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Legal Ambiguities and Practical Challenges in the Regulation of Employee Leave: The Lithuanian Case

Ambigüedades legales y desafíos prácticos en la regulación de las licencias laborales: el caso de Lituania

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Abstract

Leave is a vital aspect of employment, allowing workers to recover and maintain well-being. In Lithuania, the legal framework for targeted leave remains unclear and incomplete, leading to frequent disputes over rest breaks, compensation for unused leave, and the inclusion of rest time in working hours. Employees, as the weaker party, are not fully protected. International case law highlights issues such as denial of paternity leave and loss of paid leave without compensation. A clearer legal basis is needed to safeguard rights and prevent misuse.

Keywords: Leave, Employment relations, Employee, Employer, Annual leave.

Resumen

El permiso laboral es un aspecto esencial del empleo, ya que permite a los trabajadores recuperarse y mantener su bienestar. En Lituania, el marco jurídico del permiso específico sigue siendo poco claro e incompleto, lo que genera disputas frecuentes sobre las pausas, la compensación por permisos no utilizados y la inclusión del tiempo de descanso en la jornada laboral. Los empleados, como parte más débil, no están plenamente protegidos. La jurisprudencia internacional destaca problemas como la negativa al permiso de paternidad y la pérdida del derecho a vacaciones pagadas sin compensación. Se necesita una base legal más clara para proteger los derechos y evitar abusos.

Palabras clave: Permiso laboral, Relaciones laborales, Empleado, Empleador, Vacaciones anuales.

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I. Introduction

I.1. Relevance of the topic.

The right to rest is a fundamental human right in labor relations, for the implementation of which employers should provide appropriate conditions¹. Vacations are an important part of the life of a person, the state and society. They are an indispensable component of labor relations, as they provide the employee with the opportunity to regain strength and live a full life. Annual vacations are aimed at restoring the ability to work of employees, therefore the law establishes the obligations of both parties², the employee - to use annual vacations, and the employer - to provide the employee with annual vacations at least once per working year. That is why the laws regulating labor relations establish that if an employee does not use annual vacations on time, they can be accumulated and used only for three calendar years of work³, and also, upon termination of labor relations with the employer, compensation for unused annual vacations will be paid only for this period. The employer must provide annual leave on time and is motivated by the fact that if the employee is not provided with annual leave on time⁴, he must pay compensation for unused annual leave, which can amount to up to three average wages (hereinafter referred to as VMU). It has been scientifically proven that timely leave improves the employee's productivity, and at the same time protects the employer

1. Hidayat Agi Attaubah and others, 'View of Fulfilment of the Right to an Adequate Standard of Living for Workers According to the Universal Declaration of Human Rights: A Review of Constitutional Court Decision No. 168/PUU-XXI/2023' <<https://ejournal.uinsgd.ac.id/index.php/qanuniya/article/view/1043/414>> accessed 9 October 2025."plainCitation": "Hidayat Agi Attaubah and others, 'View of Fulfilment of the Right to an Adequate Standard of Living for Workers According to the Universal Declaration of Human Rights: A Review of Constitutional Court Decision No. 168/PUU-XXI/2023' <<https://ejournal.uinsgd.ac.id/index.php/qanuniya/article/view/1043/414>> accessed 9 October 2025.", "noteIndex": 1, "citationItems": [{"id": "61", "uris": [{"http": "http://zotero.org/users/local/mhFnk7jc/items/Z23UQ9VA"}], "itemData": {"id": "61", "type": "webpage", "title": "View of Fulfilment of the Right to an Adequate Standard of Living for Workers According to the Universal Declaration of Human Rights: A Review of Constitutional Court Decision No. 168/PUU-XXI/2023", "URL": "https://ejournal.uinsgd.ac.id/index.php/qanuniya/article/view/1043/414", "author": [{"family": "Agi Attaubah", "given": "Hidayat"}, {"family": "Tajul", "given": "Arifin"}, {"family": "Ine", "given": "Fauzia"}, {"family": "Ridwan", "given": "Fauzi"}], "accessed": [{"date-parts": [{"2025", 10, 9}]}]}, "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}]
2. Deaking and others, 'LIETUVIESU' (2025) <<https://likumi.lv/wwwraksti/LIKUMI/SATVERSME/LIETUVIESU.PDF>> accessed 9 October 2025.
3. Gellérné Éva Lukács and Gyulavári Tamás, '(PDF) Social Rights of EU Mobile Workers: Limitations through the Concepts of "Worker" and "Insured Person"' [2025] ResearchGate <https://www.researchgate.net/publication/389281915_Social_rights_of_EU_mobile_workers_limitations_through_the_concepts_of_'worker'_and_'insured_person'> accessed 9 October 2025.
4. H Lauschke, '(PDF) The Applicability of ILO's Employment Relationship Recommendation No. 198 in Shaping Universal Approaches to Distinguish Work Relationships in Lithuania and InternationallyTDO Rekomendacijos Nr. 198 Dėl Darbo Santykių Taikymas, Kuriant Universalų Požiūrį į Darbo Santykių Atskyrimą Lietuvoje Ir Tarp-tautiniu Mastu' [2025] ResearchGate <https://www.researchgate.net/publication/392524241_The_Applicability_of_ILO's_Employment_Relationship_Recommendation_No_198_in_Shaping_Universal_Approaches_to_Distinguish_Work_Relationships_in_Lithuania_and_InternationallyTDO_rekomendacijos_Nr_198_del> accessed 9 October 2025.

from compensation and/or fines, and provides the employee with the rest time necessary for a full life.

The relevance of the topic is determined by the fact that employment relations must be proportional in terms of work and rest time, because this determines the implemented rights and obligations of the employer and employee, and this proportion is often interpreted in favor of the stronger link in the employment relationship- the employer.

The problem. When analyzing the problematic situation due to violations of the legal regulation of holidays in employment relations, the following main problems can be raised:

Firstly, the group of problematic situations consists of the procedure for granting unused annual leave and the provision of monetary compensation for unused annual leave. Article 127 of the Labour Code of the Republic of Lithuania (hereinafter referred to as the LCR) establishes the provision that an employee loses the right to annual leave or part thereof, as well as the right to receive monetary compensation for leave, three years after the end of the calendar year in which the right to full-term annual leave was acquired. An exception is also provided for, according to which an employee does not lose this right if he or she was actually unable to use it.

Secondly, the employee, as the weaker party in employment relations, cannot protect himself or herself from the improper procedure for granting targeted leave, for example, employers abuse the employee's trust and do not grant employees raising children the targeted leave they are entitled to, i.e. additional days off for children or vacations for study, as well as complicated granting of creative vacations.

Thirdly, problems arise due to granting advance vacations to employees. Although an employee can return from vacation and work, in practice there are cases when an employee who has used advance vacations leaves the workplace without having worked all the years of work for which he was granted vacation. As a result, the employer suffers losses by overpaying the employee for days not worked. By granting vacations to employees in advance, the employer potentially assumes the risk of losses due to debts for overpaid vacations if the employment contract with the employee is terminated before the end of the working year for which the vacations were granted and vacation pay was paid.

The purpose to determine and analyze the conditions and procedure for granting leave in Lithuania on the basis of labor law, identifying the fundamental problems in their implementation.

Research methods: the document analysis method was used to study legal documents related to the granting of leave, the comparative analysis method was used to examine the definitions of the concept of leave formulated by different legal

scholars, the systematic analysis method was used to analyze all the information and data collected during the research work as part of a certain system, and the problem-solving method was used to find ideas on how to solve the biggest problems that arise in practice when determining leave.

2. The concept and characteristics of vacation as a separate type of leisure time

Vacation is a period of time off from work, as determined by law or by agreement between the parties, during which the employee retains their job and duties⁵. It should be noted that vacation is a stable complex entity that includes various elements of legal regulation, which gives it a complex cross-sectoral nature due to the combination of constitutional, labor law, administrative, educational law, social security, tax law, criminal law, etc. branches of law⁶. The imperative method of regulation prevails in legal literature, the essence of which consists of prohibitive and positively binding commands, as well as the dispositive method of legal regulation, the content of which consists of permissive and prohibitive commands, their interaction. It seeks not to regulate the behavior of participants in a social relationship in detail, minutely, but only the main directions of such behavior, the general boundaries of behavior - further, the participants in the relationship themselves are given the freedom to specify their rights and obligations at their own discretion and to do so without restricting each other's rights⁷. The imperative method of regulation is based on the principle: everything that is not directly permitted by law is prohibited. Meanwhile, the principle of the dispositive legal regulation method is: everything that is not prohibited by positive law is permitted⁸.

Vacation is paid time off from work for the purpose of recuperation and maintenance of the workforce. It is regulated by law in the Federal Holidays Act.⁹ Annual leave can be defined as time off from work, giving the employee the right to rest and recover, and paying him/her holiday pay¹⁰. Annual leave is a type of rest time that was directly enshrined in the Constitution of the Republic of Lithuania, Article 49.

5. Marioara Tichindelean, 'Part-Time Work: Particularities Of Employee Rights' (2018) 7 Perspectives of Law and Public Administration 270.
6. Mehvash M Baluch and Dr Sanjay Jain, 'Innovative Practices in HRM at Global Level' (2017) 2.
7. Marre Karu and Diane-Gabrielle Tremblay, 'Fathers on Parental Leave: An Analysis of Rights and Take-up in 29 Countries' (2018) 21 Community, Work & Family 344.
8. 'Teisinio Reguliavimo Sąvoka Ir Priežastys - Lietuviuzodynas.Lt' (*mokslai.lietuviuzodynas.lt*, 3 November 2016) <<https://mokslai.lietuviuzodynas.lt/teise/teisinio-reguliavimo-savoka-ir-priezastys>> accessed 9 October 2025.
9. RA Dr Joachim Wichert, 'Definition: Urlaub' (<https://wirtschaftslexikon.gabler.de/definition/urlaub-50717>) <<https://wirtschaftslexikon.gabler.de/definition/urlaub-50717>> accessed 9 October 2025.
10. 'XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania' <<https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/104719/LTU%20104719.pdf>> accessed 9 October 2025.

It is established that every person has the right to annual paid leave. The implementation of this right is regulated in more detail in the Labor Code of the Republic of Lithuania and by-laws. The main aim of such holidays is to release employees from their current and work functions, creating appropriate conditions for them to rest and regain their working capacity, which was lost during the year¹¹. The concept of annual leave, according to Article 126(1) of the Labor Code of the Republic of Lithuania¹² provisions, understood as time off from work granted to an employee and aimed at providing the employee with rest and recovery of working capacity, by paying vacation pay and maintaining the job. The provision of annual minimum holidays belongs to all employees and must be granted annually. Article 125 of the Labor Code of the Republic of Lithuania. 1c. vacations are divided into: 1) annual; 2) targeted; 3) extended and additional. Annual vacations are divided into minimum, extended and additional vacations. According to Article 126 of the Labor Code. 2 d. provisions, employees must be granted at least twenty working days of paid annual leave when the employee works five working days a week and at least twenty-four working days when he works six days a week. The difference is that the new Labor Code of the Republic of Lithuania is calculated in working days, therefore, when comparing the time for granting extended vacations, according to the new Labor Code of the Republic of Lithuania, longer rest time is granted to certain categories of employees¹³. However, this also refers to the regulation of holidays for minors and disabled persons, which in the current Labor Code of the Republic of Lithuania is classified as granting increased minimum annual holidays¹⁴. Additional annual leave is a type of annual leave classified as additional annual leave. The conditions and duration of additional annual leave are provided for by laws and local regulations and the employment contract¹⁵. Based on this Labor Code of the Republic of Lithuania, it should be noted that the following two essential elements prevail in the concept of rest time formulated by the legislator:

1. rest time includes time free from work;

11. 'Priedas_2022-04-20_Darbo-Tvarkos-Taisykles-2022-Teikiamos-Svarstymui.Pdf' <https://www.viko.lt/wp-content/uploads/sites/8/2022/05/priedas_2022-04-20_Darbo-tvarkos-taisykles-2022-teikiamos-svarstymui.pdf> accessed 9 October 2025.
12. 'XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania' (n 10).
13. Tomas Bagdanskis, Bužinskas Gintautas and Gaižauskaitė Inca, 'Darbo Teisės Principai Ir Jų Taikymas Lietuvos Teismų Praktikoje' (2018) <<https://fr.scribd.com/document/495373385/Darbo-Teis%C4%97s-Principai-Ir-J%C5%B3-Taikymas-Lietuvos-Teism%C5%B3-Praktikoje>> accessed 9 October 2025.
14. 'Atostogų suteikimas | Verslo žinynas' <<https://easystart.lt/darbo-teise/atostogu-suteikimas/>> accessed 9 October 2025.
15. Tomas Davulis, 'Lietuvos Respublikos darbo kodekso komentaras' (*Lituanistika*, 2018) <<https://www.lituanistika.lt/content/76101>> accessed 9 October 2025.

