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DOI <https://doi.org/10.32782/hst-2025-22-99-22>**CHALLENGES AND PROBLEMS OF LEGAL REGULATION OF EMPLOYMENT:
CASE OF LITHUANIA****DALIA, PERKUMIENĖ¹**
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EGITA, KRASILNIKOVIENĖ³**Abstract**

Legal relations between an employer and an employee are established by concluding an employment contract, which is the main instrument regulating the employment process. In the modern context of the labor market, the conditions for concluding and executing an employment contract are rapidly changing to meet economic, technological and social changes. The purpose of the article. To analyze the aspects of the legal regulation of employment, identifying the essential problems. Research objectives. To define the concept of the institute of employment, revealing the social significance of its legal regulation; to analyze the legal acts regulating the legal regulation of employment; to identify the main problems related to employment in Lithuanian and foreign court practice. Methodology of investigation. The work used logical-analytical, comparative, document analysis, systematic analysis, and generalization methods. This is especially relevant when developing such forms of employment contracts as a remote work contract, which allows for more flexible organization of work. Labor law specialists and labor market researchers are constantly examining these changes, assessing their impact on labor legal relations, protection of employees' rights and limits of employers' liability. The modern work environment is characterized by dynamism, which requires a flexible and consistent legal regulatory system for employment and concluding employment contracts. This allows ensuring both effective work organization and social protection for employees, while adapting to new forms of work and challenges. The article aims to analyze labor legal relations defining the institute of employment. Employment is an essential element of the functioning of society and the economy, which not only provides people with a source of income, but also ensures social cohesion, economic development and personal satisfaction with life. The concept of employment varies from country to country depending on the labor market model, legal system and economic conditions. In some countries, stricter regulations of labor relations and strong protection of employees prevail, while in others, more flexible employment conditions allow employers to adapt more quickly to market needs.

Key words: employment, employee, employer, labor relations, employment contract.

Introduction

Relevance of the topic. The legal relationship between an employer and an employee is established by concluding an employment contract, which is the main instrument regulating the employment process. In the modern context of the labor market, the conditions for concluding and executing an employment contract are changing rapidly to meet

economic, technological and social changes. This is especially relevant when developing such forms of employment contracts as a remote work contract, which allows for more flexible organization of work. Labor law specialists and labor market researchers are constantly examining these changes, assessing their impact on labor legal relations, protection of employees' rights and limits of employers' liability. The modern work environment is characterized by dynamism, which requires a flexible and consistent legal regulatory system for employment and concluding employment contracts. This allows for ensuring both effective work organization and social protection for employees, while adapting to new forms of work and challenges (Brodie, 2021).

Although the importance of employment relations for each person is undeniable, the creation of employment relations itself – concluding

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an employment contract and its execution – can become a complex process for various reasons. For example, an employee and an employer may disagree on the terms of employment or the procedure for changing them during the work process; additional difficulties arise due to the establishment of downtime or part-time work. The employer's decisions on changing the terms of an employment contract also raise questions – although these issues are defined in the Labor Code (hereinafter referred to as the Labor Code), in practice the prescribed procedure is not always followed. In addition, problems arise due to the discussion of additional terms of an employment contract, agreements on a probationary period, conditions for reimbursement of employee training or qualification improvement costs, etc.

Problem Statement. The research problems of the analyzed topic include the following interrelated issues: first, problems related to the establishment and amendment of the necessary and additional conditions of the employment contract; second, the problem of the execution of the employment contract, which arises due to various factors, such as non-compliance with working conditions, unclear distribution of responsibilities and changing requirements for jobs; third, the problem of the employer's obligation to provide the employee with the job and salary agreed in the employment contract, since when ensuring the job agreed to by the employee, employers sometimes encounter situations where, due to economic difficulties, structural transformations or technological changes, they can no longer guarantee the previously agreed working conditions.

The purpose of the article. To analyze the aspects of the legal regulation of employment, identifying the essential problems.

