

<b>Project:</b>	STEP UP Protection: Stepping up the European cooperation and communication among Public & Private organizations for the PROTECTION of posted workers’ rights
<b>Ref. no.</b>	VS/2019/0383
<b>WP: 4</b>	A.4.1. Research about the level of diffusion of information on rights and obligations in situations of cross-border posting among companies and workers in the mechanical industry
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**National report on the level of diffusion of the information on rights and obligations in situations of cross-border posting among companies and workers in the mechanical industry**

**LITHUANIA**

**1. Description of methodology**

*Please transfer already prepared information by each country concerning description of methodology (stage 1. Description of methodology). No additional information required.*

1. The three questionnaires (addressed to employers, trade unions and employees) were in the on-line version using Google Forms and sent via e-mails containing the interactive link to the respective Google Forms.

For employers, three associations of employers active in specific industrial branches were contacted by e-mails and briefed about the project. They received the questionnaire (together with the interactive link to the Form) and were asked to distribute the relevant information by e-mail to employers – members of the specific association. As only the interactive Form was used, it is impossible to identify the number of “delivered” forms.

For trade unions, personal contact was made and a specific e-mail was sent to the Lithuanian Industry Trade Union Federation, which unites 39 trade unions – members of industry companies, such as construction, energy, electricity, technologies, etc. The Federation was asked to distribute the information on the questionnaire and the link to the specific Form by e-mails. As only the interactive Form was used, it is impossible to identify the number of “delivered” forms.

For employees, the same initial contact as in the case of trade unions was used – contact with the Lithuanian Industry Trade Union Federation. The Federation was asked to distribute the e-mails with the relevant information and the link to the special Form through their member trade unions among the employees whose contacts were known to each trade union. As only the interactive Form was used, it is impossible to identify the number of “delivered” forms.

2. By 15 September 2021, the following number of questionnaires for each category was received:

- 21 from employers (all respondents active in mechanical industry branches);
- 18 from trade unions;
- 6 from employees.

3. The situation related to the COVID pandemic in Lithuania had an impact on the method of communication with potential respondents and on the distribution of forms – only interactive method was used. Due to a large number of physical restrictions, downtimes and breaks in the operations of companies, significantly reduced numbers of moving (including posted) workers, no personal live contacts were made with potential respondents. It can be presumed that a relatively small number of the forms returned by the employees has been the result of the method chosen.

## **2. Description of the results**

*Please fill the table indicating the information from each question. Information needed – number of answers and its expression in percent. When indicating percent (%), please calculate it as percentage from all received questionnaires, unless it is specified differently for specific questions, where no percentage is needed in the table (still you are free to use certain calculation of percentage when providing analysis of findings (in part 3).*

*Additionally, you can use diagrams (different types of graphic depiction). If needed, additional comments can be entered at the end of the table.*

*In case no answers are received to specific questionnaire, corresponding part (2.1., 2.2. or 2.3.) is skipped (deleted from the template without changing the numeration of remaining parts).*

### **2.1. Questionnaire for employers**

<b>No of Q.</b>	<b>Question</b>	<b>Number of answers</b>	<b>%</b>
1	<b>Area or nature of activity of your company:</b> <ul style="list-style-type: none"> <li>■ Association of transport, logistics and storage companies....</li> <li>■ Robotics, automatization</li> <li>■ Production, installation and supervision of electronics</li> <li>■ Production and installation of machinery</li> <li>■ Production and control of systems of air conditioning</li> <li>■ Construction, equipment</li> <li>■ Metalworking</li> </ul>	 1 4 5 2 1 4 3	<b>No % is needed</b>

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	<ul style="list-style-type: none"> <li>■ Energetics</li> </ul>	1	
2	<p><b>The home state of your business:</b></p> <p>Lithuania</p>	21	100
3	<p><b>Average number of employees in your company:</b></p> <ul style="list-style-type: none"> <li>■ 1-9.....</li> <li>■ 10-49</li> <li>■ 50-99</li> <li>■ 100-249</li> <li>■ 250 and more</li> </ul>	2 7 4 6 2	9.5 33.3 19 28.6 9.5
4	<p><b>Do you post your staff to other EU Member States?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	14 7	66.7 33.3
5	<p><b>If the answer was yes, please indicate the most usual EU countries of posting:</b></p> <ul style="list-style-type: none"> <li>■ Latvia.....</li> <li>■ Poland</li> <li>■ Germany</li> <li>■ Netherlands</li> <li>■ Belgium</li> <li>■ Estonia</li> <li>■ Sweden</li> <li>■ Norway</li> <li>■ Not relevant/not specified</li> </ul>	3 2 2 1 2 2 2 2 7	<b>No % is needed</b>
6	<p><b>Do you post your staff to non-EU countries:</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	3 18	14.3 85.7
7	<p><b>If the answer was yes, please indicate the most usual non-EU countries of posting:</b></p> <ul style="list-style-type: none"> <li>■ Canada.....</li> <li>■ Australia</li> <li>■ Mexico</li> <li>■ Ukraine</li> <li>■ Scandinavian countries</li> <li>■ Not relevant/not specified</li> </ul>	1 1 1 1 1 18	<b>No % is needed</b>
8	<p><b>You are posting your staff to another country because:</b></p> <ul style="list-style-type: none"> <li>■ You have (had) a contract of services with foreign enterprise</li> <li>■ Employees are sent to another company of our group</li> </ul>	12 5 0	57.1 23.8 0

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	<ul style="list-style-type: none"> <li>■ We are a temporary employment company (agency)</li> <li>■ Other: International projects</li> <li>■ Not relevant/not specified</li> </ul>	1 5	4.8 23.8
9	<b>On average, you post an employee abroad:</b> <ul style="list-style-type: none"> <li>■ Up to 1 week</li> <li>■ From 1 week to 1 month</li> <li>■ From 1 month to 3 months</li> <li>■ From 3 months to 6 months</li> <li>■ From 6 months to 12 months</li> <li>■ More than 12 months</li> </ul>	7 0 7 3 4 0	33.3 0 33.3 14.3 19 0
10	<b>Are you an employer to which workers from other countries are posted:</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	13 8	61.9 38.1
11	<b>If answer is yes, from which foreign countries (EU Member States and third countries) are workers sent to you:</b> <ul style="list-style-type: none"> <li>■ Poland.....</li> <li>■ Sweden</li> <li>■ Germany</li> <li>■ Denmark</li> <li>■ Italy</li> <li>■ Latvia</li> <li>■ Finland</li> <li>■ Belarus</li> <li>■ Ukraine</li> <li>■ Kazakhstan</li> </ul>	3 2 2 1 1 3 1 3 3 1	<b>No % is needed</b>
12	<b>Why do you need to accept posted workers from other countries? Please specify</b> <ul style="list-style-type: none"> <li>■ Visits of specialists from our group .....</li> <li>■ Installation of new technologies</li> <li>■ Shortage of qualified work force</li> <li>■ Shortage of workers in Lithuania</li> <li>■ Can not answer</li> </ul>	4 1 1 6 9	<b>No % is needed</b>
13	<b>Do you know that there are special EU directives governing the posting of workers?</b> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	16 5	76.2 23.8
14	<b>Do you know that these special EU directives governing the posted workers have to be transferred to national legislation?</b> <ul style="list-style-type: none"> <li>■ Yes .....</li> </ul>	15	71.4

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	<ul style="list-style-type: none"> <li>■ No</li> </ul>	6	28.6
15	<p><b>If answer to previous question is yes, can you name the national legal act (acts) which transfer special EU directives governing posted workers:</b></p> <ul style="list-style-type: none"> <li>■ Lithuanian Labour Code .....</li> <li>■ Lithuanian labour Code and Law on the Rights of Posted Workers, other rulings</li> <li>■ Can not answer</li> </ul>	9 2 10	42.8 9.6 47.6
16	<p><b>Did you know that workers posted to another EU country must be subject to the same working conditions and guarantees as workers from that country?</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	17 4	81 19
17	<p><b>Which of these working conditions during posting period must be applied to posted workers (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Maximum work periods and minimum rest periods.....</li> <li>■ Minimum paid annual holidays</li> <li>■ Rates of pay, including overtime rates</li> <li>■ Conditions of workers by temporary employment</li> <li>■ Health, safety and hygiene at work</li> <li>■ Protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people</li> <li>■ Equality of treatment between men and women.....</li> <li>■ Non-discrimination rules</li> <li>■ Conditions of employees’ accommodation</li> <li>■ Reimbursement of additional expenses (e.g. travel, accommodation)</li> <li>■ All above mentioned conditions</li> <li>■ Only these conditions that are agreed by employee and employer</li> <li>■ Other: cannot answer</li> </ul>	4 1 5 0 3 1  0 1 3 4  10 3  2	<b>No % is needed</b>
18	<p><b>Did you know that you can only post employees employed by your company?</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	12 9	57.1 42.9
19	<p><b>Did you know that you must obtain an A1 form from your national competent authority before posting a worker?</b></p> <ul style="list-style-type: none"> <li>■ Yes.....</li> <li>■ No</li> </ul>	14 7	66.7 33.3
20	<p><b>Which competent authority in your country issues an A1 form? Please specify:</b></p> <ul style="list-style-type: none"> <li>■ Social Insurance Institution .....</li> </ul>	13	61.9