2. time free from work must be regulated by law, collective or individual employment contract¹⁶.

Targeted leave may be granted to every employee, but it is possible that some employees will never have circumstances that would allow them to take advantage of some type of targeted leave¹⁷. Typically, targeted leave is divided into: maternity leave, child care leave until the child reaches the age of three; adoption leave; leave granted to employees who have children or adult children with disabilities since childhood. Many countries have developed a modern legal system in the field of labor relations, including the legal regulation of targeted leave. Targeted leave is regulated by laws and other regulatory documents adopted in different historical periods, as well as through constantly updated social partnership agreements, collective agreements, local regulations, employment contracts and other agreements between the employee and the employer¹⁸.

3. Employees' right to leave and principles for ensuring this right

The right to rest in EU law and the legal acts regulating rest in Community law appeared relatively late. Although the provisions of the Treaty of Rome referred to the maintenance of the existing system of paid annual leave, this provision did not create specific subjective rights for workers and was therefore rather programmatic in nature¹⁹. In the European Union, maximum working hours and minimum paid leave have been set since 2003 in the European Working Time Directive²⁰. This directive requires, among other things, four weeks of paid annual leave. As leave entitlements are based on the calendar year, employees can usually take up any remaining entitlements in the first months of the following year²¹.

16. Bagdanskis, Gintautas and Inca (n 13).

17. Davulis (n 15).

18. Nicolas Moizard, 'The Fragmentation of French Collective Bargaining' (2025) 45 *Comparative Labor Law & Policy Journal* 41.

19. Irene Bruegel, 'Women's Employment, Legislation and the Labour-Market', *Women's Welfare, Women's Rights* (Routledge 2024). however, little agreement as to why this is the case.", "container-title": "Women's Welfare, Women's Rights", "note": "number-of-pages: 40", "publisher": "Routledge", "title": "Women's Employment, Legislation and the Labour-Market", "author": [{"family": "Bruegel", "given": "Irene"}], "issued": {"date-parts": [{"2024}]}}, "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}]

20. 'Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 Concerning Certain Aspects of the Organisation of Working Time' (*Official Journal L 299*, 18/11/2003 P. 0009 - 0019); <<https://eur-lex.europa.eu/eli/dir/2003/88/oj/eng>> accessed 9 October 2025.

21. Tengiz Verulava, Temur Barkalaia and Giorgi Chiladze, 'Work Motivation and Job Satisfaction among Primary Healthcare Workers in Georgia' (2025) 103 *Hospital Topics* 205."plainCitation": "Tengiz Verulava, Temur Barkalaia and Giorgi Chiladze, 'Work Motivation and Job Satisfaction among Primary Healthcare Workers in Georgia' (2025)

EU Directive 2003/88 does not regulate annual leave in a comprehensive manner. However, it establishes an absolute obligation for all EU Member States to guarantee every worker at least four weeks of paid annual leave, subject to the conditions laid down in national legislation. In order to ensure the full implementation of the function of paid leave, while at the same time emphasising the value of leisure time²². Article 2(2) of the Directive prohibits the conversion of leave into allowances, except in the sole case referred to in that provision, where leave cannot be taken due to the termination of the employment relationship²³.

The employer must grant annual leave at least once per working year. The legislator has stipulated that when granting an employee leave in parts, at least one part of the annual leave must be at least ten working days. In cases where an employee works six days a week, at least twelve working days must be granted²⁴.

It should be noted that the duration of annual leave depends on the employee's length of service, which is calculated individually for each employee from the first day of work. The length of service includes the time that: 1) is actually worked; 2) the time during which the employee's job and duties were preserved in accordance with the law; as well as 3) the time during which the employee is paid a scholarship or other benefits and the job is preserved in accordance with the law; 4) the time during which the employee receives sickness, maternity or paternity benefits; 5) annual paid leave; 6) unpaid leave of up to fourteen calendar days; 7) unpaid leave of up to thirty calendar days for disabled persons; 8) unpaid leave of up to thirty calendar days for persons caring for a disabled person; 9) the time of forced absence for an employee who has been returned to his previous job; 10) time of a lawful strike; 11) other periods established by law²⁵. Based on Council Directive 2003/88/EC²⁶, which lays down minimum safety and health requirements for the organisation of working time and applies to minimum daily rest periods, weekly rest periods and annual leave and other aspects of the working pattern, Article 7. Member States are obliged to ensure that every worker is entitled to at least four weeks of paid annual leave in accordance with national legislation and/or practice on the entitlement to such leave and the conditions for granting it. Article 15 of this Directive also states that this Directive shall not affect the right of Member States to apply or adopt laws, regulations and administrative provisions which are more favourable

22. 'Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 Concerning Certain Aspects of the Organisation of Working Time' (n 20).

23. Mantouvalou, V. (2015). *The Right to Work: Legal and Philosophical Perspectives*. Oregon: Oxford and Portland.

24. Bagdanskis, Gintautas and Inca (n 13).

25. 'XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania' (n 10).

26. 'Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 Concerning Certain Aspects of the Organisation of Working Time' (n 20).

to the protection of the safety and health of workers or to facilitate or permit the application of collective agreements or agreements concluded between employers and workers which are more favourable to the protection of the safety and health of workers. For example, in Germany, the Federal Holiday Act (Bundesurlaubsgesetz) provides workers with rights which are in line with Directive 2003/88/EC. The law was adopted in 1963, and granted the right to 18 days of paid leave based on a six-day working week. This minimum total leave period was increased to 4 weeks in 1994. The Federal Holiday Act does not allow such leave entitlements to be replaced by additional pay payments if they are not used, unless the employment relationship is terminated. During the first 6 months of an employment contract, which often coincides with a probationary period, the right to paid leave is only pro rata. In addition to the paid leave entitlements, there are 9 to 13 public holidays in Germany. Their number varies from one federal state and region to another and also depends on the calendar date²⁷. The employer cannot force an employee to take annual leave, but has the right to require that one part of the employee's leave be at least as short as that prescribed by law. Granting annual leave in parts is possible by agreement between the employee and the employer²⁸. In order to ensure the effectiveness of the right to annual leave, the CJEU has assumed in its case-law that a worker whose employment relationship has ended and who, under an agreement concluded with his employer, has been released from the obligation to perform work for a fixed period until the termination of the employment contract with the right to remuneration, does not acquire an equivalent for the leave not taken during that period, unless he is able to take that leave due to illness²⁹.

Employees in many democratic countries have the right to annual leave. Their rights are enshrined in supreme legal acts, such as Article 107 of the Constitution of the Republic of Latvia³⁰, Constitution of the Republic of Poland, Article 66, Part 2³¹. In Lithuania, the rights of workers to vacation were also enshrined in the Constitution of the Republic of Lithuania. In the Constitution of Ukraine, the right to rest is clearly stated in Art. 45 of this act and has received relatively much attention. Within its framework, the legislator, going beyond the standard formulas adopted in other countries of this region, guarantees the weekly rest days establi-

27. Doris-Maria Schuster, Robert Steinau-Steinrück and Anja Mengel, *Employment and Labor Law in Germany*: (Verlag CHBECK oHG 2025) <<https://www.beck-elibrary.de/index.php?doi=10.17104/9783406827556>> accessed 9 October 2025.

28. Bagdanskis, Gintautas and Inca (n 13).

29. 'Wide Variations in EU Holiday Entitlement' <<https://www.e-reward.co.uk/news/wide-variations-in-eu-holiday-entitlement>> accessed 8 October 2025.

30. Deaking and others (n 2).

31. 'Konstytucja Rzeczypospolitej Polskiej z Dnia 2 Kwietnia 1997 r.' <<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19970780483>> accessed 9 October 2025.

shed by law, paid annual vacation, the introduction of shorter working hours for certain professions and industries, and the reduction of night work³².

Employees raising one child under the age of twelve are granted one additional day of rest every three months (or eight hours of reduced working time per three months), employees raising a disabled child under the age of eighteen or two children under the age of twelve are granted one additional day of rest every month (or two hours of reduced working time per week), and employees raising three or more children under the age of twelve or two children under the age of twelve, where one or both children are disabled, are granted two days per month (or four hours of reduced working time per week), with payment of their average wage. At the request of employees working shifts longer than eight hours, this additional rest time may be accumulated over several months until an additional day of rest is obtained, which shall be granted no later than the last month of accumulation. Despite the health and well-being benefits of vacation, many employees do not use all of their paid vacation days. Kuykendall et. al. (2021)³³ investigated why this happens. Taking a social cognitive perspective, the researchers suggested that employees use fewer vacation days when they exercise their vacation entitlement and are confident that they can successfully disengage from work (e.g., stress, negative financial consequences) while on vacation. They tested this explanation in four studies. The results revealed that employees who lacked autonomy and confidence in their ability to relax while on vacation, and who expected negative financial consequences from vacations, had more unused vacation days³⁴.

4. The social significance of holidays in employment relations

The institution of vacation regulation is relevant from both legal and social aspects. Regular and constant demands of life and work can harm the well-being of employees by depleting their physical resources and cognitive abilities, which can lead to emotional distress, poor performance and other negative consequences for both individuals and society. Technological advances further complicate this problem, as they not only increase the pace and intensity of work³⁵, but also allow for the

32. 'Конституція України' (*Офіційний вебпортал парламенту України*) <<https://zakon.rada.gov.ua/go/254%D0%BA/96-%D0%B2%D1%80>> accessed 9 October 2025.

33. Lauren Kuykendall and others, 'Understanding Employees' Unused Vacation Days: A Social Cognitive Approach' (2021) 26 *Journal of Occupational Health Psychology* 69."plainCitation": "Lauren Kuykendall and others, 'Understanding Employees' Unused Vacation Days: A Social Cognitive Approach' (2021

34. *ibid.* many employees do not use all of their paid vacation days. In this article, we seek to understand why this occurs. Using a social cognitive perspective, we propose that employees use fewer vacation days when they do not believe they can successfully detach from work while on vacation (i.e., have low detachment self-efficacy

35. A Arnalds Ásdís and others, 'Artificial Intelligence Technologies as Smart Solutions for Sustainable Protected Areas Management' [2022] *ResearchGate* <https://www.researchgate.net/publication/392228252_Artificial_In

expansion of the workweek – for many people, work is now available anywhere, anytime. Providing vacation time is one way society is responding to this problem, but many workers do not take advantage of their annual leave entitlements³⁶, and those who do may not fully withdraw from work. While it is commonly believed that short breaks and vacations help people recover from the stresses and strains of daily life and work, very little academic research has been conducted to systematically examine the restorative benefits that vacations can provide³⁷.

Proper vacation scheduling is important to increase employee productivity. Employees who take regular vacations are more productive. The marginal returns to work diminish when the brain needs to be constantly engaged for an eight-hour shift. After a vacation or a few days off, employees are ready to work, significantly improving their performance. This recovery allows them to perform their tasks more accurately, which results in fewer errors. Increased productivity due to rest is a beneficial situation not only for employees, but also for the business and customers³⁸.