Research objectives. To define the concept of the institute of employment, revealing the social significance of its legal regulation; to analyze the legal acts regulating the legal regulation of employment; to identify the main problems related to employment in Lithuanian and foreign court practice.

Methodology of investigation. The work used logical-analytical, comparative, document analysis, systematic analysis, and generalization methods.

The logical-analytical method is extremely important in order to ensure a consistent and critical analysis of the legal regulation of employment. This method helps to form a comprehensive approach to the problems of labor law regulation, allows to reasonably raise new questions and suggest directions for improving legal acts. For these reasons, the logi-

cal-analytical method is inseparable from research in the field of labor law, which aims to reveal the theoretical and practical challenges of legal regulation of employment.

By applying the comparative method, different experiences, legal models and practices of regulating employment relations are explored in depth, with particular attention paid to the regulation of European Union countries and international labor law norms. The document analysis method is one of the main methods for analyzing the legal regulation of employment. This method allows for a detailed analysis and assessment of various sources of labor law, including laws, by-laws, case law and international legal documents related to the regulation of employment relations. For a comprehensive understanding of the legal aspects of employment and the conclusion and execution of an employment contract, the analysis of international legal documents is of great importance. One of the main documents examined in this thesis is the Universal Declaration of Human Rights, which ensures the right of an individual to work and protect against unemployment. The provisions of the European Social Charter are also significant, which guarantee special protection for pregnant workers and the right of all employees to legal protection during the conclusion and execution of an employment contract. In addition, Directive 2008/94/EC of the European Parliament and of the Council, which provides for the protection of employees in the event of the insolvency of the employer, is used to analyze restrictions on the performance of an employment contract in the event of the employer's bankruptcy.

1. The concept and meaning of employment in legal relations

Employment is a complex process that includes the legal relationship between an employee and an employer, starting with the conclusion of an employment contract and regulated by legal norms. This concept includes not only the provision of a job, but also various aspects, such as labor market regulation, protection of employees' rights, employers' obligations and the role of the state in ensuring fair employment conditions (Bagdanskis, T. et al., 2018). Employment is one of the main institutes of labor law, defining the process during which a person acquires the right to work in a certain workplace under established conditions. It is not only the formal conclusion of an employment contract between an employer and an employee, but also the entire system that ensures the functioning of the labor market, the protection of employees

and the liability of employers. This concept includes both legal and social, economic and organizational aspects (Wrocławska, 2024).

In the legal context, employment is associated with the emergence of employment relationships, which are regulated by national legislation, international treaties and European Union legal norms. In Lithuanian labor law, the main legal act regulating employment is the Labor Code (Labor Code of the Republic of Lithuania, 2016), which establishes the procedure for concluding, performing and terminating an employment contract, as well as the rights and obligations of employees and employers. In addition, employment is regulated by other legal acts, such as the Employment Law, which establishes state policy in the field of employment and labor market measures (Bagdanskis, T. et al., 2018).

The concept of employment in the modern labor market is changing due to economic, technological and social factors. Globalization, remote work, temporary employment and automation have a significant impact on the supply and demand of jobs. Flexibility of employment relationships and protection of employees against discrimination or unlawful dismissal are also gaining increasing importance (Wrocławska, 2024).

Employment means the emergence of an employment relationship, which creates mutual rights and obligations for both the employer and the employee. In the employment process, the employer undertakes to provide the employee with a job, ensure appropriate working conditions and pay remuneration, and the employee – to perform the agreed functions in accordance with the established rules (Skučienė, et al., 2024). From a socio-economic point of view, employment is a key factor determining the employment of society, quality of life and economic growth. A successfully functioning employment (Bagdanskis, et al., 2018) system contributes to reducing unemployment, promoting social integration and stability of the labour market.

