

Changes in the Labour Code

effective from 1 August 2022

1. Mobbing and (non-)discrimination. Duty to develop and adopt a violence and harassment prevention policy

What to include in a violence and harassment prevention policy:

- Identification of violence and harassment, their possible forms
- Procedures for the introduction of measures to prevent violence and harassment
- Procedures for the submission and examination of reports on violence and harassment
- Protection of and assistance to a person reporting violence and harassment and a violence or harassment victim
- Rules of employee conduct (work ethics) and other information related to the enforcement of the violence and harassment prevention

Recommendation: To implement these principles not only in organizations with more than 50 employees.

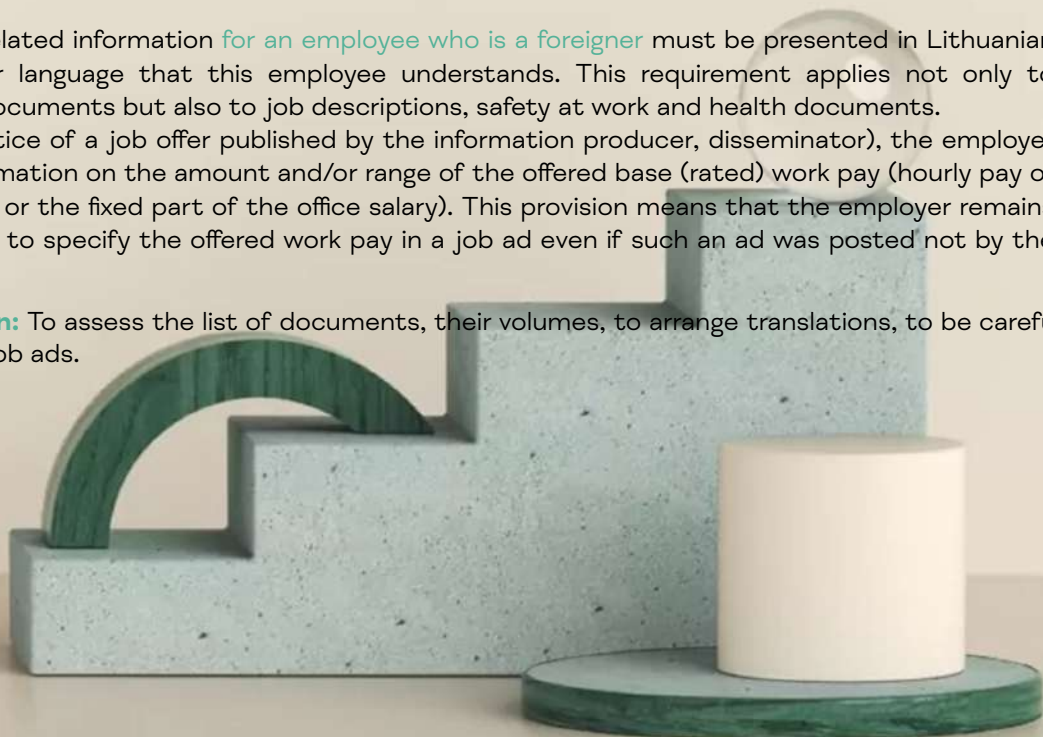
- Definition of a gross breach of labour duties has been expanded (effective from 1 November 2022). Violence or harassment, including mental violence and violence or harassment on the basis of gender (violence or harassment against persons on the basis of their gender or disproportionately affecting persons of a particular gender, including sexual harassment), acts of a discriminatory nature, or the violation of honour and dignity with respect to other employees or third parties during working hours or at the workplace
- Principles of regulation of employment relations have been expanded (effective from 12 July 2022). Employment relations shall be regulated in accordance with the principles of <...> citizenship, origin, convictions or views, disability, state of health, membership of trade unions.

Recommendation: To update inner corporate legal acts.

2. Expansion of the duty to cooperate (effective from 1 August 2022)

- Employment related information for an employee who is a foreigner must be presented in Lithuanian and in another language that this employee understands. This requirement applies not only to employment documents but also to job descriptions, safety at work and health documents.
- In a job ad (notice of a job offer published by the information producer, disseminator), the employer must give information on the amount and/or range of the offered base (rated) work pay (hourly pay or monthly salary, or the fixed part of the office salary). This provision means that the employer remains liable for failure to specify the offered work pay in a job ad even if such an ad was posted not by the employer itself.

Recommendation: To assess the list of documents, their volumes, to arrange translations, to be careful in preparation of job ads.