The positive effects of vacation are well documented and include reducing emotional exhaustion and burnout, reducing absenteeism, increasing engagement at work, and increasing health, well-being, life satisfaction, and quality of life³⁹. Research has applied or tested theories of attention restoration during vacations. De Bloom et. al. (2017)⁴⁰ used the Effort Restoration Model and the Limited Resource Model in their research. These models are similar to Attention Restoration Theory in that they focus on the need to restore capacities that have been depleted by challenging

telligence_Technologies_as_Smart_Solutions_for_Sustainable_Protected_Areas_Management> accessed 9 October 2025.

36. Jan Packer, 'Taking a Break: Exploring the Restorative Benefits of Short Breaks and Vacations' (2021) 2 *Annals of Tourism Research Empirical Insights* 100006.
37. 'COVID-19-Induced Discrimination toward Tourists, Emotional Responses, and Identity Management Strategies: Asia Pacific Journal of Tourism Research: Vol 27 , No 12 - Get Access' <<https://www.tandfonline.com/doi/full/10.1080/10941665.2023.2166424>> accessed 9 October 2025.
38. Andrea Garnero, 'The Impact of Collective Bargaining on Employment and Wage Inequality: Evidence from a New Taxonomy of Bargaining Systems' (2021) 27 *European Journal of Industrial Relations* 185."plainCitation": "Andrea Garnero, 'The Impact of Collective Bargaining on Employment and Wage Inequality: Evidence from a New Taxonomy of Bargaining Systems' (2021)
39. Packer (n 36).
40. 'Holiday Travel, Staycations, and Subjective Wellbeing | Request PDF' [2025] ResearchGate <https://www.researchgate.net/publication/307464205_Holiday_travel_staycations_and_subjective_wellbeing> accessed 9 October 2025."plainCitation": "Holiday Travel, Staycations, and Subjective Wellbeing | Request PDF' [2025] ResearchGate <https://www.researchgate.net/publication/307464205_Holiday_travel_staycations_and_subjective_wellbeing> accessed 9 October 2025."noteIndex": 40, "citationItems": [{"id": 42, "uris": ["http://zotero.org/users/local/mhFnk7je/items/9DAJDKDY"], "itemData": {"id": 42, "type": "article-journal", "abstract": "Request PDF | Holiday travel, staycations, and subjective wellbeing | The tourism industry thrives on the notion that holiday travel improves wellbeing. However, scientific evidence that holiday travel is more... | Find, read and cite all the research you need on ResearchGate", "container-title": "ResearchGate", "ISSN": "0966-9582", "language": "en", "source": "www.researchgate.net", "title": "Holiday travel, staycations, and subjective wellbeing | Request PDF", "URL": "https://www.researchgate.net/publication/307464205_Holiday_travel_staycations_and_subjective_wellbeing", "accessed": [{"date-parts": [{"2025", 10, 9}], "issued": [{"date-parts": [{"2025", 8, 7}]}]}, "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}]

breaks helps a person recover, the activities performed during rest breaks are also very important in determining the level of recovery.

According to ⁴⁶, the social significance of vacations includes the following areas: protective (preventing loss); restorative (restoring function); stimulating (developing creativity) and transformative (promoting positive life changes) ⁴⁷. The researchers believe that the main focus should be on the restorative function.

Regarding one of the targeted types of leave, paternity leave, it should be noted that in many countries paternity leave was introduced as a way to strengthen the father's responsibility in fulfilling family obligations⁴⁸. This study aims to analyze whether, in the case of Spain, 1) the positive effect of paternity leave is not only short-term, but also persists in the medium and long term; 2) whether a similar effect applies to periods of unemployment. Based on a sample of 3,388 cases, the researchers found that longer leave is associated with greater participation in childcare and household activities, although only in the first case the effect persists over a long period. As for unemployed fathers, these individuals are more involved in childcare in the first

models have been created to study fatigue, it is not always possible to understand the exact conditions that cause it. No integrated model system describes the combined effects to assess fatigue factors. The research examines the fatigue phenomenon related to definitions, factors, symptoms, causes, treatment strategies, and industrial approaches. The concepts of risk assessment are the core functions of risk management. They include identifying potential hazards and assessing their likelihood of happening. The dissertation explores the varied methods used in risk analysis. These include qualitative and quantitative techniques such as probability assessment and consequence analysis. It also explores the link between data-driven and technological approaches. Moreover, it emphasizes the importance of reviewing and updating risk assessments to ensure their continued applicability in changing circumstances. By addressing risks and strategizing well, organizations enhance operational resilience. The dissertation presents an indexation method that can be connected to wearables to prevent accidents caused by crew fatigued members. It contributes to responding to gaps in fatigue risk management research. In conclusion, this research provides a comprehensive model and risk assessment method for identifying the level of fatigue risk that cabin crew members experience. ISBN: 978-952-412-109-5, language: eng, license: fi=Kaikki oikeudet pidätetään. |en=All rights reserved. |, note: Accepted: 2024-08-22T08:16:36Z, publisher: Lappeenranta-Lahti University of Technology LUT, source: lutpub.lut.fi, title: An integrated and effective method to manage fatigue risk in the aviation industry, URL: https://lutpub.lut.fi/handle/10024/168131, author: [{"family": "Çevik", "given": "İrem"}], accessed: {"date-parts": [{"2025", 10, 9}]}, issued: {"date-parts": [{"2024", 9, 20}]}], schema: https://github.com/citation-style-language/schema/raw/master/csl-citation.json

46. Xinran Y Lehto and others, 'Convergence of Boundaries in Tourism, Hospitality, Events, and Leisure: Defining the Core and Knowledge Structure' (2024) 48 *Journal of Hospitality & Tourism Research* 407.

47. *ibid.*

48. 'Social Responsibility in Tourism: Case of Air Transport Services | Request PDF', *ResearchGate* (2025) <https://www.researchgate.net/publication/392082265_Social_Responsibility_in_Tourism_Case_of_Air_Transport_Services> accessed 9 October 2025; Herke Csongor, Dávid Tóth and Perkumienė Dalia, 'The Role of Artificial Intelligence in Cybercrime in the Tourism Sector | Request PDF' <https://www.researchgate.net/publication/394602359_The_Role_of_Artificial_Intelligence_in_Cybercrime_in_the_Tourism_Sector> accessed 9 October 2025. D\ \uc0\ \u225f\vid T\ \uc0\ \u243f\th and Perkumienė\ \uc0\ \u279f\ Dalia, \ \uc0\ \u8216f\ The Role of Artificial Intelligence in Cybercrime in the Tourism Sector | Request PDF\ \uc0\ \u8217f\ <https://www.researchgate.net/publication/394602359_The_Role_of_Artificial_Intelligence_in_Cybercrime_in_the_Tourism_Sector> accessed 9 October 2025., "plainCitation": "Social Responsibility in Tourism: Case of Air Transport Services | Request PDF", , ResearchGate (2025)

year, but the effect disappears later and there is no significant relationship with household chores⁴⁹.

A significant relationship was also found between the extension of maternity leave and child health. To quantify the relationship of interest, Le, K. (2021)⁵⁰ studied the extension of maternity leave in Zimbabwe's Labour Amendment Act 2005, analyzing the relationship between the extension of maternity leave and child health. The study's findings highlight the importance of extending maternity leave in enhancing child health⁵¹.

In summary, vacation is a statutory time off from work, or a time off from work agreed upon by the parties, i.e. the duration during which an employee retains his or her job and duties. This is most often a paid (for example, in the case of annual leave) period intended for the employee to rest and restore work capacity. The provision of annual minimum leave belongs to all employees and such leave must be granted annually. It can be argued that the concept of vacation, as one of the types of rest time, is derived from the concept of working time and means that the law guarantees each employee vacation time, during which the employee is not obliged to perform work functions agreed upon in the employment contract. Vacation is ensured both at the national and international levels, and this reveals the importance of this institution for a society bound by labor relations. It can be argued that employees who work for a long time without rest become less motivated and at the same time less productive, and also face more health problems, and the number of their absenteeism increases. The freedom to dispose of the right to rest and vacation is usually limited by the prohibition on the employee waiving this right, which is clearly formulated in separate provisions of the institutions establishing this right. The social significance of vacation is characterized by the fact that regular and proper use of vacation affects the quality and productivity of employees' work, increases employees' creativity and, at the same time, work efficiency.

5. Mechanism for legal regulation of leave

The Constitution of the Republic of Lithuania declares that every working person has the right to rest and leisure, as well as annual paid leave. This is also recognized without reservation by EU law. The Constitution of the Republic of Lithuania defines annual leave as time off from work, intended for an employee to rest and

49. Teresa Jurado-Guerrero and Jacobo Muñoz-Comet, 'Design Matters Most: Changing Social Gaps in the Use of Fathers' Leave in Spain' (2021) 40 *Population Research and Policy Review* 589. [\uc0\u8216\{Design Matters Most: Changing Social Gaps in the Use of Fathers\ \uc0\u8217\} Leave in Spain\ \uc0\u8217\}](#) (2021)

50. Kien Le, 'Extending Maternity Leave and Early Childhood Health in Zimbabwe' (OSF, 24 September 2021) <https://osf.io/gbeuz_v1> accessed 9 October 2025.

51. *ibid.*

regain work capacity. Various surveys in Lithuania and abroad reveal that employees often do not exercise their constitutional right to annual leave⁵². As mentioned, every employee has a constitutional right to annual leave, and the employer must provide employees with annual leave for each year of work. In each specific case, this right of employees and at the same time the employer's obligation is implemented by agreement between the parties. The agreement between the employee and the employer on annual leave is regulated by law, aiming for maximum compatibility, which often intersects with the interests of the parties to the employment contract (with the employees choosing the desired length of leave, and the employer's proper organization of the work and rest process). The work process in a company or institution should be organized in such a way that each employee is ensured a real opportunity to use annual leave⁵³.

52. Eglė Štareikė and Marius Kaleckas, 'THE SIGNIFICANCE OF PRINCIPLES FOR THE GENERAL OBLIGATIONS OF EMPLOYMENT CONTRACT PARTIES IN RECENT COURT PRACTICE' (2025) 37 *Public Security and Public Order* 283. influence the development of law, and aid in understanding the essence of specific legal norms. The provisions of the Labor Code incorporate principles that apply to all areas regulated by labor law, including direct employment relationships as well as closely related areas such as pre-contractual relations, the resolution of labor disputes, and more. In labor law, principles such as the equality of parties and the protection of employee rights are not merely theoretical - they carry real legal weight and directly impact both court decisions and daily employment practices. \nThis scientific article aim is to review the latest Lithuanian case law, in which the courts examining the cases took into account general obligations of the parties to the employment contract, the determining principles and based their decisions on them. In order to achieve these goals, the first part of this article examines the role and legal significance of the fundamental principles and their functions in employment legal relations. The second part of the scientific article analyzes the interpretations provided by the Supreme Court of Lithuania regarding the general obligations of the parties to an employment contract - particularly the principles of cooperation, timely information, non-discrimination, and respect for the employee's family obligations - as well as the employer's duty to train the employee, as established in the current Labor Code. The analysis focuses on how these principles are applied in practice, how their violations are assessed in labor disputes, and what legal consequences arise when these obligations are not fulfilled.", "container-title": "Public Security and Public Order", "DOI": "10.13165/PSPO-25-37-02-08", "ISSN": "2335-2035", "issue": "2", "language": "en", "license": "https://creativecommons.org/licenses/by/4.0", "page": "283-298", "source": "ojs.mruni.eu", "title": "THE SIGNIFICANCE OF PRINCIPLES FOR THE GENERAL OBLIGATIONS OF EMPLOYMENT CONTRACT PARTIES IN RECENT COURT PRACTICE", "volume": "37", "author": [{"family": "Štareikė", "given": "Eglė"}, {"family": "Kaleckas", "given": "Marius"}], "issued": {"date-parts": [{"2025", "6", "20"}]}, "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}
53. *ibid.* influence the development of law, and aid in understanding the essence of specific legal norms. The provisions of the Labor Code incorporate principles that apply to all areas regulated by labor law, including direct employment relationships as well as closely related areas such as pre-contractual relations, the resolution of labor disputes, and more. In labor law, principles such as the equality of parties and the protection of employee rights are not merely theoretical - they carry real legal weight and directly impact both court decisions and daily employment practices. \nThis scientific article aim is to review the latest Lithuanian case law, in which the courts examining the cases took into account general obligations of the parties to the employment contract, the determining principles and based their decisions on them. In order to achieve these goals, the first part of this article examines the role and legal significance of the fundamental principles and their functions in employment legal relations. The second part of the scientific article analyzes the interpretations provided by the Supreme Court of Lithuania regarding the general obligations of the parties to an employment contract - particularly the principles of cooperation, timely information, non-discrimination, and respect for the employee's family obligations - as well as the employer's duty to train the employee, as established in the current Labor Code. The analysis focuses on how these principles are applied in practice, how their violations are assessed in labor disputes, and what legal consequences arise when these obligations are not fulfilled.", "container-title": "Public Security and Public Order", "DOI": "10.13165/PSPO-25-37-02-08", "ISSN": "2335-2035", "issue": "2", "language": "en", "license": "https://creativecommons.org/licenses/by/4.0", "page": "283-298", "source": "ojs.mruni.eu", "title": "THE SIGNIFICANCE OF PRINCIPLES FOR THE GENERAL OBLIGATIONS OF EMPLOYMENT CONTRACT PARTIES IN RECENT COURT