Employment is an essential element of the functioning of society and the economy, which not only provides people with a source of income, but also ensures social cohesion, economic development and personal satisfaction with life. For this reason, states and organizations pay much attention to employment policy and labour market regulation (Subačienė, et al, 2024). Taking into account these aspects, the concept of employment is not static – it is constantly evolving, adapting to changes in the labour market and the requirements of the legal

environment. Therefore, it is important to analyze the concept of employment not only at the national but also at the international level, in order to ensure effective regulation of labour relations and adequate protection of employees (Subačienė, et al, 2024). The concept of employment covers many aspects – from the emergence and legal regulation of labour relations to economic and social factors influencing the labour market. In modern society, employment is not only a formal conclusion of an employment contract, but also a comprehensive process that determines the well-being and economic stability of employees. Due to constant technological, social and economic changes, the concept of employment is evolving, therefore its legal regulation must adapt to new labor market challenges and ensure the protection of employees' rights (Perkumienė, et al. 2021).

The concept of employment varies in different countries depending on the labor market model, legal system and economic conditions. In some countries, stricter regulation of labor relations and strong protection of employees prevail, while in others, more flexible employment conditions allow employers to adapt more quickly to market needs. For example, in Germany, France, Sweden, employment and labor relations are influenced by strong trade unions; clear types of employment contracts, strict rules for terminating an employment contract; here, too, employees have many social guarantees (for example, long-term benefits, vacations, pensions). The Anglo-Saxon model of employment relations (e.g. the United Kingdom, the United States, Canada, Australia) is characterized by flexible regulation of employment relations, a lot of freedom for both the employer and the employee; the principle of "at-will employment" (especially in the United States) allows for termination of the employment contract without a specific reason; fewer social guarantees than in Europe, but greater labor market mobility (Bueno, 2021). The Nordic model (e.g. Sweden, Norway, Finland, Denmark) is characterized by flexibility of employment relations and employee protection (the "Flexicurity" principle); great attention is paid to collective bargaining, the role of trade unions; employees have many social guarantees and high employment.

2. The concept and social significance of the conclusion of an employment contract

An employment contract is the main legal document that establishes the employment process and creates employment relationships. It establishes the rights and obligations of both the employer

and the employee, working conditions and remuneration procedures (Skučienė, et al., 2024). The conclusion of an employment contract is a key moment at which an employee officially becomes part of the organization, and the employer undertakes to provide a job and ensure appropriate conditions. An employment contract is a bilateral transaction by which one party – the employee – undertakes to perform certain work functions for the benefit of the employer, and the other party – the employer – to ensure working conditions and pay the agreed remuneration. This legal instrument distinguishes employment relationships from other civil relations, such as service or contract contracts (Birštonas, 2019).

The following features are characteristic of employment relationships: the employee's subordination to the employer – the employee must comply with the rules and principles of work organization established by the employer; regular remuneration – the employee is paid a set salary; the possible permanent nature of work – an employment contract is usually concluded for long-term cooperation.

In Lithuanian law, an employment contract is regulated by the Labor Code, which establishes the principles and requirements for its conclusion, execution and termination. Employment relations begin with the conclusion of an employment contract, which must be carried out in accordance with the procedure established by law.

The process of concluding an employment contract can be divided into several stages: 1. Negotiations and candidate selection – the employer selects a suitable candidate, assessing his qualifications and experience. 2. Agreement on essential terms – conditions such as job functions, workplace, salary, working hours, type of contract are discussed. 3. Signing the contract – an employment contract must be concluded in writing and signed by both parties. 4. Start of work – the employee begins to perform his duties from the date specified in the contract (Petrylaitė, et al., 2022).

After signing an employment contract, both the employee and the employer must fulfill the conditions set forth therein. The following basic principles apply during employment relations: 1. Cooperation between the parties – both the employer and the employee must fulfill their obligations in good faith and comply with labor law norms. 2. Employee obligations – the employee must perform the assigned functions in a quality manner, observe labor discipline, and not disclose confidential information (Perkumienė, et al. 2021). 3. Employer

obligations – the employer must ensure safe working conditions, pay wages, and respect the rights of the employee. Flexibility of employment relations – the employer and the employee can agree on the organization of working hours, remote work, or additional guarantees. Employment relations can be regulated by various types of employment contracts, which are selected considering the nature and duration of the work. The main types of employment contracts: open-ended and fixed-term employment contracts.

