



**STATE LABOUR INSPECTORATE OF THE REPUBLIC OF LITHUANIA
UNDER THE MINISTRY OF SOCIAL SECURITY AND LABOUR
LABOR LAW DIVISION**

To Director of Raimda auditas UAB
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ON CONSULTATION TO REQUEST

The lawyers of the Labor Law Division of the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour (hereinafter - SLI) have got acquainted with your request and, in accordance with the provisions of the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour, approved by the Order No. A1-316 of the Minister of Social Security and Labor of the Republic of Lithuania on 12 May 2009 (wording of Order No. A1-595 of the Minister of Social Security and Labor of the Republic of Lithuania of 10 December 2010), sub-clause 8.3.5, provides consultations on the issues of enforcement of labor laws.

Answering the first question, we note that in accordance with the Sub-paragraph 5.8 of the Description of the Procedure for Calculating the Average Wage (hereinafter - the Description) approved in Resolution of the Government of the Republic of Lithuania No. 496 of 21 June 2017 "On the Implementation of the Labor Code of the Republic of Lithuania", for the purpose of calculating average wage, no account shall be taken of days or hours during which the employee did not actually work for the undertaking, nor of monetary amounts paid for those days or hours. Sub-paragraph 5.13 of the Description states that if an employee did not work in the company during the calculation period and did not receive salary from which the average daily wage or average hourly wage is to be calculated according to the Description, it is determined from the salary amounts specified in the employment contract or labor law norms <...>. Thus, if an employee during the calculation period, i. e. during the last 3 calendar months preceding the month for which (or part of) the average salary is paid, has not actually worked due to declared idle time, the average wage is calculated from the employee's salary specified in the employment contract.

In answering the second question, it should be noted that the term "length of service" is mentioned in the Labor Code of the Republic of Lithuania (hereinafter - LC) in several aspects. For example, Article 57 (3) of the LC provides that employees who have at least *ten years of continuous employment* at that workplace have a priority right to keep their jobs (Article 57 (3) of the LC). Also, an employee who is dismissed on one of the grounds specified in Article 57 of the Labor Code is paid a long-term service allowance, taking the employee's *continuous length of employment* at that workplace into account (Article 57 (9) of LC). In the cases specified, continuous length of employment is the period during which the parties are bound by an employment relationship. **As the employment relationship is not interrupted during the idle time, this period must be counted towards continuous employment in the workplace.**

Long-term continuous employment at the workplace also entitles to additional leave, which is granted in accordance with the Government of the Republic of Lithuania Resolution No. 496 of 21 June 2017 "On the Implementation of the Labor Code of the Republic of Lithuania" approved the Description of the duration, conditions and procedure for granting additional leave, Sub-paragraph 2.1 of which states that long-term continuous employment at the same

workplace, for which additional leave is granted, includes time actually worked at the same workplace and other periods specified in Article 127 (4) of the LC. Pursuant to Sub-paragraph 1 of Paragraph 4 of Article 127 of the LC, continuous employment for additional leave shall include, in addition to the time actually worked, the working time referred to in Paragraph 2 of Article 111 of the LC. The idle time is one of the periods mentioned in Paragraph 2 of Article 111 of the LC (Article 111 (2) (7) of the LC). Thus, **idle time is also included in long-term continuous employment for which additional leave is granted.**

In answer to the third question, it should be noted that Paragraph 4 of Article 127 of the LC provides that the number of working days per working year for which annual leave is granted includes, inter alia, the actual working days worked and working time specified in Paragraph 2 of Article 111 of this Code. As mentioned above, the idle time is one of the periods referred to in Paragraph 2 of Article 111 of the LC, therefore **during the idle time the employee also accrues annual leave and, accordingly, is entitled to take the leave accrued during the idle time or receive compensation for termination of employment.**

Opinion and consultations of the specialists of the Labor Law Division of the SLI are optional for labor dispute resolution bodies.

Head of the Labor Law Division

Šarūnas Orlovicius