The Labor Code of the Republic of Lithuania stipulates that vacations can be annual, targeted, extended and additional. Considering the name of the vacations, it can be understood that they pursue different goals. Annual vacations are granted to employees to restore their working capacity, while targeted vacations are granted for specific purposes: pregnancy and childbirth, parenthood, childcare, education, creativity, as well as unpaid vacations ⁵⁴.

Given that holidays serve different purposes, and are subject to different granting procedures, durations, and payment conditions, separate types of these holidays will be analyzed in other sections of this thesis. The employee's right to rest is undoubtedly one of the rights of a dynamic nature, i.e. those rights that change and develop as social relations evolve and new civilizational challenges arise. Therefore, it is not surprising that rest related to paid work was brought to the forefront in the communist doctrine of human rights, in which social and economic rights were usually treated as a material guarantor of political rights and freedoms, and whose collectivist approach was more favorable to the development of these rights than the individualist ideology-liberal, based on the cult of personal freedom. However, this doctrine denied the idea of the laws of nature and the inherent dignity of man, basing the rights of workers on the special position of the communist state as the sole sovereign ⁵⁵.

On 22 September 2022, the CJEU, with the aim of harmonising the labour law of all EU Member States, conceptually strengthened the employee's right to leave and raised its concept to the level of a more developed European doctrine. It was clarified that the employee's right to leave, guaranteed for a limited period and conditionally in national law, may not, in certain cases, expire after the expiry of the three-year limitation period established in national law for non-use of this right - for a certain period of work ⁵⁶.

German law provides that the right of a fixed-term employee to claim leave from his employer expires three years after the employer has called for the exercise of such right and the leave days covered by it. In the national legal dispute, the applicant, who had been dismissed, claimed that the employer should pay him leave pay for unused leave which he had not been able to take due to increased workload, but

PRACTICE", "volume": "37", "author": [{"family": "Štareikė", "given": "Eglė"}, {"family": "Kaleckas", "given": "Marius"}], "issued": {"date-parts": [{"2025", "6", "20"}]}, "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}]

54. Petrylaite Daiva, Guobaite Ramune and Usonis Justinas, '(PDF) Darbo Teisės Iššūkiai Besikeičiančiame Pasaulyje' <https://www.researchgate.net/publication/355710261_Darbo_teises_issukiai_besikeicianciami_pasaulyje> accessed 9 October 2025.

55. *ibid.*

56. 'Darbuotojo Teisės į Atostogas Naikinamasis Terminas: Vokietijos Ir Europos Sąjungos Teisės Darnos Aspektai – Teisė Profesionaliai' <<https://www.teise.pro/index.php/2022/09/23/darbuotojo-teises-i-atostogas-naikinamasis-terminas-vokietijos-ir-europos-sajungos-teises-darnos-aspektai/>> accessed 9 October 2025.

the employer refused to provide it due to the expiry of the time limit, arguing that the general three-year period for taking leave had expired and that the dismissed employee had therefore missed the time limit for taking leave and receiving leave pay for the period of work ⁵⁷.

The CJEU's doctrinal position is essentially based on the balancing of values and the principle that the employer must ensure the real implementation of the employee's right and create appropriate conditions for this in the workplace. This implies that the employer has a duty to responsibly: 1) encourage the employee to exercise the right to leave in a timely manner; 2) warn the employee about the negative financial and other consequences of not exercising such a right ⁵⁸. Legal essence: if the employer fails to fulfil the above-mentioned obligations in terms of the specified aspects of the employee's encouragement and warning, the employee's right to leave does not automatically expire after the expiry of the three-year limitation period set out in national law, and the national court (in the case of Germany, the Federal Labour Court, *Budesarbeitsgericht*) must individualise the situation of the national dispute on the basis of a proper assessment of the above-mentioned aspects of the employer's conduct. Under the Holiday Act, employees are entitled to annual paid leave. The length of paid leave depends on the number of hours/working days per week. Employees working three days a week are entitled to 12 working days of paid leave. Those working 2 days a week, respectively, 8 working days of paid leave, applying four working days of leave for each working day of the week, regardless of the number of hours worked. As a rule, additional holiday pay is not required for those working "on a regular basis" ⁵⁹.

Annual leave is a period of rest that is granted to an employee to restore his/her working capacity and rest. It is important that the employee is paid vacation pay for this period. Article 126 of the Labor Code of the Republic of Lithuania (2) establishes the specific duration of this vacation. If an employee works 5 days a week, he/she is granted 20 working days of vacation. Longer annual leave of 24 working days is granted to employees who work 6 days a week. The same article also establishes the duration of vacation for employees who work less than 5 working days a week or who work a different number of working days. Such employees "[...] must be granted vacation of at least 4 weeks" ⁶⁰. As can be seen from the discussed Labor Code norm, annual leave is calculated in working days. It should be noted that such a provision in the Lithuanian legal system is quite new and has been applied

57. Schuster, Steinau-Steinrück and Mengel (n 27).

58. Tichindelean (n 5).

59. 'Paid Family Leave Across OECD Countries' <https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2020/01/PFL6-Final_.pdf> accessed 9 October 2025.

60. 'XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania' (n 10).

only since 2017. July 1, when the new Labor Code of the Republic of Lithuania came into force. Until then, annual leave was calculated in calendar days and its duration reached 28 calendar days for all employees. Annual leave included and extended 35 calendar days of leave, which was granted to disabled persons, working persons under 18 years of age and employees raising children under 14 years of age or a disabled child under 18. In the currently valid Labor Code of the Republic of Lithuania, extended leave is not classified as annual leave. It is considered a separate type of leave, therefore, this leave will be discussed in more detail in section 2.3.3.

Directive 2003/88/EC sets minimum requirements for annual leave for all EU member states – 4 weeks or 20 days per year. Therefore, as in Lithuania, other EU member states also set a specific duration of annual leave (see Table 1).

Table 1. The length of annual leave is set in EU countries

EU countries	The duration of annual leave is set
Ireland, Belgium, Bulgaria, Czech Republic, Estonia, Greece, Italy, Cyprus, Croatia, Latvia, Lithuania, Netherlands, Romania, Slovenia, Hungary, Germany	20 working days
Spain, Portugal	22 working days
Denmark, France, Slovakia, Finland, Sweden	25 working days
Malta	26 working days
Austria	25 working days
Poland	30 working days for employees who have worked at one workplace for 25 years or more
Luxembourg	20 d. d. during the first 10 years.

The data presented in Table 1 show that annual leave can be granted from 20 to 26 days. There are countries in the EU that apply a higher number of annual leave days to certain groups of persons. It should be noted that the most common annual leave length in EU countries is 20 working days. This group of 20 days of annual leave also includes Polish employees, but it should be noted that 20 days are granted for the first 10 years of employment. If an employee has worked for 10 years, he is granted 26 days of annual leave. In two countries, Spain and Portugal, the length of 22 working days is established. The largest number of annual leave days is received by residents of Malta - 26 days. Employees working in the private sector in Luxembourg also receive the same length of annual leave. If employees in Luxembourg work in the public sector, they are entitled to 32 days of annual leave. This number of vacation days also depends on the employee’s age. If an employee working in the public sector has reached the age of 55, he is entitled to 32 days of vacation, and from the age of 55 - 36 days. The data presented in Table 1 show that annual leave can be granted from 20 to 26 days. There are countries in the EU that apply a higher number of annual leave days to certain groups of persons. It should be noted that the most common annual leave length in EU countries is 20 working

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Nine EU countries have rules that guarantee that employees can take at least some of their holiday during the peak summer period. The Netherlands has the strictest rules on this: Dutch employers must, if possible, grant their employees holiday during one continuous period, i.e. between 30 April and 1 October. Employers in Sweden, Finland, Denmark and France must also grant holiday during the summer. In Sweden and Finland, continuous vacation must last four consecutive weeks, in Norway - 18 days, in Denmark - 15 days, in France - 12 days. Meanwhile, in Portugal, employers can completely close their operations in the summer to meet the needs of employees for summer vacation. In Austria, employers must allow young workers (15 to 18 years old) to take at least 12 days of summer vacation in a continuous period⁶². Such leave must be granted in the period from June 15 to September 15.

Although the duration of annual leave is clearly defined, it may be different. Article 126 of the Labor Code of the Republic of Lithuania. 4. establishes the provision that labor law norms and labor and collective agreements may establish a longer duration of annual leave. This means that when determining the duration of annual leave, it is prohibited to determine that its duration would be less than 20 days ⁶³.

The period for which an employee is granted annual leave begins to be calculated from the employee's commencement of work, which is established in the employment contract. The Labor Code of the Republic of Lithuania not only clearly determines when the period for which annual leave is granted begins, but also all other periods that are included in the number of working years for which annual leave is granted. In accordance with Article 127, Paragraph 4, Paragraph 1 of the Labor Code of the Republic of Lithuania, first of all, all working time is included,

61. Janna Van Belle, *Paternity and Parental Leave Policies across the European Union* (RAND Corporation 2016) <http://www.rand.org/pubs/research_reports/RR1666.html> accessed 9 October 2025.

62. Schuster, Steinau-Steinrück and Mengel (n 27).

63. Daiva, Ramune and Justinas (n 54).

i.e. “actually worked working days and working hours”⁶⁴. Actual working days are understood as the period during which the employee works. Meanwhile, working time is understood more broadly and in accordance with Article 111(2) of the Labor Code of the Republic of Lithuania, this period includes: 1) the employee’s preparation for work when he is at the workplace; 2) established physiological and special breaks; 3) trips during which the employee leaves the workplace and goes to another place specified by the employer where work functions will be performed; 4) on-call time; 5) time during which the employee improves his qualifications on the employer’s instructions; 6) time when the employee undergoes a mandatory health check-up; 7) downtime; 8) time during which the employee, although suspended from work, must comply with the work procedure. The working year for which annual leave is granted also includes the period when the employee is on a business trip or when he/she does not perform work functions due to “care for temporarily incapacitated family members, annual, extended, additional leave, pregnancy and maternity leave, paternity leave, study leave”⁶⁵. The period up to 10 days, when an employee is on unpaid leave, also falls into the working year for which annual leave is granted. Creative leave, time for performing public, state, civic or other duties, additional rest time for employees (who raise children), time of forced absences and strikes, as well as the time of persons who represent employees (including both representation and training and education of the persons representing them), are also included in the working year for which employees must be granted annual leave⁶⁶. When it comes to annual leave and the procedure for granting it, it is important to discuss when this right arises. As established in Article 127(2) of the Labor Code of the Republic of Lithuania, such a right arises for an employee if he “[...] acquires the right to at least one working day of leave.” The right to at least one working day’s leave is granted for a certain length of service. This length of service is calculated by dividing the annual number of working days by the number of annual leave days (20 days)⁶⁷.

