

07/06/2010



RAP/RCha/LI/VII(2009)Add

REVISED EUROPEAN SOCIAL CHARTER
REPLY TO SUPPLEMENTARY QUESTIONS

7th National Report on the implementation of
the European Social Charter (revised)

submitted by

THE GOVERNMENT OF LITHUANIA

(Articles 4§2 and 4§4
for the period 01/01/2005 – 31/12/2008)

Report registered by the Secretariat on 31 May 2010

CYCLE 2010

Concerning the Article 4§2:

The notion of administration officers is prescribed under Article 24 of Labour Code:

“The administration shall be comprised of officers who are entitled according to their competence to give binding directions to the employees subordinate to them. The officers of the administration shall carry out operational management of the enterprises, establishments and organisations in accordance with laws and documents of establishment of the respective enterprise, establishment and organisation. “

It means that the exception to the right to an increased remuneration for overtime work is applicable only for senior officials, for example, directors, heads of divisions, deputy heads of divisions.

Concerning the Article 4§4:

According Article 130§3:

“During the period of notice the employer must grant the employee some time off from work to seek for a new job. The length of time shall not be less than ten percent of the employee’s rate of working time during the term of notice. Time off from work shall be granted in accordance with the procedure agreed between the employee and the employer. The employee shall retain his average wage for this time.” In the case of settlement by the collective agreement the mentioned wage can’t be less than minimal state wage per hour for each hour spent to seek for a new job.

This provision is applicable for all employees who get notice of termination of an employment contract on the initiative of an employer without any fault on the part of an employee (Article 129 of Labour Code).

APPENDIX

SECRETARIAT GENERAL

DIRECTORATE GENERAL OF HUMAN RIGHTS
AND LEGAL AFFAIRS

DIRECTORATE OF MONITORING

DEPARTMENT OF THE EUROPEAN SOCIAL CHARTER
THE HEAD OF DEPARTMENT
EXECUTIVE SECRETARY OF THE EUROPEAN COMMITTEE
OF SOCIAL RIGHTS

ESC 55
RD / SF



Ms Kristina Vysniauskite-Radinskiene
Ministry of Social Security and Labour
A. Vivulskio str. 11
LT-03221 Vilnius

Strasbourg, 30 March 2010

Dear Ms Vysniauskite-Radinskiene,

The European Committee of Social Rights is currently examining the seventh Lithuanian report on the European Social Charter and has instructed me to forward to you the enclosed questions concerning Article 4 (§§2,4).

The Committee would be grateful if you could reply to this question before 28 May 2010 in order to allow the information to be taken into account in Conclusions 2010.

Yours sincerely,



Régis Brillat

Council of Europe
F-67075 Strasbourg Cedex

Tel.: +33 (0)3 88 41 22 08
Fax: +33 (0)3 88 41 37 00

E-mail: regis.brillat@coe.int
Social.charter@coe.int
http://www.coe.int/T/E/Human_Rights/Esc/

30 March 2010

Questions in respect of the 7th report of Lithuania

Article 4§2

The Committee recalls that States Parties can make an exception to the right to an increased remuneration for overtime work foreseen by Article 4(2) in respect of senior state officials. This exception however cannot apply indiscriminately to all civil servants and public sector employees. The level of responsibility of a given post will be crucial in determining whether the exception is compatible with the Charter. The Committee notes that Article 150 of the Labour Code stipulates that work of administrative officials exceeding the set working time is not deemed to be overtime. It asks in this respect which are the exact posts in the administration - as defined in collective agreements - which are not subject to the standard rules on overtime and/or do not receive an increased remuneration for overtime work.

Article 4§4

According to Article 4§4, workers must be entitled to take leave to look for a new job during notice periods. The Committee asks whether all workers are guaranteed this right under the national legislation.