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	<ul style="list-style-type: none"> <li>■ Foreign department of Social Insurance Institution</li> <li>■ Cannot answer</li> </ul>	1 7	4.8 33.3
21	<p><b>Are you aware of the electronic pre-declaration systems put in place by EU Member States?</b></p> <ul style="list-style-type: none"> <li>■ Yes.....</li> <li>■ No</li> </ul>	14 7	66.7 33.3
22	<p><b>Who has to fill in the pre-declaration forms?</b></p> <ul style="list-style-type: none"> <li>■ Sending employer</li> <li>■ Host company</li> <li>■ Employee</li> <li>■ Cannot answer</li> </ul>	12 0 0 9	57.1 0 0 42.9
23	<p><b>Do you know where to find and fill out pre-declaration forms?</b></p> <ul style="list-style-type: none"> <li>■ Yes.....</li> <li>■ No</li> </ul>	11 10	52.4 47.6
24	<p><b>Can you post third-country nationals to another EU Member States:</b></p> <ul style="list-style-type: none"> <li>■ Yes, in all cases .....</li> <li>■ Yes, if worker is legally residing and working in sending country</li> <li>■ No</li> <li>■ Cannot answer</li> <li>■ Other:</li> </ul>	2 10 0 9 0	9.5 47.6 0 42.9 0
25	<p><b>Which remuneration has to be guaranteed for posted worker?</b></p> <ul style="list-style-type: none"> <li>■ At least minimum salary applicable in country where the work is carried out .....</li> <li>■ The same level of salary that is typical for native employees performing the same job in country where the work is carried out</li> <li>■ At least minimum salary applicable in sending country</li> <li>■ Other</li> <li>■ Cannot answer</li> </ul>	7 12 1 0 1	33.3 57.1 4.7 0 4.7
26	<p><b>Amounts covering additional expenses (transport, travel and other expenses) which are paid by employer:</b></p> <ul style="list-style-type: none"> <li>■ Are considered as part of agreed salary of employee .....</li> <li>■ Are paid in addition to the agreed salary</li> <li>■ Cannot answer</li> <li>■ Never paid such amounts</li> </ul>	3 10 6 2	14.3 47.6 28.6 9.5
27	<p><b>Do you know that in each EU country information on posting of workers is provided on internet sites?</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	14 7	66.7 33.3
28	<p><b>Have you ever used information on posting of workers provided on internet sites?</b></p>		

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	<ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	9 12	42.9 57.1
29	<p><b>If answer is yes, please indicate whether (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Information was useful .....</li> <li>■ Information was useful only in part</li> <li>■ Information was not useful</li> <li>■ Could not use the information because of foreign language</li> <li>■ Other: cannot answer</li> </ul>	6 3 0 0 12	28.6 14.3 0 0 57.1
30	<p><b>What information do you need to provide before posting a worker to another state (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Country of posting .....</li> <li>■ Duration of work abroad (posting)</li> <li>■ The salary that will be paid in the host state</li> <li>■ The currency in which the salary will be paid</li> <li>■ Other benefits (in kind or in money) for work performed abroad</li> <li>■ Conditions of returning to country of origin (sending country)</li> <li>■ Daily allowance and reimbursement of expenses (e.g. travel, accommodation)</li> <li>■ A link to the official website of the host country where relevant information on the posting is published</li> <li>■ Institution to which social security contributions are paid</li> <li>■ Other: cannot answer</li> </ul>	13 15 11 8 9 9 9 6 6	<b>No % is needed</b>
31	<p><b>Do you use the services of posted temporary workers?</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	3 18	14.3 85.7
32	<p><b>Can different (worse) working conditions be imposed on posted temporary workers than on permanent workers?</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> <li>■ Cannot answer</li> </ul>	0 9 12	0 42.9 57.1
33	<p><b>If your company has a collective agreement (company level), do you have to apply it:</b></p> <ul style="list-style-type: none"> <li>■ For all posted workers .....</li> <li>■ Only for temporary posted workers</li> <li>■ Not applicable to posted workers</li> <li>■ Cannot answer</li> </ul>	3 0 1 17	14.3 0 4.7 81
34	<p><b>These collective agreements must be applied to posted workers:</b></p> <ul style="list-style-type: none"> <li>■ Only those which are of general application under national law .....</li> <li>■ Only those that would normally apply to similar companies in that territory, industry or professional field</li> <li>■ Only those that are concluded by the social partners at national level and apply throughout the country</li> </ul>	2 1 1	9.6 4.7 4.7

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	<ul style="list-style-type: none"> <li>■ Not applicable at all</li> <li>■ Cannot answer</li> </ul>	2 15	9.6 71.4
35	<p><b>Did you know that the trade union of the host enterprise can contact the employer (sender) of the posted workers offering to participate in joint collective bargaining?</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	1 20	4.8 95.2
36	<p><b>Have you ever participated in such collective bargaining that address the issues of working conditions of posted workers?</b></p> <ul style="list-style-type: none"> <li>■ Yes, as the host employer (enterprise) of the posted workers</li> <li>■ Yes, as sending employer of the posted workers</li> <li>■ No</li> <li>■ Cannot answer</li> </ul>	0 0 18 3	0 0 85.7 14.3

**2.2 Questionnaire for employees (workers)**

No of Q	Question	Number of answers	%
1	<p><b>Have you been (or are) posted to another EU country?</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	5 1	83.3 16.7
2	<p><b>If yes, to which country (countries) of EU?</b></p> <ul style="list-style-type: none"> <li>■ Poland .....</li> <li>■ Germany</li> <li>■ Netherlands</li> <li>■ Sweden</li> <li>■ Denmark</li> </ul>	1 1 1 2 1	<b>No % is needed</b>
3	<p><b>On average, for how long the posting period to another EU country (countries) lasted?</b></p> <ul style="list-style-type: none"> <li>■ Up to 1 month .....</li> <li>■ From 1 to 6 months</li> <li>■ From 6 to 12 months</li> <li>■ About 12 months</li> <li>■ More than 12 months</li> </ul>	0 3 2 1 0	0 50 33.3 16.7 0
4	<p><b>Have you been (or are) posted to non-EU country?</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	0 6	0 100
5	<b>If yes, to which country (countries) of non-EU?</b>		



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	-	Not applicable, See Q.4	Not applicable
6	<b>On average, for how long the posting period to another non-EU country (countries) lasted?</b> <ul style="list-style-type: none"> <li>■ Up to 1 month</li> <li>■ From 1 to 6 months</li> <li>■ From 6 to 12 months</li> <li>■ About 12 months</li> <li>■ More than 12 months</li> </ul>	Not applicable See Q.4	Not applicable
7	<b>You have been posted to another country because:</b> <ul style="list-style-type: none"> <li>■ Your employer has (had) a contract of services with foreign enterprise .....</li> <li>■ You are working in the establishment owned by Your employer as a group company operating also in another country</li> <li>■ You were sent as temporary employee by temporary employment undertaking (agency)</li> <li>■ Cannot answer</li> </ul>	<p align="center">2</p> <p align="center">1</p> <p align="center">0</p> <p align="center">3</p>	<p align="center">33.3</p> <p align="center">16.7</p> <p align="center">0</p> <p align="center">50</p>
8	<b>Please indicate Your profession, function or nature of work</b> <ul style="list-style-type: none"> <li>■ Qualified worker .....</li> <li>■ Worker of mounting, repair</li> <li>■ Engineering</li> <li>■ Programming and installation</li> <li>■ Electronical works</li> <li>■ Auto parts assembler</li> </ul>	<p align="center">1</p> <p align="center">1</p> <p align="center">1</p> <p align="center">1</p> <p align="center">1</p> <p align="center">1</p>	<b>No % is needed</b>
9	<b>Do You know that there are special EU regulations for posted employees?</b> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	<p align="center">3</p> <p align="center">3</p>	<p align="center">50</p> <p align="center">50</p>
10	<b>Do You know that these special EU regulations for posted employees have to be transferred to national legislation?</b> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	<p align="center">1</p> <p align="center">5</p>	<p align="center">16.7</p> <p align="center">83.3</p>
11	<b>If answer to previous question is yes, can you name the national legal act (acts) which transfer special EU regulations for posted employees:</b> <ul style="list-style-type: none"> <li>■ Labour Code.....</li> <li>■ Do not know/cannot say</li> </ul>	<p align="center">1</p> <p align="center">5</p>	<p align="center">16.7</p> <p align="center">83.3</p>
12	<b>Do You know that during posting period in another country, the working conditions applied to You must be the same as for employees of that country?</b> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> </ul>	<p align="center">4</p> <p align="center">2</p>	<p align="center">33.3</p> <p align="center">66.7</p>