In 2021, 252 days are set per year or (Order No. A1-1274 of the Ministry of Social Security and Labor of the Republic of Lithuania of 16 December 2020)⁶⁸, therefore, dividing this number by 20 days, we will get 12.6 days. This means that an employee, having worked 12.6 days per week for 5 days, will acquire the necessary length of service to receive annual leave. Meanwhile, the right to full-term annual

64. ‘XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania’ (n 10).

65. *ibid.*

66. Bagdanskis, Gintautas and Inca (n 13).

67. ‘XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania’ (n 10).

68. *ibid.*

leave is granted when the employee has worked the entire working year⁶⁹. Having acquired the right to annual leave, the employee must use it within three years. If the employee does not use it within three years of the onset of the right to annual leave, he or she no longer has the right to this leave. For example, if the employee started work under an employment contract in 2019 February 1, he must use the right to use unused annual leave by January 1, 2023, since the right to use this leave is lost after 1 calendar year and 3 subsequent calendar years⁷⁰. It should be noted that before July 1, 2017, i.e. the entry into force of the new Labor Code of the Republic of Lithuania, employees had to use more than 3 years of accumulated annual leave by July 1, 2020. It should be noted that the provisions of the Labor Code of the Republic of Lithuania to use annual leave no later than within 3 years also apply to civil servants. Article 6 of the Law on the Civil Service of the Republic of Lithuania. 1 p. The provision states that “laws and other legal acts regulating employment relations and social guarantees shall apply to civil servants to the extent that their status and social guarantees are not regulated by this law”⁷¹. The aforementioned law does not establish a requirement that annual leave be used no later than within 3 calendar years. For this reason and in accordance with the principle of equality, civil servants, like other employees, are subject to the provisions of the Labor Code of the Republic of Lithuania requiring that “annual leave be used within the next 3 years from the end of the calendar year in which the right to leave was acquired”⁷².

In order for employees to take advantage of annual leave, Portugal, Spain and Switzerland have provisions in place ensuring that employees use their annual leave each year⁷³. Portugal requires that at least 15 days of annual leave be taken during the year, with the remainder taken by April of the following year⁷⁴. Denmark, Ireland and Switzerland require that leave be taken by the end of the year in which it is granted⁷⁵.

Given that the purpose of annual leave is to restore the employee’s ability to work, this leave cannot be replaced by monetary compensation. Payment of monetary compensation is possible only in the event of termination of the employment con-

69. ‘Accrued Annual Leave and Labor Law’ (*Dudkowiak & Putyra*, 21 August 2025) <<https://www.dudkowiak.com/blog/accrued-annual-leave-and-labor-law-what-risks-do-employers-face-after-september-30-2025/>> accessed 9 October 2025.

70. *ibid.*

71. Ernesta Visockytė, ‘Civil Service and Civil Servants in Lithuania: Issues of Regulation and Status’ (2011) 4 *Baltic Journal of Law & Politics* <<https://www.degruyter.com/doi/10.2478/v10076-011-0015-2>> accessed 9 October 2025.

72. ‘Accrued Annual Leave and Labor Law’ (n 69).

73. Lourdes Mella Méndez, Silvia Fernández Martínez and Bárbara Torres García (eds), *Employment, Training and Lifelong Learning: Comparative Perspectives* (Routledge 2025).

74. ‘7_2009_CodigoTrabalho_EN_public.pdf’ <https://files.diariodarepublica.pt/diplomastraduzidos/7_2009_CodigoTrabalho_EN_public.pdf> accessed 9 October 2025.

75. Isabel Valarino and others, ‘Exploring Leave Policy Preferences: A Comparison of Austria, Sweden, Switzerland, and the United States’ (2018) 25 *Social Politics: International Studies in Gender, State & Society* 118.

tract. The procedure for granting annual leave for the first year of work is specifically regulated. Meanwhile, for the second year of work and subsequent years of work, leave can be granted at any time. It is important that the order of annual leave established at the workplace is observed. When establishing the order of annual leave, it is important to take into account the priority groups of employees who have priority for annual leave ⁷⁶ (see Table 2).

Table 2. Priority order for granting annual leave (Compiled by the authors based on Labour Code of the Republic of Lithuania 2016)

No.	Employee group
	employees raising a child/children under three years of age and pregnant employees
2.	employees raising a child/children under fourteen years of age or raising a disabled child under eighteen years of age
3.	employees raising two or more children
4.	employees who have taken less than ten working days of leave in the last calendar year
5.	employees who have unused annual leave for the previous working year

As can be seen from the data presented in Table 2, these groups of employees have priority to use annual leave. The priority groups of employees established in Article 128, paragraph 4 of the Labor Code of the Republic of Lithuania are listed in order of priority. This means that this is the order in which priority must be given to use annual leave. For example, if an employee raising one child under 14 and an employee raising three children want to use annual leave at the same time, the employee raising 1 child under 14 will have priority to use annual leave.

Unable to use annual leave, an employee may use the institute of transferring these leaves. Annual leave is transferred if the employee cannot use them due to illness or targeted leave ⁷⁷. Regarding the transfer of annual leave, two cases can be distinguished when this leave is transferred:

1. When circumstances arose before the start of annual leave.
2. When circumstances arise during annual leave.

In the first case, the employee's annual leave is postponed. Such postponement of leave cannot be longer than until the end of the granted annual leave.

76. 'Lietuvos Respublikos darbo kodekso komentaras. Individualieji darbo santykiai - Mantas Mikalopas, Tomas Bagdanskis, Vilius Mačiulaitis | Patogupirkti.lt' (*Patogu Pirkti*) <<https://www.patogupirkti.lt/knyga/lietuvos-respublikos-darbo-kodekso-komentaras-individualieji-darbo-santykiai.html>> accessed 9 October 2025.

77. *ibid.*

In the second case, when circumstances arise during the use of annual leave due to which the employee cannot use it, for example, the employee's temporary incapacity for work, annual leave is granted at another time agreed upon by the parties to the employment contract. It is important that the postponed annual leave must be granted in the same working year. However, although the postponed annual leave must be granted in the same working year, the legislator reserves the right for the employee to request that this leave time be added to other annual leave granted for the following working year⁷⁸.

Residents of different EU countries have every right to envy each other. The difference in the length of vacation in some states is a third. For example, if in the Baltic countries there are 20 working days per year, then in Luxembourg - at least 26 working days, and in some states there are holidays and 30 working days. In Austria, Denmark, France, Finland and Sweden, an employee has 25 working days of rest per year. At the same time, in some states this is the minimum length of vacation. There are countries where the law provides for collective agreements between trade unions and employers. And in some industries, mandatory vacation is even longer⁷⁹. In Denmark or Germany, where the shortest vacation according to a collective agreement is 30 working days. In the Czech Republic, Italy, the Netherlands and Slovakia - 25 working days each. In Malta, annual vacation lasts 24 working days, and in Spain and Portugal - 22 days. In other EU countries, vacation does not exceed 20 working days⁸⁰.

Among other things, the number of holidays varies from country to country. The leader here is Cyprus, where in some years the number of such days off reaches as many as 17 days. The least popular are Ireland and the Netherlands, where there are only 9 additional days off per year. In the EU, 20 working days, as discussed earlier, is the mandatory minimum annual leave, and both trade unions and economists in various countries argue that it is necessary to gradually move towards an increase in the number of holidays. Short holidays are called a relic of the past and indicate increased automation of many processes. For example, in some EU countries, employees already have 30-35 working days off, and it is time to think about a four-day work week, especially against the backdrop of a constantly increasing retirement age⁸¹. By the way, in the United Kingdom, which has left the EU, employees have 28 working days off per year. Extended leave is a leave longer than the usual annual

78. Bagdanskis, Gintautas and Inca (n 13).

79. 'The Great Standardisation: Working Hours around the World' <<https://www.tandfonline.com/doi/full/10.1080/0023656X.2023.2291512>> accessed 9 October 2025.

80. Hurst Hannum, *The Right to Leave and Return in International Law and Practice* (Brill | Nijhoff 2021) <https://www.degruyterbrill.com/document/isbn/9789004482357/html?lang=en&srltid=AfmBOorIrcSfNniKedXS-nPECF_gjqCL76de0dK_toLgGjzqmkpKDOldu> accessed 9 October 2025.

81. Weikai Hong, Chengzhen Yao and Ling Zhou, 'A Case Study of Reform of the Four Day Work Week System in the UK' (2024) 27 *Journal of Education, Humanities and Social Sciences* 53.

leave, which is granted to employees due to certain physical characteristics or specifics of their work. Usually, if they work 5 days a week, employees are granted 20 days of annual leave. However, in accordance with Article 138 of the Labor Code of the Republic of Lithuania⁸², 25 days of annual leave are granted for 5 days a week. Such leave is granted to the following persons:

- Employees under 18 years of age;
- Employees raising a child under 14 years of age or a disabled child under 18 years of age alone;
- Disabled employees⁸³.

Only persons belonging to these three categories are granted 25 days of annual leave. Depending on the length of the working week, the above-mentioned category of employees may also be granted 30 days of annual leave. In this case, such leave is granted when the above-mentioned employees work 6 days per week. It should be noted that extended leave is granted to employees raising a child under 14 years of age or a disabled child under 18 years of age only if these employees are raising the child alone. This additional guarantee ensures that only those who meet all the conditions are granted extended leave, therefore, if both parents are raising the child, they are not granted additional guarantees extending leave, and the duration of the granted leave corresponds to the total duration of the annual leave⁸⁴.

Some EU countries also set longer annual leave based on the age of employees. Young workers in Austria are given an additional 5 days of annual leave, in Germany from 1 to 6 days depending on the age of the employee, in Switzerland an additional week. In Norway, both employees who are over 60 are offered an additional week of annual leave⁸⁵.

82. Deimantė Andriulytė, Tomas Diliūnas and Dalia Perkumienė, 'Poilsio laiko teisinio reguliavimo aspektai' [2020] Mokslas ir praktika : aktualijos ir perspektyvos [elektroninis išteklius] : mokslinių straipsnių rinkinys = Theory and practice : problems and prospects : scientific articles / Lietuvos sporto universitetas. Kaunas : Lietuvos sporto universitetas, 2020 <<https://hdl.handle.net/20.500.12259/109373>> accessed 8 October 2025.

83. 'XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania' (n 10).

84. 'Regarding the Granting of Extended Leave to Single Parents Raising a Disabled Child under the Age of Eighteen. State Labour Inspectorate under the Ministry of Social Security and Labour' <<https://www.vdi.lt/Forms/TekstasDUK.aspx?ID=506>> accessed 10 October 2025.

85. Heidi Gautun and Christopher Bratt, 'Caring for Older Parents in Norway – How Does It Affect Labor Market Participation and Absence from Work?' (2024) 346 Social Science & Medicine 116722. younger generations will increasingly be called upon to provide informal care to their aging parents. To prepare for this development, it is essential to understand how employees combine the dual responsibilities of work and caring for aging parents. By analyzing data collected in Norway in 2022 from a nationally representative sample of 6049 respondents, aged 35 to 67, we investigated how caring for older parents affects labor market participation and work absence. We provide descriptive statistics and conduct analyses with structural equation modeling. These analyses indicated that caregiving had no substantial impact on overall participation in the workforce. However, employees did use work absences to assist their parents. We differentiate between using holidays, compensatory time, and three types of formal leave: paid, unpaid, and sick leave. More than a third of the formal leave was taken as sick leave. Women were moderately more likely to use work absence to care for their parents. We conclude that caregiving for older parents currently has little effect on work participation in Norway and attribute the favorable situation in Norway

Extended leave is also granted to those “employees whose work is associated with increased nervous, emotional, mental stress and professional risk, as well as whose working conditions are specific”⁸⁶. Such employees working 5 days a week are granted extended leave of up to 41 days, and those working 6 days a week – up to 50 days. If employees work a smaller or different number of working days a week, their extended leave is calculated in weeks and up to 8 weeks of extended leave may be granted.