An open-ended employment contract – a contract that is usually valid for an unlimited period, providing the employee with the greatest stability. An open-ended employment contract is an agreement regulating employment relations, concluded for an unlimited period, since it does not set a specific end date for the work. This means that the employment relationship continues until one of the parties (employer or employee) decides to terminate it in accordance with the procedure established by law (Wrocławska, 2024).

Features of an open-ended employment contract: 1. Unlimited duration – employment relations continue until one of the parties terminates them. 2. Maximum stability for the employee – the employee can feel more secure due to long-term job prospects. 3. Termination of the contract is regulated by law – the employer cannot unilaterally dismiss the employee without a legal basis. 4. All labor law guarantees – the employee has the right to annual leave, social guarantees, accumulation of seniority, etc (Skučienė, et al., 2024).

An open-ended employment contract is one of the most concluded forms of employment contracts, ensuring both the social and economic stability of the employee and the employer's ability to create long-term employment relationships with qualified specialists. This contract provides the greatest guarantees to the employee but requires the employer to be careful and responsible both when concluding it and when performing or terminating it. An open-ended employment contract is one of the most common forms of employment relations in Lithuania and many other countries. It provides both the employee and the employer with stability and clarity, but at the same time may have certain restrictions. This form of contract is especially relevant for long-term employment, when the employer seeks to retain qualified specialists, and the employee seeks to ensure social guarantees and financial security (Arnów-Richman, 2022).

The execution of an employment contract is an integral part of the employment relationship, which ensures that both the employee and the employer fulfill their obligations in accordance with legal acts and the terms of the contract. The most important thing is mutual honesty, cooperation and compliance with obligations, because only in this way can effective and lawful employment relationships be created. Signing an employment contract means that both parties to the employment contract undertake to fulfill the conditions provided for in it, comply with labor law norms and cooperate in the work process. The execution of an employment contract includes not only the performance of work functions, but also many other aspects, such as ensuring working conditions, payment of remuneration, accounting of working time, etc.

Legal regulation of employment is an important part of labor law, ensuring clarity of labor relations, protection of employees and social justice. The principle of social justice means that labor relations must be organized in such a way that the rights of both the employer and the employee are respected, equal opportunities and fair working conditions are ensured. Legal regulation of employment helps to create a fair and balanced labor market by establishing clear rules, procedures and guarantees for employment. Its main objectives are: 1. Ensuring the stability of labor relations. Employment conditions are regulated to avoid arbitrary or discriminatory hiring or dismissal of employees. A clear form and content of the employment contract are ensured to protect the interests of both parties. 2. Protection of employees. Minimum social guarantees are established (e.g., minimum wage, working time restrictions, rest periods). Workplace safety and health protection are regulated. Protection of employees against unlawful dismissal is ensured. 3. Prevention of equality and discrimination. Employers are prohibited from discriminating against employees based on gender, age, nationality, disability, religion or other factors. Equal opportunities for all employees are promoted both in employment and in the workplace. 4. Ensuring transparency and fairness in the labor market. The rules governing the activities of employment agencies and employers are regulated to prevent abuse. Clear rules are established on wages, types of contracts and social benefits. Social justice in the labor market means that all employees must be guaranteed equal rights, fair remuneration and safe working conditions.

3. Requirements for employment and the conditions and procedure for concluding an employment contract

Employment is based on the expression of the will of the parties. This legal institution often reveals a systematic imbalance between the rights and obligations of employers and employees, which arise from economic and social conditions. Most workers are forced to accept employment relationships not by free choice, but by necessity, because they have no other sources of livelihood or assets. Their only “capital” is their own labor power, which becomes a commodity on the labor market (Juska, et al, 2024). Since most necessary goods and services in society are available only through market exchange, workers must sell their skills in exchange for wages, often under unfavorable conditions (Subačienė, et al, 2024). However, this transaction is not equivalent: the employer not only buys the employee’s working time but also acquires a certain power to control his actions during work. The employee offers his labor power to increase the value of the employer’s assets, but control remains in the hands of the employer. Although legally an employee can terminate an employment contract at any time, in practice this possibility is limited – financial dependence on the workplace, fear of losing income or lack of social security often force employees to stay even under unfavorable conditions (Davulis, 2018). This means that legal equality between employer and employee is more theoretical than practical, as economic necessity gives the employer significantly more power (Bagdanskis, T. et al., 2018).

