



## EU Posted Worker Directive

A new EU Posted Worker Directive came into effect on **30th July 2020**. All EU countries had until that date to transpose this directive in their national law. Here is a brief overview of the Posted Workers Notification in Lithuania.

### Important points to remember :

1. Working periods and Leave/Holiday related notification.
2. The Minimum Rates of Pay, Including Overtime Rates.
3. Prohibition of discrimination at work
4. The terms of employment for temporary workers
5. The Rights and Obligations Between thenTemporary Worker and the User Enterprise
6. Procedure for the provision of information about posted workers.

# 1

## Working periods and Leave/Holiday related notification.

Normal working time is 40 hours per week. Average working time including overtime is 48 hours per week; maximum working time including overtime and additional work is 12 hours per day and 60 hours per week. Maximum overtime – eight hours per week or 12 hours per week if the employee agrees; maximum annual overtime – 180 hours. Employees shall be granted a break of maximum two hours and minimum half an hour to rest and to eat. This break shall be provided, not later than after five working hours.

The duration of uninterrupted rest between working days/shifts may not be shorter than 11 consecutive hours. An uninterrupted weekly rest period shall not be shorter than 35 hours.

# 2

## The Minimum Rates of Pay, Including Overtime Rates

Under Government resolution No 669 of 3 July 2019, the minimum hourly wage is € 3,72 and the minimum monthly wage €607. For overtime work, an amount of at least 1.5 times the employee's remuneration must be paid.

# 3

## Prohibition of discrimination at work

It is prohibited discriminate employees irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities.

# 4

## The terms of employment for temporary workers

- the protection of employees who are pregnant, who recently gave birth, or who are breast feeding, employees who are raising children under the age of three, and individuals under the age of 18
- the prohibition of discrimination on the basis of gender, sexual orientation, race, nationality, language, origin, citizenship and social status, faith, family status, intention to have a child/children, convictions or views, political affiliation, or age;

- the length of maximum working time and minimum rest periods, overtime, night work breaks, leave and public holidays.

# 5

## The Rights and Obligations Between the Temporary Worker and the User Enterprise

Before the commencement of work, the user enterprise must familiarise the temporary worker in writing with the working conditions, work regulations, and other legal acts regulating the work for the user enterprise, and take all measures to protect the health and life of the temporary worker in accordance with the provisions of the Republic of Lithuania Law on Safety and Health at Work.

A user enterprise must inform temporary workers about vacant positions that are available, specifying the job function and the requirements therefor. Information about vacant positions may be published on public information boards on the premises of the user enterprise or in other ways that are accustomed at the workplace.

The user enterprise shall bear liability for damage caused by the user enterprise to a temporary worker.

# 6

## Procedure for the provision of information about posted workers

Article 109 of the Labour Code of the Republic of Lithuania provides that an employer under the jurisdiction of a foreign country who posts a worker to work temporarily in the territory of the Republic of Lithuania for a period of more than 30 days or to perform construction work established in the Republic of Lithuania Law on Construction shall, in accordance with the procedure established by the Minister of Social Security and Labour of the Republic of Lithuania, give advance notice to the territorial office of the State Labour Inspectorate where the job function of the posted worker will be performed about the conditions established in points 1–7 of Article 108(2) of this Code that will apply to this worker.

Employers must have the documents related to the posted worker at the place where the job function of the posted worker is being performed during the entire period of the posting and must provide them without delay to competent authorities at the request thereof.

Procedure for the provision of information about posted workers, approved by order of the Minister of Social Security and Labour of the Republic of Lithuania No. A1-169 of 16 June 2005 (hereinafter – Procedure), establishes the procedure for the provision of information about posted workers and guarantees for such workers to territorial offices of the Lithuanian State Labour Inspectorate under the Ministry of Social Security and Labour (hereinafter “LSLI territorial offices”).

Point 3 of the Procedure provides that an employer under the jurisdiction of a foreign country who posts a worker to work temporarily in the territory of the Republic of Lithuania for a period of more than 30 days or to perform construction work established in the Republic of Lithuania Law on Construction, shall submit to the LSLI territorial office of the place of performance of the work functions a report in the set form in the Lithuanian language (Annex) about posted worker (hereinafter “Report”).

Point 5 of the Procedure provides that the Report shall be submitted by e-mail, post, fax or using the system of electronic services for employers of the Republic of Lithuania State Labor Inspectorate under the Ministry of Social Security and Labour not later than one working day prior to commencement of work by the posted worker in the territory of the Republic of Lithuania.

**Form of the Report contains information on:**

- employer posting the worker; posted worker;
- legal/natural person accepting the posted worker;
- posting (start of posting, anticipated posting period, place of posting, etc.);
- guarantees provided for the posted worker.

National acts concerning prior declaration about posting of workers

Source: [https://www.vdi.lt/Forms/Tema.aspx?Tema\\_ID=50](https://www.vdi.lt/Forms/Tema.aspx?Tema_ID=50)

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[www.expatspartners.com](http://www.expatspartners.com)

[contact@expatspartners.com](mailto:contact@expatspartners.com)



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