The list of some categories of employees entitled to extended leave and the description of the duration of these leaves approved by the Government of the Republic of Lithuania indicate specific groups of persons who are entitled to extended leave due to the specifics of their work⁸⁷. The aforementioned description distinguishes such groups of employees as healthcare professionals, pedagogical staff of schools and psychological services, creative staff of professional performing arts institutions, employees in the field of social services, pilots, pharmaceutical specialists, employees of the State Enterprise “Oro navigacija”, etc⁸⁸. Extended leave may be granted, for example, to seafarers working on ships registered in the Lithuanian Maritime Register, employees of institutions subordinate to the Lithuanian Ministry of Environment, and others. The longest extended leave is granted to pilots, aircraft commanders, navigators, flight operators, and flight attendants. With a 5-day week, these persons are granted 41 days of extended leave. It should be noted that this category of employees is additionally required to achieve a certain amount of flight time per year, which can range from 120 to 350 hours⁸⁹.

to its comprehensive public elderly care system. However, a contributing factor is Norway’s generous sick leave policy. Although intended for use when employees are sick themselves, sick leave is used by employees to provide care to aging parents. Sick leave seems to act as a safety valve. To mitigate the effects of informal care on work participation, welfare states may create conditions that allow employees to combine work and informal care without resorting to unauthorized sick leave. A solution could be to extend the existing support scheme for employees with young children to those providing care for their aging parents.”, “container-title”: “Social Science & Medicine”, “DOI”: “10.1016/j.socscimed.2024.116722”, “ISSN”: “0277-9536”, “journalAbbreviation”: “Social Science & Medicine”, “page”: “116722”, “source”: “ScienceDirect”, “title”: “Caring for older parents in Norway – How does it affect labor market participation and absence from work?”, “volume”: “346”, “author”: “[{“family”: “Gautun”, “given”: “Heidi”}], {“family”: “Bratt”, “given”: “Christopher”}], “issued”: “[{“date-parts”: “[[“2024”, 4, 1]]}]]”, “schema”: “https://github.com/citation-style-language/schema/raw/master/csl-citation.json”]

86. ‘XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania’ (n 10).
87. ‘NATLEX - Lithuania - Government Resolution No. 496 of 21 June 2017 “On the Implementation of the Labour Code”.’ <https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=107096&cs=1ZfKq1p789Hjwp-QH2vKZpM2_MUmKb8_bqtiUfGgbEXaVx3ibgLzXh7ziOqm76dWVAEoK6Q46edfIcPeV3fOkJhw> accessed 9 October 2025.
88. J Niké, J, ‘The New Labor Code. What Every Employer Should Pay Attention To. Vilnius’ (2016) <<https://aaalaw.eu/lt/naujienos/lorem-ipsam-2/>> accessed 10 October 2025.
89. ‘Lietuvos Respublikos darbo kodekso komentaras. Individualieji darbo santykiai - Mantas Mikalopas, Tomas Bagdanskis, Vilius Mačiulaitis | Patogupirkti.lt’ (n 76).

An employee can use targeted leave for reasons such as maternity, paternity, childcare, learning, creative activities. The law also provides the right to use unpaid targeted leave. Depending on the reasons for which targeted leave is used, six types of these leaves are distinguished:

1. Pregnancy and childbirth leave.
2. Paternity leave.
3. Childcare leave.
4. Learning leave.
5. Creative leave.
6. Unpaid leave⁹⁰.

Not all persons are entitled to any of the specified types of leave listed. The granting of each type of specified leave requires compliance with certain conditions in order for a person to acquire the right to this leave.

Pregnancy and maternity leave

According to the provisions of Article 132 of the Labor Code of the Republic of Lithuania, Maternity leave for employees is granted for 70 calendar days before childbirth and 56 calendar days after childbirth (in the case of complicated childbirth or the birth of two or more children – 70 calendar days). This leave is calculated in total and is granted to all employees, regardless of the number of days actually used before childbirth. If an employee does not use maternity leave, the employer must grant a part of the 14 days of leave immediately after childbirth, regardless of the employee's request. Employees appointed as guardians of newborns are granted leave for the period from the date of establishment of guardianship until the baby reaches 70 days of age⁹¹.

In Poland, every family with a newborn baby has the right to maternity leave. An expectant Ukrainian woman can also apply for the same conditions if she is legally employed in Poland. Every employer is obliged to grant a woman maternity leave. If the mother has not used up all the time provided for by law, the child's father can use part of the maternity leave. In addition, in special circumstances, other family members (mother's or father's parents, brothers or sisters) can also request this type of leave, for example, in the event of the mother's death or serious illness, her disability or the child's abandonment⁹². In most developed European countries, maternity leave became mandatory in the 1960s for several reasons. First, countries were trying to increase their population after two devastating wars. It was hoped that if families kept their jobs and received stable benefits, they would have more children. Second, there was a need to ensure the protection of women and children

90. 'XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania' (n 10).

91. 'About State Labour Inspectorate - Valstybinė Darbo Inspekcija' <<https://vdi.lrv.lt/en/about-state-labour-inspectorate/>> accessed 9 October 2025.

92. 'Teisinio Reguliavimo Savoka Ir Priežastys - Lietuviuzodynas.Lt' <<https://mokslai.lietuviuzodynas.lt/teise/teisinio-reguliavimo-savoka-ir-priezastys>> accessed 9 October 2025.

and an adequate level of health care⁹³. Lawmakers realized that the sooner a mother recovers from childbirth, the sooner she can return to work. For these reasons, labor laws have been constantly evolving⁹⁴. There are currently 36 countries in the world with a total maternity leave of more than 52 weeks⁹⁵. The International Labor Organization recommends that women be granted at least 14 weeks of maternity leave and that they be paid at least 2/3 of their salary. According to a study by the international organization WORLD Policy Center, these conditions are still not met in many countries.

In the United States, women are only entitled to 12 weeks of parental leave. The law does not require employers to pay for this leave. However, not all women who have given birth can receive this type of leave⁹⁶ only those who work for companies with more than 50 employees and who have at least one year of experience in such an organization receive it. Only half of working women in the United States meet these criteria. As a result, only ten percent of American women take parental leave, most of whom “save” annual leave and sick leave in order to extend the maternity period. The first country to legalize parental leave was Germany in 1883⁹⁷. It was followed by Sweden in 1891, and France in 1928. In 1919, the International Labor Organization developed and adopted guidelines for the protection of mothers and children, which were based on three main principles: leave for childcare; cash payments and job preservation.

Paid leave shorter than 14 weeks is provided, for example in Argentina, Tunisia⁹⁸, In Egypt⁹⁹ and in Mexico. In Central Asia and most African countries, maternity leave usually lasts between 14 and 25 weeks. The same rules apply in China, Israel and Switzerland. In Europe, the most popular option is parental leave of between 6 months and a year. For example, in Norway, parents can choose between 46 weeks

93. O Harafonova, G Zhosan and L Akimova, '(PDF) The Substantiation of the Strategy of Social Responsibility of the Enterprise with the Aim of Providing Efficiency of Its Activities' (2017) <https://www.researchgate.net/publication/320247536_The_substantiation_of_the_strategy_of_social_responsibility_of_the_enterprise_with_the_aim_of_providing_efficiency_of_its_activities> accessed 9 October 2025.

94. Maike Hentges and Eva Pilot, 'Making It "Work": Mothers' Perceptions of Workplace Breastfeeding and Pumping at Dutch Universities' (2021) 16 *International Breastfeeding Journal* 87.

95. 'Paid Family Leave Across OECD Countries' (n 59).

96. Hong, Yao and Zhou (n 81).

97. A Heshmati and others, 'Parental Leave Benefits and Maternal Postpartum Mental Health in Sweden | Public Health | JAMA Network Open | JAMA Network' (2025) <<https://jamanetwork.com/journals/jamanetwopen/fullarticle/2833323>> accessed 9 October 2025.

98. Yasser Tawfik Halim, Zeinab Abbas Zaazou and Mohamed Samy El-Deeb, 'Factors Affecting Gender Equality in Public Organizations in Egypt' (2023) 9 *Future Business Journal* 99."plainCitation": "Yasser Tawfik Halim, Zeinab Abbas Zaazou and Mohamed Samy El-Deeb, 'Factors Affecting Gender Equality in Public Organizations in Egypt' (2023)

99. 'Social Protection and Jobs Responses to COVID-19 : A Real-Time Review of Country Measures (Vol. 1 of 2)' <<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/110221643895832724/social-protection-and-jobs-responses-to-covid-19-a-real-time-review-of-country-measures>> accessed 9 October 2025.

of leave and keep 100 percent of their salary, or 56 weeks and receive 80 percent of their salary ¹⁰⁰. Globally, the situation is improving: about 190 countries around the world provide women with the right to parental leave. However, recent research shows that maternity leave also has its drawbacks ¹⁰¹.

Paternity leave according to Article 133 of the Labor Code of the Republic of Lithuania granted to employees after the birth of a child for 30 calendar days. It should be noted that this type of leave can be granted until the child reaches 1 year of age at any time after the birth of the child. Paternity leave is also granted in the case of adoption of a child. This leave is granted to employees within 3 months from the date of entry into force of the court decision on adoption. The duration of the leave is 30 continuous calendar days. In cases where 2 or more children are adopted, this leave is granted within 6 months from the date of entry into force of the court decision on adoption (in the case of urgent enforcement - within 6 months from the date of commencement of enforcement of the decision). The specified leave is not granted in the case of adoption of a child of the spouse or when the adoptive parent has already been granted leave to care for the same child¹⁰².

It should be noted that from 2023-01-01 the procedure for granting paternity leave has changed, according to which paternity leave can be divided into two parts, so after the changes come into force, employees are granted 30 calendar days of paternity leave after the birth or adoption of a child, which can be divided into two parts. This leave is granted at any time from the birth of the child until he or she turns 1 year old ¹⁰³.

Based on the annual report of the International Leave Policy and Research Network, Haas and Hwang (2019)¹⁰⁴ compiled national reviews of leave policies in Europe ¹⁰⁵. The researchers found that fathers were entitled to parental leave in 31 European countries, but the arrangements for this leave varied. For example, 19 of these countries granted fathers an individual right to leave, but only 6 of them offered well-paid paternity leave (2/3 or more of their salary). The research used showed that in only four of the countries studied, more than 75 percent of fathers took up individual leave. One such country, along with Sweden and Iceland from Northern Europe, is Norway ¹⁰⁶.

100. Van Belle (n 61).

101. 'Paid Family Leave Across OECD Countries' (n 59).

102. 'About State Labour Inspectorate - Valstybinė Darbo Inspekcija' (n 91).

103. *ibid.*

104. Linda Haas and C Philip Hwang, 'Workplace Support and European Fathers' Use of State Policies Promoting Shared Childcare' (2019) 22 *Community, Work & Family* 1.

105. *ibid.*

106. Ásdís and others (n 35).

According to the provisions of Article 134(1) of the Labor Code of the Republic of Lithuania, leave to care for a child is granted at the family's choice: the mother (step-parent), father (adoptive parent), grandmother, grandfather or other relatives who actually raise the child, as well as the employee appointed as the child's guardian, are granted leave to care for a child until the child reaches the age of 3. The leave can be taken all at once or in parts. Employees who are entitled to this leave can take it alternately¹⁰⁷.