Employment relationships are also characterized by tension between the formal consent of the parties to the employment contract and the real power dynamics of the employer. The employee outwardly agrees to carry out the employer’s instructions, but the work process itself requires his personal abilities and initiative. The employer may try to control the employee’s time, tasks or even behavior, but complete control over the work process is not possible, because the work itself cannot be separated from the person as a person (Lazarenko et al, 2025). The physical, mental or emotional ability to work is an integral part of a person’s identity. The more an employer seeks to control and/or manage an employee’s abilities by regulating their behavior, limiting their autonomy or increasing the intensity of their work, the more the employee loses their autonomy, dignity and even their health. This is particularly evident in sectors where workers experience overwork, stress or even physical exploita-

tion. In extreme cases, such a work system can become a source of not only social but also physical abuse, leading to exhaustion, illness or even death. Therefore, work according to one's will, although theoretically considered a free and equal agreement, reflects deeper structural inequalities that often result in workers becoming economically dependent, and their labor power becoming not only a source of profit, but also a controlled resource in the hands of the employer (Bagdanskis, T. et al., 2018).

Employment requirements may vary depending on the country, the field of work, the employer and the specific position. However, the following requirements are most often imposed for employment: Legal requirements: work permit (if the candidate is not a local resident); age requirements (e.g., minimum working age) and compliance with immigration laws. Employment also includes educational and qualification requirements such as: minimum level of education (e.g., high school, college, vocational); professional certificates or licenses (Arnow-Richman, 2022) (e.g., for doctors, lawyers, accountants); special training or courses required for a specific position. When hiring an individual, the prospective employee's work experience is often also important, such as a minimum period of employee experience (e.g., 2-5 years in a particular field), or practical experience with certain technologies or tools; leadership or teamwork experience (depending on the position).

In Sweden, the main employment requirements relate to employee qualifications, employment contracts and the tax system. Most professions require relevant education or experience (Johansson, et al, 2022). Higher education degrees are generally recognized nationally without additional certification. Some professions (e.g. doctors, lawyers, engineers) have specific requirements and may require licensing or membership in professional organizations. Continuous learning and professional development are encouraged in Sweden. Employees can benefit from various state support programs that allow them to study and improve their skills. The most popular job search sites in Sweden are Arbetsförmedlingen (the state employment agency), LinkedIn, Blocket Jobb and company career pages. To get a job, you usually need to submit a clear, structured CV and a cover letter that outlines the employee's skills, experience and motivation to work for a particular company. Most jobs in Sweden are regulated by collective agreements (kollektivavtal), which set out salary levels, working hours, holidays and other conditions. The work culture in Sweden is quite friendly,

with managers interacting with employees without a strict hierarchical structure (Johansson, et al, 2022). Leisure and family life are highly valued in Sweden, and many workplaces offer flexible work schedules and the opportunity to work remotely. Finding a job is relatively easy for Swedish citizens, especially if they have the necessary qualifications and skills that are in demand in the labor market. Great attention is paid to working conditions, employee rights, and work-life balance.

Employment in the United States depends on many factors, including the employee's citizenship, visa status, education, profession, and labor market needs. U.S. citizens and permanent residents do not need a work permit and are free to work in any field if they meet the employer's requirements (MacKay et al, 2024). To work in the United States, it is necessary to have the appropriate visa or work permit. Most jobs in the United States require at least a high school diploma or professional qualification. High-skilled jobs (e.g., doctor, engineer, lawyer) often require a U.S.-recognized diploma, and in some cases, a license. Some professions, such as medicine, law, or teaching, require additional exams or certification in the United States. English proficiency is usually required. U.S. companies often conduct multiple rounds of job interviews, including telephone, online, and in-person interviews. Some jobs may require practical tests or psychological assessments (MacKay et al, 2024). The hiring process and requirements in the United States depend on an individual's citizenship, visa status, qualifications, and professional skills. The U.S. job market is competitive, but it also offers many opportunities, especially for highly skilled workers and innovative professionals (Gunn, et al, 2025).