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13	<p><b>Which of these working conditions during Your posting period must be applied to You (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Maximum work periods and minimum rest periods ..... 2</li> <li>■ Minimum paid annual holidays 2</li> <li>■ Rates of pay, including overtime rates 3</li> <li>■ Conditions of workers by temporary employment 1</li> <li>■ Health, safety and hygiene at work 2</li> <li>■ Protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people ..... 2</li> <li>■ Equality of treatment between men and women 1</li> <li>■ Non-discrimination rules 1</li> <li>■ Conditions of employees' accommodation 1</li> <li>■ Reimbursement of additional expenses (e.g. travel, accommodation) ..... 2</li> <li>■ Only these conditions that are agreed by employee and employer ..... 0</li> <li>■ Other: all above mentioned conditions 2</li> </ul>		<b>No % is needed</b>
14	<p><b>Which remuneration has to be guaranteed for posted employee?</b></p> <ul style="list-style-type: none"> <li>■ At least minimum salary applicable in country where the work is carried out ..... 4</li> <li>■ The same level of salary that is typical for native employees performing the same job in country where the work is carried out 1</li> <li>■ At least minimum salary applicable in sending country 0</li> <li>■ Cannot answer 1</li> </ul>		66.7  16.7  0 16.7
15	<p><b>Amounts covering additional expenses (transport, travel and other expenses) which are paid by employer:</b></p> <ul style="list-style-type: none"> <li>■ Are considered as part of agreed salary of employee ..... 2</li> <li>■ Are paid in addition to the agreed salary 2</li> <li>■ Cannot answer 2</li> <li>■ Never received such amounts 0</li> </ul>		33.3 33.3 33.3 0
16	<p><b>Daily allowance payable to employee:</b></p> <ul style="list-style-type: none"> <li>■ Are considered as part of agreed salary of employee 4</li> <li>■ Are paid in addition to the agreed salary 0</li> <li>■ Cannot answer 2</li> <li>■ Never received such daily allowance 0</li> </ul>		66.7 0 33.3 0
17	<p><b>Whether the employer must inform in writing the employee about the working conditions before posting the employee?</b></p> <ul style="list-style-type: none"> <li>■ Yes 3</li> <li>■ No 3</li> </ul>		50 50
18	<p><b>If answer is yes, which information shall be provided:</b></p> <ul style="list-style-type: none"> <li>■ Country of posting ..... 3</li> </ul>		<b>No % is needed</b>

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	<ul style="list-style-type: none"> <li>■ The duration of posting period</li> <li>■ The salary that will be paid in the host state</li> <li>■ Currency in which salary is paid</li> <li>■ Additional benefits (in money or in kind) for posting period</li> <li>■ Conditions of returning to country of origin (sending country)</li> <li>■ Travel allowances, meals, accommodation, etc. reimbursement of expenses</li> <li>■ A link to the official website of the host country where relevant information on the posting is published</li> <li>■ Institution to which social security contributions are paid</li> <li>■ Other: cannot answer</li> <li>■ Cannot answer</li> </ul>	<p align="center">3 3 0 0 1 0 0 0 3</p>	
19	<p><b>Have You been informed about the working conditions before posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> <li>■ Yes, but only in verbal form</li> </ul>	<p align="center">3 2 1</p>	<p align="center">50 33.3 16.7</p>
20	<p><b>Whether the information about working conditions provided to you was sufficient?</b></p> <ul style="list-style-type: none"> <li>■ Yes .....</li> <li>■ No</li> <li>■ Partially</li> <li>■ Other:</li> </ul>	<p align="center">1 1 4 0</p>	<p align="center">16.7 16.7 66.7 0</p>
21	<p><b>Does Your employer designate a contact person, to whom you can apply in Your country of origin (sending country):</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p align="center">3 3</p>	<p align="center">50 50</p>
22	<p><b>Does Your employer designate a contact person, to whom you can apply in the country of posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p align="center">4 2</p>	<p align="center">66.7 33.3</p>
23	<p><b>Do You know about Your main social security rights during posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p align="center">2 4</p>	<p align="center">33.3 66.7</p>
24	<p><b>Would You know where to apply in case of sickness during posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p align="center">2 4</p>	<p align="center">33.3 66.7</p>
25	<p><b>In case of breach of Your rights during the posting, where would You apply:</b></p> <ul style="list-style-type: none"> <li>■ To my employer in country of origin (sending country)...</li> <li>■ To the State institution (Labour Inspectorate) in country of origin (sending country)</li> </ul>	<p align="center">4 0</p>	<p align="center"><b>No % is needed</b></p>

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	<ul style="list-style-type: none"> <li>■ To the representative of enterprise to which You are posted (or contact person designated by employer)</li> <li>■ To the State institution in country of posting</li> <li>■ To the trade union in country of origin (sending country)</li> <li>■ To the trade union acting in the enterprise or territory in country of posting</li> <li>■ Directly to the court</li> <li>■ To nobody</li> <li>■ Cannot answer</li> <li>■ Other:</li> </ul>	<p>0 1 1 0 0 0 0 0</p>	
26	<p><b>Do you know that in each EU country information important for posted employees is provided on internet sites?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>3 3</p>	<p>50 50</p>
27	<p><b>Have You ever used information for posted employees provided on internet sites?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>3 3</p>	<p>50 50</p>
28	<p><b>If answer is yes, please indicate whether (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Information was useful</li> <li>■ Information was useful only in part</li> <li>■ Information was not useful</li> <li>■ Could not use the information because of foreign language</li> <li>■ Other: do not used/cannot answer</li> </ul>	<p>0 2 0 1 3</p>	<p>0 33.3 0 16.7 50</p>
29	<p><b>Have You received information about trade union (unions) acting in the enterprise or territory of the country of posting:</b></p> <ul style="list-style-type: none"> <li>■ Yes, my employer informed me.....</li> <li>■ Yes, representatives of the foreign enterprise informed me at the beginning of posting</li> <li>■ Yes, trade union (unions) acting in the enterprise or territory of the country of posting contacted me directly</li> <li>■ I have found this information by myself</li> <li>■ Did not receive such information</li> <li>■ Was not looking (asking) for such information</li> </ul>	<p>0 0 1 1 1 3</p>	<p>0 0 16.7 16.7 16.7 50</p>
30	<p><b>Do You have experience of receiving any kind of help from trade union (unions)?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>1 5</p>	<p>16.7 83.3</p>
31	<p><b>Whether any type of collective agreement (enterprise, branch, territorial level, etc.) of foreign country was applicable to Your during posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>0 2</p>	<p>0 33.3</p>

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	<ul style="list-style-type: none"> <li>■ Cannot answer</li> </ul>	4	66.7
32	<b>Country of Your origin (sending country):</b> <ul style="list-style-type: none"> <li>■ Lithuania</li> <li>■ Cannot answer</li> </ul>	5 1	83.3 16.7
33	<b>Your gender:</b> <ul style="list-style-type: none"> <li>■ Female</li> <li>■ Male</li> <li>■ Prefer not to say</li> </ul>	0 6 0	0 100 0
34	<b>Your age:</b> <ul style="list-style-type: none"> <li>■ 18-25</li> <li>■ 26-35</li> <li>■ 36-45</li> <li>■ 46-55</li> <li>■ 56-65</li> <li>■ 66 and more</li> </ul>	0 1 5 0 0 0	0 16.7 83.3 0 0 0
35	<b>Your education:</b> <ul style="list-style-type: none"> <li>■ Lower than secondary</li> <li>■ Secondary</li> <li>■ Professional qualification</li> <li>■ Higher</li> </ul>	0 0 3 3	0 0 50 50
36	<b>Are you a member of trade union?</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	1 5	16.7 83.3