Pursuant to Article 134, Part 2 of the Labour Code of the Republic of Lithuania¹⁰⁸, within one month from the date of entry into force of the court decision on adoption (in the case of urgent enforcement – within 1 month from the date of commencement of enforcement of the decision), the adoptive parent or adoptive parent shall be granted, at the family's choice, 24 months of parental leave to care for the child, except in cases where the child of the spouse has been adopted or where the adoptive parent (adoptive parent) has already been granted parental leave for the same child in accordance with Article 134, Part 1 of the Labour Code of the Republic of Lithuania. If an employee is simultaneously entitled to parental leave for the same child in accordance with Article 134, Part 1 of the Labour Code of the Republic of Lithuania, and Article 134, Part 2 of the Labour Code of the Republic of Lithuania¹⁰⁹, the employee shall be granted the appropriate leave of his or her choice. Employees entitled to this leave may take it in turns.

According to the Labor Code of the Republic of Lithuania, an employer may choose a vacation pay calculation procedure in the event of a different work regime:

1. The duration of the working day is different and not constant.
2. The employee works a different number of working days per week.

According to the Labor Code of the Republic of Lithuania, an employer may choose a vacation pay calculation procedure in non-standard cases. The Labor Code of the Republic of Lithuania examines employee disputes in which they disagree with the calculation procedure applied by the employer and states that the vacation pay calculation procedure applied by the employer in cases of atypical work regimes is inappropriate if the vacation pay calculated according to it is lower than it would be if the aim were to consistently apply the vacation pay calculation logic already discussed in the Labor Code of the Republic of Lithuania. Therefore, if an atypical work regime is applied to an employee, the employment contract should clearly

107. 'XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania' (n 10).

108. *ibid.*

109. *ibid.*

indicate how vacation pay is calculated and this calculation procedure should not be worse for the employee than is applied when there is a typical work regime ¹¹⁰.

It should be noted that vacation pay is calculated based on the average salary of the three months preceding the vacation, which was calculated for the days worked. It is this average calculation that distorts the amount of vacation pay. For example, if an employee's salary was unchanged and was 1,500 EUR/month, then when taking vacation on 10 days, he will receive the most for those vacation days when he takes vacation in August and September in 2023. II. p. And vacation pay in July, June, October and November will be lower, since his salary would be calculated for vacation days if there were no vacation ¹¹¹. It should be noted that the amount of vacation pay does not depend on the employee's incapacity for work or various bonuses he receives, for example, gifts on his birthday. However, if the period of incapacity for work covers the entire three-month period from which vacation pay is calculated, vacation pay will be calculated based on the salary specified in the employment contract. The same rule applies when an employee was on unpaid leave or parental leave. Employees' vacation pay is increased if the three-month period from which it is calculated includes cases when the employee worked little, but was awarded a significant bonus for his work, for example, a payment for the completion of a project ¹¹².

According to Article 129 of the Labour Code of the Republic of Lithuania ¹¹³ provisions, if an employee fails to take annual leave for certain reasons due to, for example, temporary incapacity for work or use of targeted leave, the annual leave already granted at the same time shall be transferred to another period agreed upon by the employee and the employer. If the aforementioned circumstances arise before the start of the annual leave, the annual leave shall be postponed, but not for a longer period than the end of the granted annual leave. Part of the annual leave may be extended and/or transferred, or added to the annual leave of the next working year at the employee's request ¹¹⁴.

The employer, implementing the obligation to provide each employee with annual leave, plans the future distribution of this free time taking into account the work processes taking place in the organization, as well as the effective organization of its work activities. Based on the law on annual leave, we note that there is not only the employer's obligation to provide the employee with annual leave in each year of

110. 'Accrued Annual Leave and Labor Law' (n 69).

111. 'Lietuvos Respublikos darbo kodekso komentaras. Individualieji darbo santykiai - Mantas Mikalopas, Tomas Bagdanskis, Vilius Mačiulaitis | Patogupirkti.lt' (n 76).

112. Bianca Beebe, "Shut Up and Take My Money!": Revenue Chokepoints, Platform Governance, and Sex Workers' Financial Exclusion' (2022) 2 *International Journal of Gender, Sexuality and Law* 140.

113. 'XII-2603 Law on Approval, Entry into Force and Implementation of the Labor Code of the Republic of Lithuania' (n 10).

114. *ibid.*

the employee's work, but also the employee's obligation to properly use the rights granted to him. In his turn, the legislator, in order to protect employers from possible negative situations, such as employees possibly even maliciously or purposefully not using annual leave, has provided for such a possibility of restricting the rights of employees, which is provided for in Article 127 of the Labor Code of the Republic of Lithuania Part 5 ¹¹⁵, that is, the right to use all or part of the annual leave is lost three years after the end of the calendar year in which the right to the full duration of the annual leave was acquired. It should be noted that the granting of annual leave, its transfer and extension are attributed to the conditions for exercising the right to paid annual leave and the implementation of this right, the regulation of which is defined by the Member States in their internal legislation. The condition for exercising the right to annual leave is, among other things, the loss of this right upon the expiry of a certain period. By determining the period for losing the right to annual leave, the legislator seeks to encourage employees to use annual leave in the year for which it is granted and to protect employers from situations where an employee unreasonably accumulates all rights related to annual leave. These, in turn, indicate what period the legislator recognizes as appropriate for achieving the objectives of the right to annual leave and justifying the granting of this rest ¹¹⁶.

6. Case analysis related to the procedure for granting leave

In order to reveal problems encountered in practice, identifying problems in the granting of leave in labor law, cases regarding the granting and implementation procedure of leave were analyzed, and problems related to the granting of leave procedure were examined by analyzing the practice of national and international courts. Analyzing the case law, it becomes clear that in case law, the analysis of problems regarding the legal regulation of the granting and organization of annual leave is quite often encountered.

The group of problematic situations consists of the procedure for granting unused annual leave and the provision of monetary compensation for unused annual leave. For example, the panel of judges of the Vilnius Regional Administrative Court examined administrative case No. I-3076-208/2017 in a public court session based on the complaint of the applicant E. S. to the defendant Financial Crimes Investigation Service under the Ministry of the Interior regarding the obligation to perform actions. According to the case data, the applicant E. S. applied to the court with a

115. *ibid.*

116. R. Globytė and A. Vainorienė, 'Darbo Kodekso Pakeitimai: 17 Punktų, Kuriuos Verta Žinoti Ir Darbdaviui, Ir Darbuotojui – Teisė Profesionaliai' (2020) <<https://www.teise.pro/index.php/2020/07/29/darbo-kodekso-pakeitimai-17-punktu-kuriuos-verta-zinoti-ir-darbdaviui-ir-darbuotojui/>> accessed 9 October 2025.

complaint, “requesting to oblige the Financial Crimes Investigation Service under the Ministry of the Interior (hereinafter referred to as the FNTT) to pay monetary compensation for unused 15 calendar days of annual leave for 2015¹¹⁷. The defendant stated that the applicant should have known that she had the right to use the unused vacation and that she should have taken care of it herself, suggesting that her immediate supervisor include the vacation periods in the vacation work schedule so that all 27 calendar days of annual vacation to which she was entitled would be used and at the same time apply for their granting, and also noted that the defendant did not limit the applicant’s ability to exercise such a right and request to receive unused vacation. The applicant also did not submit a request to be granted 15 calendar days for unused vacation before her transfer. In the absence of such a request, the defendant could not grant unused vacation. In the circumstances established and the applicable legal regulations, the court decided that there was no reason to oblige the FNTT to pay monetary compensation to E. S. for the unused 15 calendar days of annual vacation for 2015 and decided to dismiss the applicant E. S.’s complaint¹¹⁸.

When analyzing court rulings related to the procedure for granting targeted leave, problems related to the procedure for granting paternity leave emerge. For example, in the administrative case No. eA-490-438/2019 of the Supreme Administrative Court of Lithuania, the appeal of the applicant T. B. was examined against the decision of the Vilnius Regional Administrative Court of 2 August 2017 in the administrative case based on the applicant’s “appeal of T. B. to the defendant Police Department under the Ministry of the Interior of the Republic of Lithuania regarding the cancellation of the order and the obligation to perform actions”¹¹⁹. According to the case data, “the applicant applied to the court with a complaint requesting: to annul the decision of the Service Disputes Commission and to grant the applicant paternity leave and childcare leave, paying the allowance due to him and terminating the applicant’s childcare leave, as well as to order the defendant to pay the litigation costs incurred. The court, guided by the provisions of Article 42(4) of the Statute of the Internal Service of the Republic of Lithuania (the wording of the law in force until 1 January 2019), the Labour Code and other laws, found that a father has the right to receive paternity benefit when he meets the criteria set out in Article 181(1) of the Law, with paternity benefit paid during the paternity leave period from the day of the child’s birth until the child reaches one month of age. Considering that the legal acts do not provide for how and in what form an employee’s application for targeted leave must be submitted, it can

117. ‘Byla I-3076-208/2017 - eTeismai’ <<https://eteismai.lt/byla/23565849918914/I-3076-208/2017?word=ATOSTOGOS>> accessed 9 October 2025.

118. *ibid.*

119. ‘Byla eA-490-438/2019 - eTeismai’ <<https://eteismai.lt/byla/171183422369565/eA-490-438/2019?word=tikslin%C4%97s%20atostogos>> accessed 9 October 2025.

be presumed that the Police Department in February 2016 9. received the duly submitted application of the applicant and the documents substantiating the fact of the child's birth". The legislation does not provide for the time period within which an application for paternity leave must be submitted after the birth of the child, however, systematically interpreting the applicable legislation, targeted leave is not granted earlier than the application was submitted, i.e. retroactively. The panel of judges, having assessed the relevant paragraph 1 of Article 1791 of the Civil Code in this case, agreed with the position of the court of first instance that the right to paternity leave guaranteed to a person by the aforementioned norm is not automatically acquired only upon the birth of a child. From the wording of Article 1791(1) of the Labor Code, that "paternity leave shall be granted to men", it is obvious that in order for a person to acquire and exercise the right to paternity leave, the employer's voluntary decision to grant such leave to the person (civil servant, employee) is necessary, and in order for the employer to make such a decision, the employee's (civil servant) expressed will to acquire (exercise) the right to such leave is necessary. "In this respect, it should be noted that in the case under consideration, the applicant does not dispute the conclusion of the court of first instance that he should have submitted an application to the defendant for the granting of paternity leave, and the defendant should have made a decision on the granting of such leave to the applicant. The panel of judges found that the court of first instance made a lawful and justified decision, therefore the applicant's appeal is dismissed as unfounded ¹²⁰ .

Disputes reach the courts, which resolve the issue of granting an additional day of rest to employees who raise two children under the age of 12. For example, on March 3, 2015, the Supreme Administrative Court of Lithuania examined administrative case No. eA-452-756/2015, which examined a complaint regarding the refusal to grant an additional day of rest while raising two children under the age of 12. The applicant D. R. requested that the decision of his employer, the Financial Crimes Investigation Service under the Ministry of the Interior of the Republic of Lithuania, which refused to grant an additional day of rest be annulled, even though he raises children under the age of 12 with him: M. R. and T. B., who is his spouse's son from his first marriage, and his father A. B. is deceased ¹²¹ . The employer refused to grant the employee D. R. an additional day of rest, reasoning that this additional rest benefit can only be used when the person has adopted the spouse's child from the first marriage, or has been appointed as the guardian of such a child. The Court of Appeal, having analyzed the case data and the applicable legal acts, satisfied the applicant's complaint and annulled the decision not to grant an

120. *ibid.*

121. 'Byla eA-452-756/2015 - eTeismai' <<https://eteismai.lt/byla/149724730708160/eA-452-756/2015,%20accessed%202025%2004%2001>> accessed 9 October 2025.

additional day of rest. The court reasoned that the norm established by the Labor Code of the Republic of Lithuania, which establishes the right to an additional day of rest for those employees who raise 2 children under 12 years of age, does not establish additional criteria. “The concept used in the provision of the norm is an employee, not an employee who is connected to the child by a biological or legal relationship”¹²². The failure to establish additional criteria limiting the application of this norm does not deny the right to “use the benefit provided for those employees whose family has a child(ren) who is not adopted by the latter”¹²³.

