted in Lithuania.

In the liaison office, there is one Inspector responsible for the communication with other Member States in the field of posting of workers. However the inspections of workplaces where posted workers perform work are made by the inspectors of the territorial divisions of the State Labour Inspectorate.

In cases of request for information about posting from other Member State, the Chief Labour Inspector ask territorial divisions of State labour inspectorate to make an inspection of enterprise which posts workers or where posted workers perform work.

The State Labour Inspectorate consults and provides information to employers and their organizations, and trade unions on the application of the Law on Guarantees of Posted Workers.

State Labour Inspectorate controls labour conditions apply of posted workers in accordance with the Law on guarantees of posted workers.

Using IMI since 2011 september:

- 29 requests received (mostly from Belgium, France and Norway)
- 5 requests sent

2 labour inspectors from the State Labour Inspectorate and the National Coordinator (Ministry of Economy of the Republic of Lithuania) are authorized to access to IMI.

The State labour Inspectorate has an agreement with Norwegian Labour Inspectorate and a project of amendments of agreement between Lithuanian and Polish Labour Inspectorates.

3. Supervision and monitoring

With Lithuania's EU membership, besides the supervision of enforcement of existing standard acts, the State Labour Inspectorate is endowed with new functions and obligations:

- control of working conditions of posted workers from EU countries,
- control of drivers work and rest time performed on the roads and in the enterprises following the procedure established by EU documents and national standard acts.

Pursuant to the Law on European Work Councils of the Republic of Lithuania, the State Labour Inspectorate is commissioned to control the protection and guarantees of workers representatives' rights in the European Community companies and their units.

And these, no doubt, are not the last obligations.

In order to be able to execute these obligations, the inspectors are encouraged to upgrade qualifications, to improve administrative and professional capacities aiming at the implementation of the prevention culture by new activity methods, at the same time not leaving out the traditional forms of work, verified by life.

4. National partnerships

The State Labour Inspectorate is assigned the function to carry out the control of undeclared work as well as to coordinate activities of institutions carrying out control of undeclared work in accordance with the procedure established by the Government of the Republic of Lithuania. The State Labour

Inspectorate by controlling the compliance with laws regulating labour relations, inspects compliance with the provisions of the Labour Code, among them - related with employment contracts, work pay, organization of work and rest, as well as the enforcement of relevant resolutions of the Government of the Republic of Lithuania and orders of the Ministry of Social Security and Labour.

In the field of posting of workers, State Labour Inspectorate exchanges information with State Social Insurance Fund Board of the Republic of Lithuania and Lithuanian Labour Exchange.

State Labour Inspectorate has access to the database of State Social Insurance Fund Board in order to receive information about issued E-101 LT forms to the citizens of Lithuania.

We also have an access to the data base of Lithuanian Labour Exchange in order to check if a third-country national posted for temporary work has work permit.

While performing its objectives and developing social partnership, the State Labour Inspectorate cooperates with all trade unions and employer organizations in the country.

We also maintain relationships with more than 30 governmental institutions and organizations, all municipalities and organizations of counties, Government representatives in counties.

Since 1994, the State Labour Inspectorate has a permanent representative in the tripartite Commission of Occupational Safety and Health of the Republic of Lithuania; specialists of the institution on the ongoing basis participate in the activities of the tripartite Council of the Republic of Lithuania