**2.3 Questionnaire for Trade Unions**

No of Q	Question	Number of answers	%
1	<b>Your trade union acts in:</b> <ul style="list-style-type: none"> <li>■ Enterprise level</li> <li>■ Branch or territorial level</li> <li>■ National level</li> <li>■ Other:</li> </ul>	11 5 2	61.1 27.8 11.1
2	<b>Your country:</b> Lithuania	18	100
3	<b>Whether you have encountered workers of another EU Member States posted to your state:</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	10 8	55.6 44.4
4	<b>If answer is yes, from which EU Member State (States):</b> <ul style="list-style-type: none"> <li>■ Poland .....</li> <li>■ Germany</li> </ul>	8 3	<b>No % is needed</b>

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	<ul style="list-style-type: none"> <li>■ Latvia</li> <li>■ Ukraine</li> </ul>	1 1	
5	<b>Whether you have encountered workers of non-EU country posted to your state:</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	13 5	72.2 27.8
6	<b>If answer is yes, from which non-EU country (countries):</b> <ul style="list-style-type: none"> <li>■ Ukraine</li> <li>■ Belarus</li> <li>■ Kazakhstan</li> </ul>	13 9 1	<b>No % is needed</b>
7	<b>Whether you have encountered workers posted to another EU Member States:</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	13 5	72.2 27.8
8	<b>If answer is yes, to which country (countries):</b> <ul style="list-style-type: none"> <li>■ Poland .....</li> <li>■ Germany</li> <li>■ Norway</li> <li>■ Sweden</li> <li>■ Belgium</li> <li>■ Austria</li> <li>■ Denmark</li> <li>■ Netherlands</li> </ul>	3 11 4 8 3 1 2 1	<b>No % is needed</b>
9	<b>What is the way you are dealing with posted workers (several answers can be selected):</b> <ul style="list-style-type: none"> <li>■ We constantly publish and provide general information about our trade union</li> <li>■ We are contacting individual posted workers where it is possible</li> <li>■ Posted workers are applying to us with different questions</li> <li>■ We have close contact with employers hosting posted workers</li> <li>■ Other: using social networks</li> <li>■ Do not communicate/cannot answer</li> </ul>	2 4 8 5 1 6	<b>No % is needed</b>
10	<b>If you publish and provide general information about your trade union, which methods do you use (several answers can be selected):</b> <ul style="list-style-type: none"> <li>■ General information about trade union on web site</li> <li>■ General information about trade union in printed brochures or booklets</li> <li>■ General information about posted workers’ rights on web site</li> </ul>	13 9 1	<b>No % is needed</b>

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	<ul style="list-style-type: none"> <li>■ General information about posted workers' rights in printed brochures or booklets</li> <li>■ Cannot answer</li> <li>■ Other: newsletters and social networks for discussion</li> </ul>	1 2 1	
11	<p><b>If you publish and provide general information about your trade union, which languages do you use:</b></p> <ul style="list-style-type: none"> <li>■ Lithuanian</li> <li>■ Russian</li> <li>■ English</li> <li>■ Cannot answer</li> </ul>	15 2 5 2	<b>No % is needed</b>
12	<p><b>If posted workers are applying to you, do they apply:</b></p> <ul style="list-style-type: none"> <li>■ To receive general information about their rights</li> <li>■ Are complaining about possible violation of their rights</li> <li>■ Both cases</li> <li>■ Cannot answer</li> </ul>	2 3 7 6	11.1 16.7 38.9 33.3
13	<p><b>If posted workers are applying to you, what type of information they usually need (several answers can be selected)</b></p> <ul style="list-style-type: none"> <li>■ Working time/rest periods .....</li> <li>■ Annual holidays</li> <li>■ Minimum wage</li> <li>■ Other payments for work</li> <li>■ Conditions of workers by temporary employment</li> <li>■ Health, safety and hygiene at work</li> <li>■ Protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people</li> <li>■ Equality of treatment between men and women and other non-discrimination rules</li> <li>■ Conditions of employees' accommodation</li> <li>■ Reimbursement of additional expenses (e.g. travel, accommodation)</li> <li>■ Cannot answer</li> </ul>	8 3 6 9 2 4  0 0 1 5 7	<b>No % is needed</b>
14	<p><b>What type of help (support) do you usually provide for posted workers (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ general information about national legal regulation .....</li> <li>■ general information about EU legal regulation</li> <li>■ specific individual legal evaluation of worker's rights</li> <li>■ legal advise</li> <li>■ representation of worker before state institutions or bodies dealing with pre-trial individual labour disputes</li> <li>■ legal representation in courts</li> <li>■ contacts of other persons/institutions which can provide legal aid</li> </ul>	11 5 4 7 2 1 8	<b>No % is needed</b>

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	<ul style="list-style-type: none"> <li>■ cannot answer</li> <li>■ other:</li> </ul>	6	
15	<p><b>In case of cross-border situations of posted workers what type of communication do you usually use (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Direct communication with sending employers</li> <li>■ Direct communication with host enterprises</li> <li>■ Communication with foreign national competent authorities (e.g. labour inspectorate)</li> <li>■ Communication with trade unions of other countries</li> <li>■ Non</li> <li>■ Cannot answer</li> <li>■ Other: collaborating with branch level trade union</li> <li>■ Other: communicating with Lithuanian Labour Inspectorate</li> </ul>	<p>5</p> <p>4</p> <p>1</p> <p>1</p> <p>4</p> <p>4</p> <p>1</p> <p>1</p>	<b>No % is needed</b>
16	<p><b>Please indicate other problems in the sphere of posting of workers you are familiar with:</b></p> <ul style="list-style-type: none"> <li>■ Lack of legal and practical information of posting situation in Lithuanian</li> <li>■ Shortage of communication and goodwill from employers</li> <li>■ Workers are afraid or feel language gap for communicating with trade unions</li> <li>■ Complex regulation of remuneration</li> </ul>	<p>1</p> <p>1</p> <p>1</p> <p>1</p>	<b>No % is needed</b>
17	<p><b>Your position in trade union:</b></p> <ul style="list-style-type: none"> <li>■ The chairman</li> <li>■ Member of trade union administrative body</li> <li>■ Lawyer/legal expert</li> <li>■ Other: member of trade union</li> </ul>	<p>5</p> <p>7</p> <p>4</p> <p>2</p>	<p>27.8</p> <p>38.9</p> <p>22.2</p> <p>11.1</p>

### **3. Analysis of findings**

*Using the results of questionnaires (and if needed specific forms) please describe briefly following aspects of the findings. In this part you are also free to present your personal opinion, interpretation and suggestions.*

*In case no answers are received to specific questionnaire, corresponding part (3.1., 3.2. or 3.3.) is skipped (deleted from the template without changing the numeration of remaining parts).*

#### **3.1. Analysis of findings from employers**



**A1. Please describe the findings, which EU countries were indicated as destination for posting (questions No 4 and 5). Whether the results were expected from the national experience?**

Fourteen out of 21 employers (approx. 67 percent) indicated that they post their workers to other EU countries. Eight countries in total were mentioned as the most common EU countries for posting. It is interesting that the distribution of the most popular countries is quite even. Latvia was mentioned 3 times, 6 countries – Poland, Germany, Belgium, Estonia, Sweden and Norway – were mentioned 2 times, and Netherlands was mentioned once. These results basically reflect the standard national experience (data of the European Parliament<sup>1</sup>). According to the statistics, the most popular countries for posting are Germany, Norway and Sweden. The second group among the popular countries – Finland and France (both not mentioned by the respondents), Netherlands and Belgium. The largest deviation from the statistics is the case of Latvia – respondents mentioned Latvia 3 times, and, according to the statistics, Latvia does not seem to be a popular country for posting. It should also be noted that Norway was indicated in question No 5 (not in question No 7). This may be explained by the fact that employers are familiar with the fact that the posting regulation is also applicable in Norway, and they do not distinguish this country as “third country”.

**B1. Please describe the findings, which non-EU countries were indicated as destination for posting (questions No 6 and 7). Whether the results were expected from the national experience?**

Only 3 out of 21 employers (approx. 14 percent) indicated that they use posting to non-EU countries. Four non-EU countries were mentioned, all of them were indicated one time – Canada, Australia, Mexico and Ukraine. In addition, one respondent used a general term “Scandinavian countries” without specification. This answer may be interpreted similarly to the answer “Norway” in question No 5. It can be that the respondent indicated “Scandinavian countries” because of the usual practice of posting workers to Norway. It should be mentioned that Lithuanian institutions do not present statistics on posting to non-EU countries, so it is impossible to compare the results with official data. However, according the most spread practices in Lithuania, the mention of Ukraine (considering general high level of labour mobility between Lithuania and Ukraine) and Canada or Australia (countries of close business relations with Lithuanian companies) can be regarded as adequate findings, especially taking into account that Canada, Australia (in addition to Mexico) were indicated by the respondents who noted that the most significant reason for posting is “sending employees to another company of our group”.

