

Issuer: Riigikogu
Type: act
In force from: 01.05.2012
In force until: In force
Translation published: 11.11.2014

Collective Agreements Act

Passed 14.04.1993
RT I 1993, 20, 353
Entry into force 16.05.1993

Amended by the following acts

Passed	Published	Entry into force
16.06.1999	RT I 1999, 60, 616	26.07.1999
14.06.2000	RT I 2000, 57, 372	23.07.2000
12.12.2001	RT I 2001, 102, 670	10.01.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
17.12.2008	RT I 2009, 5, 35	01.07.2009
14.03.2012	RT I, 29.03.2012, 2	01.05.2012
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 107 ³ (4) of the Government of the Republic Act as of the wording which entered into force on 1 July 2014.

Chapter 1 GENERAL PROVISIONS

§ 1. Purpose of Act

This Act determines the legal bases for the entry into and performance of collective agreements.

§ 2. General principles

(1) A collective agreement is a voluntary agreement between employees or an association or a federation of employees and an employer or an association or a federation of employers, and also state authorities or local governments, which regulates employment relationships between employers and employees.

(2) An association or a federation of employers unites legal and natural persons who are employers for the purposes of the Employment Contracts Act by branch of activity or on the basis of any other criteria, and protects and represents the interests of its members in employment relationships.

(3) An association or a federation of employees unites employees by branch of activity, enterprise, institution or other organisation, or profession (occupation), and protects and represents them in employment relationships pursuant to its articles of association.

§ 3. Parties to collective agreement

(1) A collective agreement may be bilateral or tripartite.

(2) A collective agreement is entered into between:

- 1) an employer and an association, a federation or an authorised representative of employees;
- 2) an association or a federation of employers and an association or a federation of employees;
- 2¹) a local government association and an association or a federation of employees and officials;
- 3) a confederation of employers and a confederation of employees;

4) the confederation of associations of employees, a confederation of employers and the Government of the Republic, and between local federations of associations of employees, a federation of employers and local governments.

(3) Collective agreements in enterprises, institutions and other organisations shall be entered into by the relevant association of employees. If employees are not represented by a trade union in an enterprise, institution or other organisation, an authorised representative of the employees shall enter into the collective agreement.

(4) In a governmental authority, a state authority administered by a governmental authority or a state administrative authority, the head of the authority may enter into a collective agreement as an employer. The head of the authority shall be liable for the conformity of the obligations assumed by the collective agreement with the state budget.

(5) In a local government authority or an authority administered by a local government authority, the head of the authority or the city or rural municipality government may enter into a collective agreement as an employer. The head of the authority shall be liable for the conformity of the obligations assumed by the collective agreement with the rural municipality or city budget.
[RT I 2001, 102, 670 – entry into force 10.01.2002]

§ 4. Scope of application of collective agreement

(1) A collective agreement applies to such employers and employees who belong to an organisation which has entered into the collective agreement, unless otherwise prescribed by the collective agreement.

(2) The terms and conditions of a collective agreement which are less favourable to employees than those prescribed by an Act or other legislation are invalid, unless an option for such an agreement has been prescribed by law.
[RT I 2009, 5, 35 – entry into force 01.07.2009]

(3) In the event of a conflict between the provisions of different collective agreements applicable to employees, the provision which is more favourable to the employees applies.

(4) A collective agreement entered into between an association or a federation of employers and an association or a federation of employees and a collective agreement entered into between a confederation of employers and a confederation of employees may be extended by agreement of the parties in respect of the conditions determined in § 6 (1) 1) and 3) of this Act. The scope of extension shall be determined in the collective agreement.

(5) The terms and conditions of extended collective agreements shall be published by the minister responsible for the field in the official publication *Ametlikud Teadaanded*. The terms and conditions of extended collective agreements enter into force on the day following the publication of the notice.

[RT I, 29.06.2014, 109 – entry into force 01.07.2014, on the basis of § 107³(4) of the Government of the Republic Act the words “Minister of Social Affairs” have been replaced with the words “minister responsible for the field” as of 1 July 2014.]