Article 93 of the Labor Code of the Republic of Lithuania (Labor Code of the Republic of Lithuania, 2016) defines an employment contract as an agreement between an employee and an employer, by which the employee undertakes to perform a certain job in accordance with his profession, specialty or qualification or to perform established duties, in compliance with the work procedures in force at the workplace. Meanwhile, the employer undertakes to provide the employee with the work stipulated in the contract, pay the agreed salary and ensure working conditions that comply with labor legislation, the collective agreement and the agreement of the parties (Petrylaitė, et. al, 2024). An employment contract differs from a civil contract in that the employee is hired not to perform a specific task,

but to perform certain work functions and perform established duties. The obligations stipulated in an employment contract are of a continuous nature and are not directly related to the result, while a civil contract is based on the performance of specific, predefined tasks. In addition, when working under an employment contract, the employee must comply with the established work procedures, carry out the employer's instructions and be subordinate to him. Conclusion of an employment contract is an important legal process that protects both the employee and the employer (Krasauskas, 2020). Each party should carefully analyze the terms of the contract before signing it, and in case of any uncertainties, contact labor law specialists. The terms and procedure for concluding an employment contract depend on the labor legislation of each country, but the general principles are usually similar (Eneh, et. al, 2024). An employment contract is an important legal document, so it is worth reading all the terms carefully before signing it. An employment contract is a formal agreement between an employer and an employee that establishes working conditions, rights and obligations. The procedure for concluding it depends on the labor law of the country, but the basic principles that ensure transparency and the rights of the employee apply everywhere (Arnow-Richman, 2022).

An employment contract is the main document that protects the rights of the employee and ensures his guarantees. It must be concluded in accordance with the Labor Laws, which are relied upon by both parties. The contract establishes the salary and/or commissions that have been agreed upon, as well as the work schedule, which includes working days and hours (Grigonienė, 2020). In addition, it stipulates the duration of the work – it can be either an open-ended or a fixed-term agreement with the possibility of its extension (Petrylaitė, et. al, 2024). The employment contract also sets out the general duties of the employee, specifying the tasks that he will have to perform (Staniškienė, et. al, 2018). In some cases, the employee may be required to sign a confidentiality agreement, which undertakes not to disclose the company's trade secrets or other sensitive information. If the employee's duties involve the administration of social media, websites or e-mail, the contract may ensure that the company retains ownership and control of all communication-related tools. The employment contract may also include non-compete clauses (NCCs), which limit the employee's ability to take up employment with a competing company after termination of employment (Krasauskas, 2020). From a legal point of view, the employment con-

tract defines the relationship between the employer and the employee and establishes a clear basis for protecting the interests of the parties. The contract must provide detailed information about the employee's duties, health insurance, sick leave and annual leave, as well as the reasons for which the employment relationship may be terminated (Davulis, 2018). In addition to legal regulation, the employment contract also includes the so-called "psychological contract", which reflects social trust and mutual expectations between the employee and the employer (Petrylaitė, et. al, 2024). This unwritten agreement is based on previous work experience and the social customs of the organization. The quality of the psychological contract has a significant impact on the working relationship – if expectations are not met or deliberately ignored, the relationship between employee and employer can deteriorate (Staniškienė, et. al, 2018).