**C1. Can it be noticed that employers who post their workers to EU countries, also actively use posting to non-EU countries (relation of Q no 4-7)?**

One of the respondents, who indicated that he posts workers to non-EU countries (Ukraine), also stated that he posts his workers to EU countries (Poland was named). The other two respondents, who indicated that they post workers to non-EU countries, did not indicate that they post workers to EU countries. Thus, it cannot be stated that the employers who post their

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<sup>1</sup> [https://www.europarl.europa.eu/infographic/posted-workers/index\\_lt.html?country=lt#sentworkers](https://www.europarl.europa.eu/infographic/posted-workers/index_lt.html?country=lt#sentworkers).

workers to one group of countries (EU or non-EU) actively also use posting to the other group of countries.

**D1. What are the most usual reasons for posting (Q no 8)?**

The most popular answer was “contract of services with foreign companies” – 12 respondents have chosen this answer. The second most popular answer was “sending to another company of our group” – 5 respondents have mentioned this answer. And one respondent has indicated another answer – participation in international projects.

**E1. What are the most popular periods of posting (Q no 9)?**

Two groups of answers can be identified. The two most popular periods are up to 1 week and from 1 month to 3 months (each consisted of approx. 33 percent). From 3 to 6 months and from 6 to 12 months have been indicated by approximately 14 and 19 percent of the respondents. No respondent has indicated the term of posting for more than 12 months (the longest period) and from 1 week to 1 month.

**F1. Please describe the findings, from which EU and non-EU countries employers mostly receive posted workers (Q No 10 and 11). Whether the results were expected from the national experience?**

Thirteen out of 21 employers (approx. 62 percent) indicated that they accept posted workers from foreign countries. In total, 10 countries were indicated. Out of EU countries, Poland and Latvia were the most popular answers (each mentioned 3 times). Sweden and Germany were mentioned 2 times, and Denmark, Italy and Finland were mentioned once. These results mostly correspond to official data. According to the data presented by the European Parliament, the most popular sending countries are Poland and Germany. Less popular countries – Latvia, France, Bulgaria (the last two countries have not been mentioned by the respondents). Thus, it can be stated that the findings of the questionnaires, in fact, correspond to the usual national practise. Out of non-EU countries, Ukraine and Belarus were mentioned for 3 times and Kazakhstan was mentioned 1 time. From 2020, the Lithuanian Labour Inspectorate started to collect special data on posted third-country nationals. The first statistics presented by the representative of the Lithuanian Labour Inspectorate shows the following data about the workers posted from third countries in 2020: 1095 from Ukraine, 125 from Belarus, 75 from Tajikistan, 28 from Georgia. Thus, the data from the questionnaires show similar trends. However, such answers do not reveal any differences between the two most popular countries – Ukraine and Belarus; in addition, one respondent mentioned Kazakhstan instead of Tajikistan or Georgia. However, taking into account that the latter three countries belong to the same geographic and economic region, the trend is quite clear.

**G1. Can it be noticed certain relations of sending and receiving countries (Q 5, 7 and 11)?**

As far as EU countries are concerned, the essential relation is visible. The most popular countries for posting (question No 5) correspond to the data of countries from which workers are posted (question No 11). Poland and Latvia were the most popular answers for both destinations. Sweden and Germany were also mentioned in both cases. Thus, it can be noted that in most cases the most popular destinations from/to Lithuania are the same. In the case of non-EU countries (question No 7), no significant relation can be identified.

### **H1. What are the most usual reasons for receiving posted workers (Q no 12)?**

It is quite interesting that even 9 employers out of 21 indicated that they cannot specify the reason for receiving posted workers. The remaining 12 employers indicated three main reasons. The shortage of workforce was indicated as the most popular reason for receiving posted workers: 6 respondents answered “shortage of workers in Lithuania” and 1 respondent specified the reason as “shortage of qualified workforce” (totally, 7 respondents out of 12). Four respondents indicated “visits of specialist from own group of companies” and 1 respondent specified that the reason was the need for “installation of new technologies”.

### **I1. Please evaluate the results of general knowledge concerning EU regulation, its transposition and national legislation (relation of Q 13, 14 and 15).**

The majority of respondents (16 out of 21, approx. 76 percent) replied that they know that there are special EU directives regulating the posting of workers. Slightly fewer respondents replied that they do know that these special EU rules have to be transposed to national legislation (15 out of 21, approx. 71 percent). Only 11 respondents were able to indicate the national legal act transposing EU directives. That means that even though the general knowledge of EU regulation is quite high, not all employers (who know about EU regulation) can indicate the name of the national legal act where the national rules for posting have been laid down. Out of 11 respondents who indicated national legal acts, all the answers were specific enough – the Lithuanian Labour Code. One respondent, in addition to the Lithuanian Labour Code, indicated another legal act – the Law on the Rights of Posted Workers, which, in fact, was withdrawn in 2017.

### **J1. Please evaluate the results of general knowledge concerning guarantees for posted workers and specific conditions that must be applied (Q 16 and 17).**

The majority of the respondents (17 out of 21, 81 percent) replied that they did know that workers posted to another EU country must be subject to the same working conditions and guarantees as workers from that country. Quite a different situation was revealed by the analysis of the results of question No 17 where it was asked to indicate which of the conditions listed must be applied. Only 10 respondents chose the answer “All above mentioned conditions” must be applied. Two employers could not provide any answer. The rest of the respondents indicated several conditions. The most popular conditions indicated were: rates of payment, including overtime rates (mentioned 5 times), maximum working periods and minimum rest periods (mentioned 4 times) and reimbursement of additional expenses (also mentioned 4 times). It is interesting that the respondents who chose several answers did not refer to two conditions at all – conditions of workers in temporary employment and equality of treatment between men and women. It can be assumed that the first condition (concerning temporary employment) was not selected because the respondents were not familiar with the posting of temporary workers (no respondent indicated that it was a temporary employment agency). As far as no mention of the principle of equal treatment between men and women is concerned, it can be presumed that it is difficult for the respondents to distinguish this principle as a specific, different from the general principle of non-discrimination. Nevertheless, the latter answer was chosen only 1 time. Thus, it can be stated that the understanding of the requirement

to apply both non-discrimination and equal treatment between men and women is not at satisfactory level.

**K1. Please evaluate the results of general knowledge concerning A1 form (Q 19 and 20).**

Fourteen respondents (out of 21) indicated that they do know that the employer must obtain an A1 form from the national competent authority. This almost corresponds to the data collected from questions Nos 13 and 14 on the general knowledge about EU regulation. All 14 respondents also precisely indicated the competent authority in Lithuania responsible for issuing A1 form – the Lithuanian Social Insurance Institution (SODRA). One respondent indicated the specific department of the Lithuanian Social Insurance Institution (SODRA) – Foreign Department. Although, in fact, the Foreign Department was reorganized in 2020 and from that date all functions concerning the issuance of A1 forms was transferred to the Territorial Vilnius Department.

**L1. Please evaluate the results of general knowledge concerning pre-declaration system (Q 21, 22, 23).**

Fourteen 14 respondents (out of 21) indicated that they are aware of the electronic pre-declaration system in the EU countries. This absolutely corresponds to the data from question No 19 concerning the awareness of A1 form requirements. Twelve respondents replied that the duty to fill the pre-declaration form belongs to the sending employer. Nine respondents selected the answer “cannot answer”. It can be noted that not all the employers who were aware of the pre-declaration system could name who is responsible for filling in the data in the form. Hence, only 7 respondents noted that they know where to find and fill in the pre-declaration form. It can be presumed that although the level of general knowledge of the employers concerning the pre-declaration system is satisfactory, it declines when more specific information is needed.

**M1. Please evaluate the results of general knowledge concerning possibility to post third-country nationals to another EU member State (Q 24).**

Twelve respondents provided the positive answer, 2 of them indicated that it is possible to post third-country nationals “in all cases”, the rest clarified their positive answer indicating that it is possible only in case when a worker is legally residing and working in Lithuania. The remaining respondents (approx. 43 percent) could not provide an answer.

**N1. Please evaluate the results of general knowledge concerning remuneration for posted workers (Q 25 and 26).**

In the answer to the question concerning remuneration (No 25), only one respondent noted that he “cannot answer”. Twelve respondents (approx. 57 percent) indicated that the same level of salary that is typical for native employees performing the same job in country where the work is carried must be paid. Significant part of the respondents (7 out of 21, approx. 33 percent) indicated that at least the minimum salary applicable in the host country must be guaranteed. And one respondent indicated that the minimum salary applicable in the sending country must be guaranteed. These results can be interpreted as meaning that the regulations concerning the remuneration for posted workers are not fully understood, which can lead to a violation of posted workers’ rights. Quite unsettling situation concerns the answers provided to question No 26 concerning the status of covering additional expenses. Even 6 respondents indicated that

they cannot answer; in addition, 2 respondents replied that they “never paid such amounts”. Three respondents stated that the amounts covering additional expenses (transport, travel, other) are considered as a part of the agreed salary. And 10 respondents (approx. 48 percent of all respondents) replied that these expenses are paid in addition to the agreed salary. This situation also reveals that regulation of any type of payment for posted workers might be interpreted by employers differently and can be considered as quite complicated.