There are cases when employers do not agree to apply such additional rest time benefits as extended leave to employees who are raising a child under 14 years of age alone or a disabled child under 18 years of age. Such a situation arises in cases where employees do not properly understand the existing legal regulation. On March 30, 2010, the Supreme Administrative Court of Lithuania examined administrative case No. A-143-531-10, in which the applicant V. U. disagreed with the decision of the Vilnius Regional Administrative Court and requested to annul the decision of her employer, the Vilnius County Chief Police Commissariat, by which the defendant did not grant the applicant annual extended leave as a mother raising a child alone¹²⁴. According to the case file, V. U. “[...] on 20 August 2004, she divorced her husband, and her daughter M. B.’s place of residence was determined together with her. The applicant remarried on 1 December 2005, but her husband did not adopt her daughter.” Before the marriage, the applicant was granted a minimum of 35 days of annual leave (according to the current Labor Code of the Republic of Lithuania – 25 days). After the marriage, employees were granted 30 days of annual leave. According to the applicant, her “[...] former spouse and father of her daughter lives abroad, does not support her daughter, does not participate in her upbringing and does not raise her, and the current spouse does not have any rights or obligations towards her daughter, because he did not adopt her”¹²⁵. For this reason, in V. U.’s opinion, the norms regulating persons raising children alone should be applied to her. The Court of Appeal stated that in this case it is necessary to follow the Resolution No. 44 of the Senate of the Supreme Court of Latvia of 29 December 2003¹²⁶, which provides a non-exhaustive list of persons who are considered to be persons raising a child alone – “a widower (widower), a single mother (adoptive mother), the other father (adoptive parent) of the child is serving a prison sentence or his/her parental authority is restricted indefinitely or

122. *ibid.*

123. *ibid.*

124. ‘Byla A-143-531-10 - eTeismai’ <<https://eteismai.lt/byla/208795642542857/A-143-531-10>> accessed 9 October 2025.

125. *ibid.*

126. ‘Resolution No. 44 of the Senate of the Supreme Court of Lithuania of 29 December 2003’ <<http://www.teisesgidas.lt/modules/paieska/lat.php?id=26461>> accessed 1 August 2025.

for a limited period, the marriage is dissolved or the couple is living separately and the child's (adoptive) place of residence is determined with him/her by a court decision"¹²⁷. When deciding each situation, the question of fact becomes important, i.e. it is important to clarify the situation of the child's actual upbringing. The court emphasized that "[...] neither the duties imposed on the other parent by legal acts, nor whether the other parent of the child properly performs these duties, are of decisive importance for the interpretation of the situation. [...] The concept of raising a child is characterized by aspects of permanence and continuity, which are realized [...] by having constant psychological and social contact with the child"¹²⁸. Therefore, if a father living separately from the child fulfills his duties to raise and support the child, it is not considered a proper basis to conclude that he is raising the child¹²⁹. Taking into account the above, the Supreme Administrative Court of Lithuania ruled that the fact that the applicant has entered into a new marriage and her child from her first marriage lives with her is a sufficient factual circumstance not to consider that she is raising a child alone. Disputes also arise in foreign countries regarding the legal regulation of holidays and problems of their implementation. When analyzing case law, it was noted that national courts often turn to the CJEU for clarification of the application of the norms of Directive 2003/88/EC regulating individual types of holidays.

Problematic situations arise due to different understandings of existing legal norms. For example, the ECtHR, 18 January 2018 in case No. 46386/10 *Hallier v. France*¹³⁰. The issue was "regarding the refusal to grant paternity leave. As stated in the case, the applicant Hallier and her partner Lucas are French citizens. In 2004, Hallier gave birth to a son, V. After the birth of the child, Hallier's partner Lucas applied to the local health insurance institution with a request for 11 days of paid paternity leave. The health insurance institution refused to grant Hallier's partner Lucas's request on the grounds that paternity leave can only be granted to the father, but not to the mother. The national courts, when examining this case, indicated that the applicable legal acts are clear and should not be interpreted broadly - it is established that paternity leave is granted specifically to the father, and not to the mother's partner". Such a position means that the person seeking paternity leave must be a man who has a legally established paternity relationship with the child. Hallier, in her application to the ECtHR, indicated that paternity leave was not

127. *ibid.*

128. 'Byla A-143-531-10 - eTeismai' (n 124).

129. Ruseckaja, L, 'Rekomendacija Dėl Valstybės Tarnautojų Atostogų Reglamentuojančių Teisės Aktų Nuostatų Taikymo. Vilnius: Valstybės Tarnybos Departamentas.' (2020) <https://vva.lrv.lt/public/canonical/1759207330/2103/REKOMENDACIJOS_%20D%C4%96L_ATOSTOG%C5%B2.pdf> accessed 10 October 2025.

130. *Hallier Et Autres c France (dec)* [2017] ECtHR 46386/10.

granted to her partner Lucas on discriminatory grounds¹³¹. Taking into account the facts of the case, the ECtHR found that “Lucas, [...] was in a situation similar to that of the biological father of a heterosexual couple”¹³². Although her situation was similar to that of the biological father, she was not entitled to apply for paternity leave, as the purpose of this leave is to enable fathers to contribute more to the upbringing of the child at an early age. It should be noted that “the right to paternity leave would also not be granted to the mother’s partner in a different-sex couple, in the event that the latter person was not legally the child’s father”.

Another problematic issue is the procedure for granting targeted leave. For example, in case C 306/16 António Fernando Maio Marques da Rosa v Varzim Sol – Turismo, Jogo e Animação SA of 21 June 2017, the CJEU “provided clarification on the granting of rest days. In the course of the dispute before the Portuguese national courts, the question arose before the appeal court whether Directive 2003/88/EC must be interpreted as meaning that the weekly rest period must be granted at the latest on the seventh day after six consecutive working days, or whether the employer has discretion to decide when to grant the weekly rest period, taking into account each seven-day period¹³³. This question arose because Maio Marques da Rosa worked in a casino that was open 7 days a week from 1991 to 2014. The employee’s employment contract stated that he was entitled to two consecutive days of weekly rest. However, in 2008-2009, due to the changing shift pattern, Da Rosa was required to work seven consecutive days. From 2010, the employer Varzimo Solo changed the shift pattern so that employees worked more than six consecutive days without a weekly rest period. After the end of da Rosa’s employment relationship, he brought a claim against his employer, as he considered that he had not been granted a weekly rest period. The CJEU confirmed in this case that Directive 2003/88/EC should not be interpreted as requiring a weekly rest period on the seventh day after six consecutive working days. A rest day must be interpreted as a weekly rest period granted at a certain point in each seven-day period. Therefore, António Fernando Maio Marques da Rosa could work up to 12 consecutive days (if the weekly rest periods were allocated on the first day of the first seven-day period and the last day of the next seven-day period)¹³⁴.

131. United Nations, ‘United Nations Convention on the Elimination of All Forms of Discrimination against Women’.

132. Supreme Administrative Court of Lithuania, ‘Review of the Case-Law of the European Court of Human Rights. 1 January 2018 – 30 June 2018’ (Department of Case-Law 2018) Case-law review.

133. ‘The European Court of Justice Held That Weekly Rest Periods May Be given at Any Time in a Seven-Day Period’ (*Stevens & Bolton LLP*, 4 December 2017) <<https://www.stevens-bolton.com/site/insights/articles/weekly-rest-periods-given-at-any-time-in-sevenday-period>> accessed 9 October 2025.

134. *Conclusiones del Abogado General Sr H Saugmandsgaard Øe, presentadas el 21 de junio de 2017 António Fernando Maio Marques da Rosa contra Varzim Sol – Turismo, Jogo e Animação, SA Petición de decisión prejudicial planteada por el Tribunal da Relação do Porto Procedimiento prejudicial — Protección de la seguridad y de la salud de los trabajadores — Directiva 2003/88/CE — Artículo 5 — Descanso semanal — Normativa nacional que establece*

7. Discussion and conclusions

Leave is a period of time off from work, established by law or agreed upon by the parties, i.e. the period during which an employee retains their job and duties. It is most often a paid period (for example, in the case of annual leave) intended for the employee to rest and restore their ability to work. Employees who work for a long time without rest become less motivated and at the same time less productive, and also face more health problems, and their absenteeism increases. The freedom to dispose of the right to rest and vacation is usually limited by the prohibition for the employee to waive this right, which is clearly formulated in separate provisions of the institutions establishing this right. The provision of annual minimum leave belongs to all employees and such leave must be granted annually. It can be argued that the concept of leave, as one of the types of rest time, is derived from the concept of working time and means that the law guarantees each employee a leave period during which the employee is not obliged to perform the work functions agreed upon in the employment contract. Leave is ensured both at the national and international levels, which reveals the importance of this institution for a society bound by employment relations.

Proper legal regulation of vacations attempts not only to implement the human right to rest, but also to ensure that employees restore their working capacity, as well as to implement specific goals: pregnancy and childbirth, paternity, child/children care, learning, creativity and unpaid leave. The procedure for granting vacations and legal regulation is quite problematic. Employees apply to the courts regarding the procedure for granting unused annual leave and the provision of monetary compensation for unused annual leave. A common situation is when the employer pays not all the vacation pay due and not on time. Annual leave and compensation paid for it in the event of termination of the employment contract is another problematic issue encountered in court practice. In the event of dismissal, the employee requests that the dismissal be recognized as unlawful and on that basis be awarded compensation for unused annual leave, to which he would have acquired the right if the employment relationship had not been terminated.

Problems related to the regulation of leave in court practice at the international level arise for reasons such as the procedure for paying compensation for unused annual leave, due to the employer's refusal to grant paternity leave, another problematic issue is the procedure for granting targeted leave, the CJEU is also addressed when administrative courts decide that compensation for unused annual leave to an employee who has terminated the employment relationship may be paid only for the previous 12 months, due to the loss of the right to paid annual leave, without

un día de descanso como mínimo por cada periodo de siete días — Periodos de más de seis días de trabajo consecutivos
Asunto C-306/16 (TJUE).

granting the right to an allowance instead of unpaid annual leave, when the employment relationship has been terminated, upon the death of the employee, etc.

Since the group of problematic situations consists of the procedure for granting unused annual leave and the provision of monetary compensation for unused annual leave, it is proposed to clarify and supplement the provision established in Article 127(5) of the Labour Code of the Republic of Lithuania (hereinafter referred to as the LCR). It is proposed that an employee loses the right to annual leave or part thereof, as well as the right to receive monetary compensation for leave, five years after the end of the calendar year in which the right to full-term annual leave was acquired. It is also necessary to clarify the provided exception, when an employee does not lose this right if he or she was actually unable to use it. Since the employee, as the weaker party in the employment relationship, cannot protect himself from improper procedures for granting targeted leave, for example, when the employer abuses the employee's trust and does not grant employees raising children the targeted leave they are entitled to, i.e. additional days of rest due to children or leave intended for study, and due to the complicated granting of creative leave, the provisions of the Labor Code regulating the procedure for granting this leave should be supplemented. Since the legislator does not provide a detailed structure of annual leave, it is not clear whether the duration of leave mentioned in the Labour Code of the Republic of Lithuania includes only the days for the last working year, or whether it also includes the accumulated part of annual leave for the current working year and the part of leave remaining as an unused part of annual leave for the previous working year. Due to these uncertainties, it is proposed to supplement Article 128 of the Labour Code by providing an explanation of the structure of annual leave, detailing which days are included in the duration of annual leave.

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Ethics approval

Ethical approval (appropriate approvals) was included and was conducted in accordance with the decisions of the ethics committee of host university.

Data and model availability statement

All data availability statement is present within the text of the manuscript. The data presented in this study are available from the corresponding author on request.

Conflict of Interest Statement

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