Conclusion. The concept of employment varies from country to country depending on the labor market model, legal system and economic conditions. In some countries, stricter regulations of labor relations and strong protection of employees prevail, while in others, more flexible employment conditions allow employers to adapt more quickly to market needs. Employment not only ensures the inclusion of labor in the economy but also contributes to the development of the country's economy, social welfare and promotion of innovation. It reduces social inequality and ensures better living conditions, promotes professional mobility and employee qualification improvement, ensuring social guarantees and protection of labor rights for employees. Legal regulation of employment is necessary to ensure social justice in the labor market. It provides employees with social guarantees, protects against discrimination and ensures fair working conditions. Employment has both economic and social significance, as it directly affects the well-being of the employee. The mechanism of legal regulation of employment includes a system of legal acts and institutions that establish the rules of labor relations and ensure their compliance. The main elements of this mechanism are as follows: legal basis: Labor Code: In Lithuania, the main legal act regulating employment relations is the Labor Code, which entered into force on 1 July 2017. It establishes the types of employment contracts, the procedure for concluding and terminating them, working and resting hours, wages and other provisions related to employment relations. Regulatory mechanisms may differ in different countries – in some countries, labor law is stricter and more pro-

tective of employees, while in others a more flexible approach prevails, giving more freedom to employers. Despite the differences, the common goal is to ensure labor market stability, fair competition and the well-being of employees. In practice, problems arise due to changes in the terms of employment contracts, their legal validity and interpretation.

An analysis of Lithuanian case law reveals various problems with the implementation of employment contracts related to non-payment of wages, unlawful dismissals of employees, changes in working conditions, improper payment of overtime, psychological pressure on employees at work and other violations of labor law.

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ВИКЛИКИ ТА ПРОБЛЕМИ ПРАВОВОГО РЕГУЛЮВАННЯ ЗАЙНЯТОСТІ НАСЕЛЕННЯ: ПРИКЛАД ЛИТВИ

Анотація

Актуальність теми. Правові відносини між роботодавцем і працівником встановлюються шляхом укладення трудового договору, який є основним документом, що регулює трудовий процес. У сучасних умовах ринку праці умови укладення та виконання трудового договору швидко змінюються відповідно до економічних, технологічних та соціальних змін. Мета статті. Проаналізувати аспекти правового регулювання зайнятості населення, виявити суттєві проблеми. Постановка задачі. Проблеми дослідження аналізованої теми включають такі взаємопов'язані питання: по-перше, проблеми, пов'язані зі встановленням та зміною необхідних і додаткових умов трудового договору; по-друге, проблема виконання трудового договору, яка виникає внаслідок різних факторів, таких як недотримання умов праці, нечіткий розподіл обов'язків та зміна вимог до роботи; по-третє, проблема обов'язку роботодавця забезпечити працівника роботою та заробітною платою, обумовленими в трудовому договорі, оскільки, забезпечуючи роботу, на яку погодився працівник, роботодавці інколи стикаються з ситуаціями, коли через економічні труднощі, структурні перетворення чи технологічні зміни вони вже не можуть гарантувати раніше погоджені умови праці. Задачі дослідження. Дати визначення поняття інституту зайнятості, розкривши суспільне значення його правового регулювання; проаналізувати нормативно-правові акти, що регулюють правове регулювання зайнятості; визначити основні проблеми, пов'язані з працевлаштуванням у литовській та закордонній судовій практиці. Методологія. У роботі використано логіко-аналітичний, порівняльний, аналіз документів, методи системного аналізу, узагальнення. Логіко-аналітичний метод надзвичайно важливий для забезпечення послідовного та критичного аналізу правового регулювання зайнятості. Цей метод допомагає сформулювати комплексний підхід до проблем регулювання трудового права, дозволяє обґрунтовано поставити нові питання та запропонувати напрями вдосконалення нормативно-правових актів. Важливими також є положення Європейської соціальної хартії, які гарантують особливий захист вагітних працівниць і право всіх працівників на правовий захист під час укладення та виконання трудового договору. Крім того, Директива 2008/94/ЄС Європейського Парламенту та Ради, яка передбачає захист працівників у разі неплатоспроможності роботодавця, використовується для аналізу обмежень щодо виконання трудового договору у разі банкрутства роботодавця.

Ключові слова: зайнятість, працівник, роботодавець, трудові відносини, трудовий договір.

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