**O1. Please describe the finding concerning knowledge and use of information (Q 27, 28, 29).**

Fourteen respondents (out of 21, approx. 67 percent) indicated that they are aware that, in each country, information on posting is provided on websites (data corresponding the data provided in points K1, L1). But only 9 out of 21 (approx. 43 percent) stated that they have been using such information. Accordingly, 12 respondents noted that they “cannot answer” whether the information provided was useful or not. The answers of 9 respondents who indicated that they had used such an information were divided between: information was useful – 6 answers and information was useful in part – 3 respondents.

**P1. Please evaluate the results of general knowledge concerning information that must be provided for posted workers (Q 30).**

Only 6 respondents out of 21 indicated that all the information listed must be provided for posted workers. The same number of respondents replied that they “cannot answer” this question. The remaining 9 respondents indicated different elements of information. The most popular choice was information on “duration of posting” (indicated by all 9 respondents). Other information most frequently referred to was concerning the country of posting and the salary. Only few respondents indicated the information concerning the currency, conditions of returning, daily allowances, a link to official websites. No respondent selected the information concerning the institution of social insurance.

**R1. Please evaluate the results of general knowledge concerning posted temporary workers (Q 31 and 32).**

Only 3 respondents out of 21 indicated that they have the experience of using posted temporary workers. Replying to the question whether different conditions can be applied to posted temporary workers, a larger part of the respondents answered “cannot answer” (12 out of 21, approx. 57 percent.). All other answers (9 out of 21) indicated that it is not possible to apply different working conditions to posted temporary workers.

**S1. Please describe the findings concerning knowledge and experience of collective agreements (Q 33-36). Whether there is certain relation between experience in bargaining and knowledge concerning application of collective agreements (relation of Q 33-34 and 36)?**

The majority of employers (17 out of 21, 81 percent) replied that they “cannot answer” whether a collective agreement should be applied for posted workers. One respondent noted that a collective agreement is not applicable for posted workers, and 3 respondents provided opposite answers that a collective agreement must be applicable to all posted workers. When asked to specify which type of collective agreements must be applied to posted workers, again, the

majority indicated “cannot answer” (15 out of 21), 2 respondents replied “not applicable at all”. Four respondents chose to reply positively and named collective agreements which would be applied in general (2 answers), would normally be applicable in similar companies (1 answer) or are concluded by social partners at the national level and are applied throughout the country (1 answer). Even 20 respondents out of 21 indicated that they do not know that a trade union in the host company may contact the employer requesting participation in joint collective bargaining. Logically, not a single respondent indicated any experience of participation in such collective bargaining. It follows from the evaluation this group of answers that both the level of theoretical knowledge and the experience of the employers is very low. No other question received such a large number of answers “cannot answer”. As no respondent indicated the experience in collective bargaining, the relation between experience and general knowledge cannot be evaluated.

**T1. Other comments concerning situation of the level of information and knowledge of employers.**

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**3.2. Analysis of findings from employees (workers)**

**A2. Please describe the findings, which EU countries were indicated as destination for posting (questions No 1 and 2). Whether the results were expected from the national experience?**

Five out of 6 employees (approx. 84 percent) indicated that they had been posted to another EU country. Five countries in total were mentioned as the most usual EU countries for posting. It is interesting that the distribution of the most popular countries is quite even. Sweden was mentioned 2 times, 4 countries – Poland, Germany, Netherlands and Denmark – were mentioned 1 time. These results basically reflect the standard national experience.<sup>2</sup> According to the statistics, the most popular countries for posting from Lithuania are Norway (25 percent) and Germany (24 percent), the third country – Sweden (13 percent). The largest deviation from statistics revealed by the analysis of the survey data is the case of Norway – the respondents did not mention Norway at all.

**B2. What are the most popular periods of posting (Q no 3)? Do results correspond those from employers?**

The two most popular periods were indicated – from 1 month to 6 months (each consisted of approx. 50 percent) and from 6 months to 12 months (each consisted of approx. 33 percent). One employee indicated that he/she had been posted for a longer period than 12 months. Comparing the responses of the employees and the employers, it can be stated that the responses essentially coincide. The employers indicated that the periods from 3 to 6 months (14 percent) and from 6 to 12 months (19 percent) were used respectively.

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<sup>2</sup> Data of the European Parliament, [https://www.europarl.europa.eu/infographic/posted-workers/index\\_en.html#overview](https://www.europarl.europa.eu/infographic/posted-workers/index_en.html#overview)

**C2. Please describe the findings, which non-EU countries were indicated as destination for posting (Q no 4, 5). Whether the results were expected from the national experience? What are the most popular periods of posting (Q no 6)?**

All employees (6 respondents) indicated that they had been posted only to EU countries. No respondent indicated that he or she had been posted to any non-EU country. It should be mentioned that Lithuanian institutions do not present statistics of posting to non-EU countries, so it is impossible to compare the results with official data. The situation could be illustrated by an analysis of the relevant responses of the employers (see B1 in Analysis of findings from the employers).

**D2. What are the most usual reasons for posting (Q no 7)?**

Only 3 respondents indicated the posting reason: 2 respondents – “contract of services with foreign companies”, 1 respondent – “sending to another company of the same company group”. The remaining 3 respondents could not indicate the reasons of posting.

**E2. Is it possible to establish which professions or functions face posting usually (Q no 8 and 1)?**

The analysing of the answers of 5 respondents does not make it possible to formulate specific conclusions and identify the trends. The respondents indicated that they work in the following professions: worker of mounting repair (1), engineering (1), programming and installation (1), electrical works (1), auto-parts assembler (1). From these indicated professions, it can be assumed that all the staff posted perform technical, mechanical work.

**F2. Please evaluate the results of general knowledge concerning EU regulation, its transposition and national legislation (Q no 9, 10 and 11)? Are there some differences from relative answers from employers?**

In answering the question about the general knowledge about the existing EU posting regulations, the respondents split in half (50 percent) – 3 respondents indicated that they know about such legal regulation and 3 answered negatively. However, only 1 respondent out of 6 indicated that he/she is aware that the EU rules have been transposed into Lithuanian labour law and correctly indicated that the national law is the Labour Code. Five respondents were unable to answer the question about the EU regulations transfer to the national law and could not indicate the specific Lithuanian law.

**G2. Please evaluate the results of general knowledge concerning guarantees for posted workers and specific conditions that must be applied (Q no 12 and 13). Are there some differences from relative answers from employers?**

Four out of 6 employees (approx. 67 percent) indicated that they know that during posting period they must enjoy the same working conditions as other employees of the receiving employer.

As far as question No 13 is concerned (where it was asked to indicate which of the conditions listed must be applied), only 2 respondents chose the answer “All above mentioned conditions”

must be applied. The remaining 2 respondents indicated several conditions. Both respondents indicated (in all the cases, mentioned 2 times): rates of payment, including overtime rates, maximum working periods and minimum rest periods and reimbursement of additional expenses, health and safety at work, protective measures for women and young workers. Only once they referred to working conditions of temporary workers, equal treatment and non-discrimination rules, as well conditions of accommodation.

Although there are few responses from the respondents, it can be summarised that the understanding of the requirement to apply specific working condition to posted workers is not at satisfactory level.

Comparing the responses of the employees and the employers, it can be stated that, in general, the employers are better informed about the requirement to apply the same working conditions for posted workers (the majority of the respondent employers– 81 percent). Nevertheless, the main difference was in equal opportunities and non-discrimination – the employers did not refer to these conditions at all, while 50 percent of the employees did.

**H2. Please evaluate the results of general knowledge concerning remuneration for posted workers (Q 14, 15 and 16). Are there some differences from relative answers from employers?**

67 percent or 4 respondents indicated that posted workers must be guaranteed “at least minimum salary” and only 1 respondent choose the answer “the same level of salary that is typical for employee performing the same job”; 1 respondent did not answer the question at all. These answers describe the existing situation of the pay gap in Lithuania and in the EU countries to which the respondents were posted. It is likely that, in the host countries, Lithuanian workers, even if they receive the minimum monthly salary, which in any case is higher than the corresponding salary in Lithuania, feel receiving the fair remuneration for work their fulfill. Comparing the responses of the employees and the employers, it can be stated that the employers, equally to the employees, most often indicated the requirement to pay the minimum wage.