§ 4¹. Registration of collective agreements

(1) Collective agreements entered into shall be registered in a database maintained by the Ministry of Social Affairs.

(2) The procedure for the registration of collective agreements and amendment of data shall be established by a regulation of the minister responsible for the field.

[RT I, 29.06.2014, 109 – entry into force 01.07.2014, on the basis of § 107³(4) of the Government of the Republic Act the words “Minister of Social Affairs” have been replaced with the words “minister responsible for the field” as of 1 July 2014.]

Chapter 2

FORM AND CONTENT OF COLLECTIVE AGREEMENT

§ 5. Form of collective agreement

(1) A collective agreement shall be entered into in writing.

(2) Any annexes to a collective agreement are an integral part of the agreement and have the same legal force as the collective agreement.

§ 6. Content of collective agreement

(1) A collective agreement entered into between the parties specified in § 3 (2) 1) through 3) of this Act may determine:

- 1) the wage conditions;
 - 2) the working conditions;
 - 3) the working and rest time conditions;
 - 4) the conditions for the amendment and termination of an employment contract, and the bases for refusing to perform work;
- [RT I 2009, 5, 35 – entry into force 01.07.2009]
- 5) the conditions and the procedure for lay-off of employees and the guarantees in the event of lay-off;
 - 6) the conditions for occupational health and safety;
 - 7) the conditions for vocational training, in-service training and re-training, and assistance to the unemployed;
 - 8) any guarantees and compensation which the parties consider necessary;
 - 9) the procedure for monitoring the performance of the collective agreement and providing necessary information;
 - 10) the procedure for the amendment and extension of the collective agreement, and for the entry into a new collective agreement;
 - 11) additional liability for the non-performance of the collective agreement;
 - 12) the procedure for submitting demands of employees and employers in the event of a collective labour dispute;
 - 13) any terms which regulate other relations between the parties to the collective agreement.

(2) A collective agreement entered into between the parties specified in § 3 (2) 4) of this Act may determine:

- 1) the minimum wage and the procedure for amending it based on the increase in the cost of living;
- 2) any additional measures to ensure occupational health and safety;
- 3) any additional employment guarantees;
- 4) any other additional guarantees pertaining to employment which the parties consider necessary;
- 5) the procedure for monitoring the performance of the collective agreement and obtaining necessary information.

(3) A collective agreement may determine the additional rights and guarantees in employment relationships for a person who represents employees.

Chapter 3

ENTRY INTO, TERM AND AMENDMENT OF COLLECTIVE AGREEMENT

§ 7. Procedure for entry into collective agreement

(1) The parties specified in this Act shall enter into a collective agreement by bargaining on the basis of mutual trust and necessary information.

(2) The party which initiates bargaining shall prepare a draft collective agreement and present it in writing to the other party together with a notice of the desire to commence bargaining.

(3) The parties shall commence bargaining within seven days after receiving such a notice.

(4) The parties shall appoint their representatives to conduct bargaining. Associations or federations of employees may, by agreement with each other, establish joint representation and enter into a joint collective agreement.

(5) Bargaining is conducted at the time agreed on by the parties. By agreement of the parties, their representatives shall be free from work to conduct bargaining during working time and they shall continue to receive their average wages.

§ 8. Rights and obligations of parties

(1) The parties have the right to include qualified persons and experts in bargaining and in the drafting of a collective agreement, and to form working groups on the basis of parity. The cost of inviting the qualified persons and experts shall be borne by the party which invited them.

(2) Representatives, qualified persons and experts of the parties participating in bargaining, and other persons involved in drafting a collective agreement are required to maintain the confidentiality of any industrial, business or professional secrets which become known to them. Persons who violate this requirement are held liable pursuant to the procedure prescribed by law.

