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European Monitoring Centre on Change

## Lithuania: Effects of non-compliance with dismissal regulations

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Lithuania

Phase:

Management

Type:

Effects of non-compliance with dismissal regulations

Last modified: 10 December, 2021

Native name:

Darbo kodeksas Nr. XII-2603, Administracinių nusižengimų kodeksas Nr. XII-1869

English name:

Labour code No XII-2603, Code of administrative offences No XII-1869

### Article

Labour code (218, 232), Code of administrative offences (96)

### Description

According to the Labour code, if an employee is dismissed from work in the absence of a legal basis or in violation of the procedure established by law, the labour dispute resolution body, that is the labour dispute commission or the court, can take a decision to recognise the dismissal as unlawful and to order the employee's reinstatement, his or her remuneration for the period of forced absence (up to one year) and payments for material and non-material damage incurred. The employee is reinstated no later than the next working day after the enactment of the labour dispute resolution body's decision (article 218).

If the dispute resolution body establishes the impossibility of a reinstatement due to economic, technological, organisational, or similar reasons, the existence of unfavourable conditions to work or the employer's opposition to the reinstatement, the body can recognise the dismissal as unlawful and can order the employee's remuneration for the period of forced absence (up to one year) and payments for material and non-material damage incurred. The employee can be as well awarded compensation equal to one average salary for every two years of employment, but no more than six times the employee's average salary (article 218).

When an employer does not comply with a decision, court order or judgement, the dispute resolution body can impose a fine to the employer up to €500 for each week of delay from the day of the decision's adoption to the day of its enforcement, but for no more than six months. The fine can be requested by and is awarded to the employee. Parties may appeal with respect to the size and the validity of the fine in accordance with the procedure established by law (article 232).

In force since 1 January 2017, the Code of administrative offences foresees fines from €240 to €880 for employers violating labour laws (article 96). The State Labour Inspectorate (SLI) is responsible for monitoring the legal implementation. Thus, employees (or their representatives) can file a complaint to the inspectorate in case of non-compliance with dismissal regulations.

### Comments

It should be noted that employers generally comply in practice with the established statutory procedures. However, according to the State Labour Inspectorate, pandemic-related lockdown and restrictions on economic activities have resulted in the increased number of violations on the part of employers involving psychological pressure on employees to prompt their voluntary redundancy (in accordance with article 55 of the Labour code - Termination of an employment contract on the initiative of the employee without a valid reason).

As of July 2021, no official data is available on this topic.

#### Cost covered by

Employer

#### Involved actors other than national government

Trade union

Works council

Other

### Involvement others

State Labour Inspectorate, labour dispute commissions, courts

### Thresholds




Company size by number of employees:

20

Number of affected employees:

10

### Sources

-  [Labour code No XII-2603](#)
-  [Code of administrative offences No XII-1869](#)
-  [SLI: Putting pressure on employees to resign voluntarily is one of more serious violations of labour laws](#)

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