When answering question 14 about additional expenses, the respondents were divided into three equal groups: 2 respondents indicated that such payments are in addition to the agreed salary, the other 2 respondents indicated that such payments are part of the pre-agreed salary and the remaining 2 respondents could not answer at all. 67 percent (4) of the respondents indicated that daily allowance is considered as part of the agreed salary; 2 respondents did not answer this question at all.

The answers to the question about additional expenses show that the employers' level of knowledge of relevant legal regulation was higher: 10 respondents (approx. 48 percent of all respondents) replied that these expenses are paid in addition to the agreed salary, while the same answer was indicated only by 30 percent of the employees.

**I2. Please evaluate the results of general knowledge concerning information that must be provided for posted workers (Q no 17 and 18). Are there some differences from relative answers from employers?**



The respondents split in half (50 percent) – 3 respondents indicated that the employer must inform posted workers about working conditions in writing and 3 respondents answered that such information is not compulsory. The respondents (in total 3) who answered that such obligation of the employer exists in response to question 18 (where it was asked to indicate the specific working conditions), indicated the country of posting, the duration of posting period and salary (all options were indicated by 3 respondents) and only one respondent indicated the conditions of returning to the country of origin. In summary, it could be stated that the employees are informed very selectively and receive significantly less information about their working conditions than legal acts provide.

The employers indicated different elements of information in their responses to the same question. The most popular choice was information on “duration of posting” (indicated by all 9 respondents). Other most frequently referred to information was concerning the country of posting and the salary. Only few respondents indicated information concerning the currency, conditions of returning, daily allowances, a link to official websites.

Both the answers from the employees and the employers show that the level of understanding and knowledge of the information about posted workers is low on both sides.

**J2. Please evaluate the experience of actual provision of information (Q no 19 and 20).**

Three respondents answered positively, 1 indicated that he/she had been informed about the working conditions during the posting period but only in the oral form, and the remaining 2 answered negatively. It shows that in practice, the situation is not positive and employees are not properly informed about working conditions before the posting. The same situation can be seen from answers to question No 20: 4 out of 6 respondents indicated that the information they received before posting was “partially sufficient” and respectively 1 respondent was fully satisfied and 1 – totally not.

**K2. Please evaluate the experience of information of designation of contact person (Q no 21 and 22).**

Half of the respondents (3) indicated that they had received contacts of the person-employer representative whom they can contact in the sending country and 4 respondents had received such contacts about the authorized person of the receiving employer.

**L2. Please evaluate the results of general knowledge concerning social security rights (Q no 23 and 24).**

Answers to the questions concerning social security rights, *inter alia*, in case of sickness, during posting period, show that the knowledge level of these issues is rather low among workers: 4 out of 6 respondents indicated that they do not have any knowledge about social security rights.

**M2. What are main subjects of application in case of breach of rights (Q no 25)?**

Four respondents indicated that in such cases their preferred to apply to the permanent employer (sending employer) and only a respondent in such case would use the right to apply

to the responsible state institution of the posting country; the remaining 1 respondent noted that he/she would use the assistance of a trade union in the country of origin.

**N2. Please describe the findings concerning knowledge and use of information (Q no 26, 27 and 28). Are there some differences from relative answers from employers?**

Only 3 respondents out of 6 indicated that they know about special websites in each EU country where the information relevant for the posting of workers is provided. The same 3 respondents indicated that they have checked these websites and were looking for relevant information. None of them was satisfied with the information found: 2 respondents indicated that the information was partly useful and the remaining respondent (1) mentioned that he/she was unable to use and consider the information because of language skills (no mentioned was given of the country and language details).

The comparison of the answers to the same questions shows that both the employees and the employers are not very familiar with such information instruments and that the level of knowledge and use of the above mention websites is not very high.

**O2. Please evaluate the experience of information concerning trade union, receiving help from trade union and knowledge about collective agreement application (Q no 29, 30 and 31).**

Only 2 respondents indicated that they had had information concerning trade unions in the receiving company: 1 respondent indicated that the trade union itself had contacted the posted worker and 1 respondent indicated that he/she had found the relevant information on his/her own. Only 1 respondent out of 6 indicated that his/her cooperation experience with the trade union was successful. All the answers to the question about applicable collective agreements (Q 31) were negative: 2 respondents indicated that they do not have any information about such collective agreements and 4 respondents could not provide an answer to explain the situation (answer the question) at all.

**P2. Are there any tendencies regarding the age of respondents (Q no 34) and their experience on subject of application in case of breach of rights (Q no 25); and their experience concerning knowledge and use of information (Q no 26, 27 and 28)?**

No tendencies have been identified from the replies to questions No 34, 25, 26, 27 and 28 and concerning the age of the respondents.

**R2. Are there any tendencies regarding the education of respondents (Q no 35) and their experience on subject of application in case of breach of rights (Q no 25); and their experience concerning knowledge and use of information (Q no 26, 27 and 28)?**

No tendencies have been identified from the replies to the above-mentioned questions and regarding the level of education of the respondents.

**S2. Are there any tendencies regarding the trade union membership of respondents (Q no 36) and their experience on subject of application in case of breach of rights (Q no 25); and their experience concerning knowledge and use of information (Q no 26, 27 and 28)?**

No tendencies have been identified from the replies to the above-mentioned questions and regarding membership of respondents in trade unions.

**T2. Other comments concerning situation of the level of information and knowledge of employees.**

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**3.3. Analysis of findings from trade unions**

**A3. Please describe the findings on trade unions experience encountering posted workers from other EU Member states (Q no 3 and 4). Are there any tendencies regarding findings (Q no 3 and 4) and the level of trade union (Q no 1)?**

Eighteen replies in total have been received from the respondents – representatives of trade unions: 11 of enterprise level, 5 of branch/territorial level, 2 of national level (all acting in Lithuania). A little more than half of the respondents indicated that they had encountered posted workers from other EU countries – 10 out of 18 (approx. 56 percent). Poland was referred to as the most popular country (mentioned 8 times). Other countries mentioned by the respondents – Germany (mentioned 3 times) and Latvia (mentioned 1 time). After evaluation of individual answers and their comparison with the level of trade union indicated, no tendencies have been noticed. The answers concerning the experience with posted workers from EU countries differed a lot in the case of enterprise and branch/territorial level. And both answers from the national level trade unions, contrary to what could be expected, indicated that they had experience of encountering posted workers (but as it would be seen later, not personally or directly).

**B3. Please describe the findings on trade unions experience encountering posted workers from non-EU countries (Q no 5 and 6). Are there any tendencies regarding findings (Q no 5 and 6) and the level of trade union (Q no 1)?**

The majority of the respondents noted that they had encountered posted workers from non-EU countries – 13 out of 18 (approx. 72 percent). Three countries were named: the most popular – Ukraine (mentioned 13 times), Belarus (mentioned 9 times) and Kazakhstan (mentioned 1 time). No tendencies have been identified from the replies to questions No 5 and 6 and regarding the level of trade union. The answers concerning the experience in encountering posted workers from non-EU countries differed a lot in the case of enterprise and branch/territorial level. And both answers from the national level trade unions, contrary to what could be expected, indicated that they had had experience with posted workers.

**C3. Please describe the findings on trade unions experience encountering posted workers to other countries (Q no 7 and 8). Are there any tendencies regarding findings (Q no 7 and 8) and the level of trade union (Q no 1)?**

The majority of the respondents replied that had encountered the workers posted from non-EU countries – 13 out of 18 (approx. 72 percent). Several countries were indicated: the most popular were Germany (mentioned 11 times) and Sweden (mentioned 8 times). Other: Norway (4), Belgium (3), Poland (3), Denmark (2), Austria (1) and Netherlands (1). No tendencies

have been identified from the replies to questions No 7 and 8 and regarding the level of trade union.

**D3. Are there any differences from most usual countries indicated by trade unions (Q no 4, 6 and 8) and relative answers from employees (workers)/employers?**

Findings from the trade union respondents concerning sending countries are similar to the findings from the answers by the employers. In both cases, Poland and Latvia were indicated as the most popular countries. Trade unions experience encountering posted workers from non-EU countries also corresponds to the findings from the relevant answers by the employers: three countries were named by both – Ukraine, Belarus and Kazakhstan. The most popular countries for posting (from Lithuania) indicated by the employers also correspond to the findings about the trade unions – mostly the same popular countries were indicated. In addition, the same most popular countries for their posting were indicated by the employees.