§ 9. Guarantees

Employment contracts entered into with representatives of the parties who participate in bargaining shall not be cancelled on the basis provided for in § 92 (1) 4) of the Employment Contracts Act.
[RT I 2009, 5, 35 – entry into force 01.07.2009]

§ 10. Resolution of disputes arising upon entry into collective agreement

Disputes arising upon the entry into a collective agreement are resolved pursuant to the Collective Labour Dispute Resolution Act.

§ 11. Entry into force and term

(1) A collective agreement enters into force on the date of signature, unless the collective agreement prescribes otherwise.

(2) The term of a collective agreement is one year, unless the parties agree otherwise.

(3) The parties are required to comply with the terms and conditions of a collective agreement during the term of the collective agreement and refrain from calling a strike or a lock-out with the aim of amending the terms and conditions provided for in the collective agreement.

(4) Upon the transfer of an enterprise or an organisationally independent part thereof from one person to another, the relevant collective agreement shall be transferred to the transferee of the enterprise. For the purposes of this Act, business entities which do not belong to an undertaking, and authorities and other organisations are also deemed to be enterprises.

(5) Upon the expiry of the term of a collective agreement it shall be deemed that the collective agreement is valid for an indefinite period of time unless either party to the collective agreement notifies the other party in writing at least three months before the expiry of the collective agreement that it does not wish for the agreement to be extended. In the event the collective agreement becomes valid for an indefinite period of time, the parties are required to comply with the terms and conditions of the collective agreement until a new agreement is entered into or the collective agreement is terminated by cancellation. A collective agreement which is valid for an indefinite period of time may be cancelled by either party to the agreement by notifying the other party thereof no less than six months in advance. The obligation arising from a collective agreement to refrain from calling a strike or a lock-out ends as of the submission of a notice concerning the cancellation of the collective agreement.

[RT I, 29.03.2012, 2 – entry into force 01.05.2012]

§ 12. Publication of collective agreement

(1) A collective agreement entered into shall be available to everyone whom it concerns.

(2) An employer is required to introduce a collective agreement to all employees of the relevant enterprise, authority or other organisation and to new employees when they commence employment.

§ 13. Amendment of collective agreement

A collective agreement is amended pursuant to the procedure prescribed in the collective agreement. If such a procedure has not been established, the collective agreement is amended pursuant to the procedure provided by law.

Chapter 4 MONITORING OF PERFORMANCE OF COLLECTIVE AGREEMENT, RESOLUTION OF DISPUTES, AND LIABILITY

§ 14. Monitoring of performance

(1) The performance of a collective agreement is monitored by authorised representatives of the parties.

(2) The procedure for providing information on and monitoring the performance of a collective agreement is determined by the collective agreement.

§ 15. Resolution of disputes arising from performance

Disputes arising from the performance of a collective agreement are resolved pursuant to the procedure prescribed in the collective agreement and in accordance with the Collective Labour Dispute Resolution Act.

§ 16. Liability

Upon the non-performance of the obligations prescribed in a collective agreement, the party at fault is held liable pursuant to the procedure prescribed by law and in the collective agreement.

Chapter 4¹ STATE SUPERVISION

[RT I 2001, 102, 670 - entry into force 10.01.2002]

§ 16¹. Exercise of state supervision

State supervision over the compliance with the requirements of this Act shall be exercised by the Labour Inspectorate under the conditions and pursuant to the procedure provided by the Occupational Health and Safety Act.

[RT I 2009, 5, 35 – entry into force 01.07.2009]

§ 16². Challenge proceedings regarding precepts

Challenge proceedings regarding precepts are subject to the Occupational Health and Safety Act.

[RT I 2009, 5, 35 – entry into force 01.07.2009]

Chapter 5 IMPLEMENTATION OF ACT

§ 17.

(1) Collective agreements and other agreements entered into prior to the entry into force of this Act are valid in so far as they are not contrary to this Act.

(2) The provisions of § 11 (5) of this Act are also applied to collective agreements entered into before 1 May 2012.

[RT I, 29.03.2012, 2 – entry into force 01.05.2012]

§ 18. [Omitted from this text.]