Before the start of employment, the employer will have to provide employees with information also about:

- the probation period, if any, its duration and conditions
- procedure for ending the employment contract; the work pay and its components (identified separately)
- procedure of recording of and payment for overtime and, if applicable, procedure for changing work (shift)
- right to training services, if provided by the employer
- names of the social security institutions receiving employment related social security contributions and information on other social security related protection provided by the employer, if the employer is responsible for this

Recommendation: To change the form of employment contracts/notices.

Additional guarantees for parents raising children or for persons caring for sick people

- The employer must satisfy an employee's request **to work on the working hours the employee wishes or part time**, when said is requested by an employee who is pregnant, who recently gave birth, or who is breastfeeding, an employee **raising a child under the age of 8** or an employee who is a single parent raising a child under the age of 14 or a disabled child under the age of 18, an employee who made this request based on the conclusion of a health care institution on his state of health or the need to nurse (care for) a family member or a person living with an employee, if that would not result in an excessive cost for the employer as a result of the necessity in the production process or work organisation peculiarities.
- **The employer must give the employee unpaid time off**, if such a request of the employee is related to urgent family reasons in the event of illness or accident, where the employee must directly attend to this.

Recommendation: To have the procedure for submitting and examination of requests with defined concepts, evaluation criteria, time limits.

Vacation duration: **Addition to Article 126 of the Labour Code**

- Employees under eighteen
- Employees who are single parents raising a child under the age of 14 or a disabled child under the age of 18
- Disabled employees

are given the annual vacation of 25 working days (if they work 5 working days per week) or the annual vacation of 30 working days (if they work 6 working days per week).

If the number of working days per week is less or different, such employees must be given vacation of five weeks.

Changes which will come into effect on 1 January 2023

- A possibility **to split** 30 days' paternity leave (the paternity leave is given after the birth of a child before the child turns one or within a month after adoption) **into no more than two parts**, as previously such a leave could not be split into parts.
- For employees raising children: each of the parents (adoptive parents, guardians), taking a childcare leave, at any time before the child turns 18 or 24 months old, has the right to use 2 months' part of the childcare leave, which may not be assigned to anyone, at first. Each of the parents (adoptive parents, guardians) can take the non-assignable 2 months' part of the childcare leave as one piece or in portions, rotating with the other parent (adoptive parent, guardian). The non-assignable 2 months' part of the childcare leave cannot be taken by both the parents (adoptive parents, guardians) simultaneously.

3. Changes in labour conditions when amending, terminating employment contracts, in the area of work of a mobile nature

Proportionality of the probation period. If a fixed-term employment contract is concluded **for a period of less than 6 months**, the probation period must be proportionate to the term of this contract (less than 3 months, respectively).

Business trips

The employer has a duty to provide the employee with information **on the country (countries) to be visited** if the business trip is going to take more than 28 days.

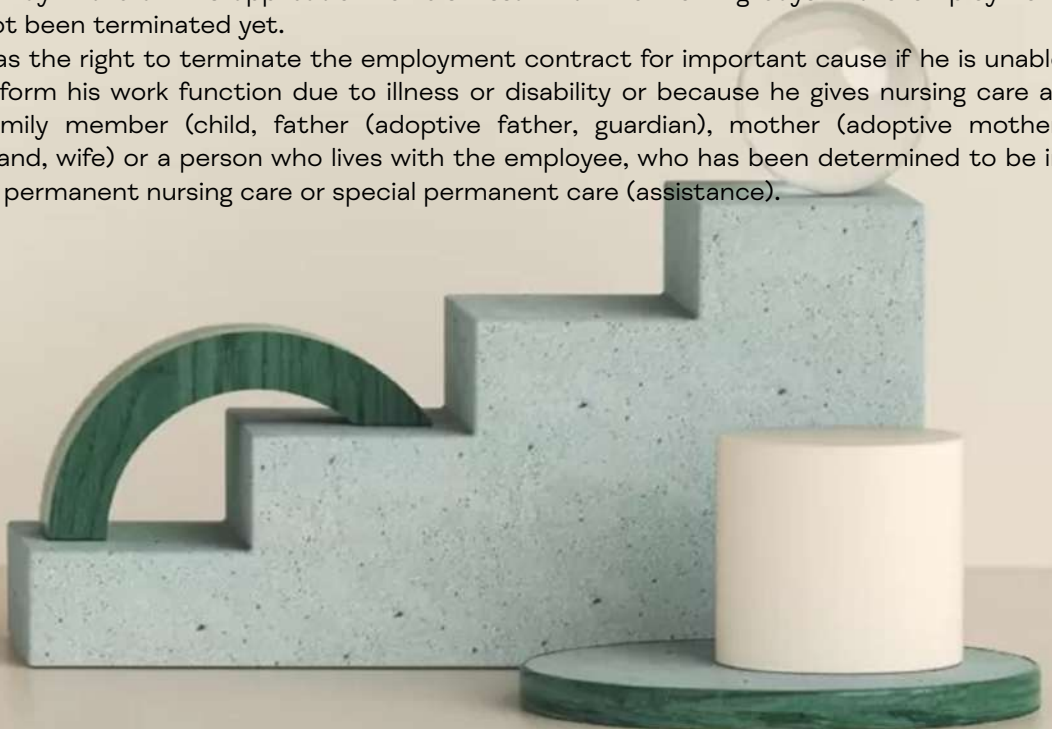
If an employee is posted to another EU state or EEA state for temporary work under a services or works contract entered by the employer with a client operating in another state, for work in a branch, representative office of the employer legal entity, in a company of the group or for another employer or for work as a temporary agency worker, documents given to him before leaving for the posting shall additionally specify:

- Work pay he is entitled to under law of the state to which he is posted
- Daily allowances and payments to compensate for actual costs of travel, accommodation and meals in connection with the business trip, if applicable
- Reference to the official national website of the host state containing information on posted workers

Recommendation: To review documents on posting and business trips.

Amendment/termination of employment contract **on the employee's initiative**

- Where the employer grants the employee's request or where the employer gives another offer and the employee accepts it, the employment terms shall be deemed amended when a relevant amendment to the employment contract is made. If the agreement on change of employment terms is made for a limited term, the employee, upon expiry of the term, will return to working on the previous employment terms.
- The employee may terminate the employment contract on his own initiative without any important cause having served a notice to the employer 20 calendar days in advance, but the dismissal date may be earlier where the employer agrees to apply a shorter notice period or forgo it.
- The employee may withdraw his application for dismissal within 3 working days if the employment contract has not been terminated yet.
- An employee has the right to terminate the employment contract for important cause if he is unable to properly perform his work function due to illness or disability or because he gives nursing care at home for a family member (child, father (adoptive father, guardian), mother (adoptive mother, guardian), husband, wife) or a person who lives with the employee, who has been determined to be in need of special permanent nursing care or special permanent care (assistance).



Termination of employment contract on the employer's initiative

- In case of dismissal of an employee on the employer's initiative without the employee's fault (Article 57 of the Labour Code), the notice period is tripled, among other cases provided for in the article, also for employees who have submitted an extract about a disease included in the list of serious diseases approved by an order of the Minister of Health.
- Article 59 of the Labour Code provides for the prohibition to terminate an employment contract due to furnishing of information about a violation in accordance with the procedure laid down by the Law of the Republic of Lithuania on the Protection of Whistleblowers, participation in a case against an employer accused of violations of law or due to application to administrative bodies regarding discrimination based on gender, race, nationality, citizenship, language, origin, social status, faith, convictions or views, age, sexual orientation, disability, ethnic affiliation, religion, marital and family status, intention to have a child, membership of political parties and associations, the fact that the employee uses or used other guarantees provided for in the Labour Code, or other discriminative grounds.

Changes effective from 1 November 2022 on compensation for outdoor work / work of mobile character / involving trips and travelling

- The title of Article 144 of the Labour Code changes into "Payment for Work on Days Off and Holidays and Overtime Work, and When There Are Deviations from Normal Working Conditions, Also When the Scope of the Employee's Work is Increased".
- From 1 November 2022, the compensation is reduced to a compensation of not more than 30 per cent of the base (rated) work pay.
- It is planned that from 1 June 2023, the possibility to pay employees a compensation for work under the above-indicated conditions is to be dropped altogether.

Recommendation: To review agreements with employees.



4. Remote work at the request of employees of additional categories

If the employer does not prove that this would result in an excessive cost as a result of the necessity in the production process or work organisation peculiarities, the employer must satisfy the employee's request to work remotely when that is requested by:

- Employee who is pregnant, who recently gave birth, or who is breastfeeding
- Employee who is raising a child under the age of 8
- Employee who is a single parent raising a child under the age of 14 or a disabled child under the age of 18. Employee who presented such a request based on a conclusion of a health care institution on:
 - his state of health
 - disability
 - the need to nurse (care for) a family member or a person living with an employee

Recommendation: To have the procedure for submitting and examination of requests with defined concepts, evaluation criteria, time limits.

5. Changes in elections of work councils

If an enterprise operates in the country and/or if the enterprise has structural organizational units performing functions of the employer (branches, representative offices or other structural units of production, trade), where the average number of employees is 20 or more, a work council of the structural organizational unit can be elected on the work place level and a joint work council may be formed at the level of the employer.

Elections of the work council must be organised by the election commission formed by an order of the employer. If the conditions provided for in the Labour Code are met, the employer must form the election commission of 3–7 members no later than within 2 weeks. Officers of the employer's administration may not exceed one third of the members of this commission.

We wish you successful implementation of the changes!

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