**E3. Please describe which is the most usual way of dealing with posted workers (Q no 9). Are there any tendencies regarding findings (Q no 9) and the level of trade union (Q no 1)?**

Six respondents out of 18 indicated that they do not have contacts (do not communicate) with posted workers. Other respondents indicated several different ways of dealing/communication. The most popular way of dealing – posted workers are applying themselves with different questions (answer mentioned 8 times); other popular answers – close contacts with the employers hosting posted workers (mentioned 5 times) and contacting individual posted workers when possible (mentioned 4 times). Other answers indicated: publishing and provision of general information about the trade union (2 times), communication on social networks (1 time). No specific tendencies in the answers and the two levels of trade unions (enterprise and branch/territorial) were noticed. An exception is the respondents representing national level trade unions – both respondents emphasised that they do not have practise of direct communication with posted workers.

**F3. Please evaluate the usual practise of providing information (Q no 10 and 11).**

Only 2 respondents out of 18 indicated that they “cannot answer” question No 10 (concerning methods of providing general information). All other respondents indicated several different methods of providing general information. General information about trade union was the most popular answer (mentioned 13 times). The second most popular answer – providing general information about trade union in printed brochures (mentioned 9 times). Other methods were mentioned only once: general information about posted workers' rights on the internet, in printed brochures and information in newsletters and social networks. The findings show that the most popular method to publish and to provide general information about trade unions is “not direct method”, which is also more general and does not include specific information for posted workers. Those respondents who answered positively to question No 10 indicated the main languages for the provision of general information. Logically, the most popular language for the provision of information on trade union was Lithuanian (mentioned 15 times). Other languages were: English (mentioned 5 times) and Russian (mentioned 2 times).

**G3. What are usual reasons for workers applying to trade union (Q no 12)?**

Six respondents out of 18 indicated that they cannot answer the question for what reasons they apply to trade unions. Three respondents indicated that workers apply with complaints about potential violations of their rights and 2 respondents indicated that workers tried to receive general information about their rights. 7 respondents (approx. 39 percent) indicated that workers apply in both cases, that is, concerning two types of issue – to receive general information about their rights and to make complaints about potential violations of their rights. These findings show that both situations – the aim to receive general information and the need for specific consultation in case of a potential violation – are equally important to posted workers.

### **H3. What are usual types of information needed by workers (Q no 13)?**

Seven respondents out of 18 indicated that they “cannot answer” the question what specific types of information workers usually need. The remaining respondents indicated several different questions. The most popular type of required information – information concerning remuneration for work, including minimum salary and other payments for work (mentioned 15 times). The other most popular types of information relate to working time and rest periods (mentioned 8 times) and reimbursement of additional expenses (mentioned 5 times). Other information required: health and safety issues (mentioned 4 times), annual holidays (mentioned 3 times), conditions of temporary workers (mentioned 2 times), conditions of accommodation (mentioned 1 time). In general, it can be clearly seen that the most required information relates to all types of payment during posting. Regulation of any type of payment for posted workers can be evaluated as complicated also from employers’ perspective (see point N1). Thus, it can be stated that more emphasis should be made on clear regulation and information on these issues.

### **I3. What types of help are provided usually for workers (Q no 14)? Are there any tendencies regarding findings (Q no 14) and the level of trade union (Q no 1)?**

Common activities undertaken by trade unions concerning posted workers is the delivery of information – relevant national and European legal regulation (in total 16 respondents); another activity closely related to the first one – individual consultations and evaluations of the legal situation of individual posted workers and legal advice (11 respondents). The second group of activities could be identified as legal assistance: direct representation of a posted worker before state institutions (2 respondents) and legal representation in courts (1 respondent); mediation and communication with other experts and institutions which can provide relevant information about posting issues concerning individual cases (8 respondents).

In summary, the information and consultation activities of trade unions constitute about 60 percent of all activities concerning posting issues (27 in total) and personal representation of posted workers before state institutions, courts and mediating with other experts amounts to approx. 30 percent of all activities (11 in total).

### **J3. What types of communication are usually used by trade unions (Q no 15)? Are there any tendencies regarding findings (Q no 15) and the level of trade union (Q no 1)?**

The most commonly used method of communication indicated by the respondents was direct communication with both sending and receiving employers (in total 9 respondents),

communication with competent national authorities, *inter alia*, the national (Lithuanian) State Labour Inspectorate as indicated by 2 respondents, and communication through other trade unions as noted by 2 respondents (foreign trade union (1) and higher-level national trade union (1)). Even 8 respondents answered negatively, i.e., indicated that they do not communicate at all with other persons and institutions in the context of posting. The answers in general indicate that the level of trade union activism and their involvement in the phenomenon of workers' posting is rather low in Lithuania. The evaluation of this situation indicates differences in the knowledge and activity level of trade union members. Enterprise level trade union members are more active and informed, probably because they are exposed to posting situations in their daily practise.

**K3. Please describe the finding of other problems in the sphere of posting indicated by trade unions (Q no 16).**

The respondents indicated the main 4 problematic areas: lack of legal and practical information on the posting situation in Lithuanian; shortage of communication and goodwill from employers; workers are afraid or feel the language gap for communicating with trade unions; complex regulation of remuneration. The problems indicated and the need for information correlate with the answers by other respondents, i.e., the answers to Q13 point out that during consultations on posted workers, trade union representatives usually receive questions on wage regulation; from the answers to Q 14 it is clear that an important part of trade unions' activity is connected with legal consultation and information, legal advice to posted workers and why trade union representatives need relevant and up-to-date legal knowledge.

**L3. Other comments concerning situation of the experience of trade unions.**

**Summary of findings**

An assessment of the findings obtained from an overview of the answers by the respondents allows identifying some general trends and issues.

First of all, it can be observed that the employers have the knowledge of general issues pertaining to the posting of workers. However, where they are requested to detail the information known and make it more specific, the situation is changes – fewer employers have specific knowledge. For example, in response to the question whether they know about the existence of special EU regulation on the posting of workers, the majority of the employers replied negatively. When asked to state more specifically which legal act in Lithuania sets out the relevant conditions, not all employers were able to identify the information and some of them indicated inaccurate outdated information. A similar situation was also observed in the analysis of the relevant replies by the employees. A similar tendency is also noticed in the answers to the questions relating to the pre-information / declaration system. The general rule about the need to provide such information was known to a larger part of the employers. However, when asked to state more specifically who was supposed to provide such information and where, the number of positive answers gradually decreased.

Secondly, it has been observed that the employers do not have sufficient knowledge of the guarantees applicable to posted workers. Only a small part of the employers was able to answer correctly that the same set of rights applies to posted workers. The majority of the employers

chose the answers which indicated applicable guarantees and not all of them have been mentioned (chosen). A particular attention should be drawn to the fact that the employers tended to “ignore” one of the essential guarantees applicable to posted workers – ensuring of equal opportunities between men and women and the application of the general principle of non-discrimination. This can mean that, in general, the content of these guarantees is not understandable enough for the employers and their meaning has not been fully perceived.

Thirdly, it can be observed that one of the major problems is the knowledge of the employers of the regulation concerning the payment of salary (its amount and structure) to posted workers. One of the potential reasons is rather complicated EU regulation, which, when considered in the light of different national legal acts, can be indeed difficult to understand and assess in terms of its details. The problem is presumably much broader than only the issue of knowledge/ignorance by the employers. The problem can also be in the lack of specific and clear common regulation of the EU. Although the answers provided by the employees in individual cases revealed a better trend (a larger proportion of the employees was able to show more specific knowledge of salary and its structure), however, general results are, nevertheless, not fully satisfactory. The relevance of the questions relating to the payment of salary is also confirmed by the answers provided by the third group of the respondents – the representatives of trade unions. One of the most popular questions addressed by posted workers to representatives of trade unions is related to the payment of salary (including its constituents) in particular. Moreover, one of the additional problems indicated by the representatives of trade unions was the difficulties in considering the issues relating to the salary of posted workers.

Finally, an assessment of the answers provided by all the respondent groups in relation to employment relations and mutual relations between employees and trade unions shows that the level of mutual communication is not adequate. The employers have no experience of participation in collective bargaining, and the trade unions note the lack of good will communication between them and employers. It can also be seen that the employees do not utilise the whole potential of the possibility to contact trade unions in order to get the information of relevance to them. It should be noted that the representatives of trade unions explain this by a potential linguistic barrier between posted workers and trade union representatives. On the other hand, the customary ways of communication (most of them pertain only to the provision of general information about the trade union itself) have not been sufficiently developed as indicated by the representatives of trade unions themselves. It can be considered that Lithuanian trade unions themselves could be more active in communicating with posted workers and their employers (or hosting companies).