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PROBLEMS OF LEGAL REGULATION OF THE APPLICATION OF BENEFITS AND GUARANTEES PROVIDED FOR IN THE LITHUANIAN LABOR CODE TO EMPLOYEES RAISING CHILDREN

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Abstract

In modern society, ensuring a work-life balance for employees is an integral part of a sustainable social policy and a modern work culture. Technological progress, changing public expectations and increased attention to employee well-being have made this aspect one of the most important for both employees and employers. Social guarantees and benefits for employees raising children and employee protection are of particular importance, as they help maintain employee productivity and loyalty and, at the same time, maintain social cohesion in the labor market. Economically strong and democratic states strive to ensure that citizens' rights are effectively implemented. Economic stability, a strong social security system and the effective work of state institutions form the basis for properly caring for vulnerable groups of the population. The importance of this topic is emphasized by demographic aging in Lithuania, and low birth rates indicate the need to promote birth rates in the country. This article aims to analyze the problematic aspects of the legal regulation of the application of benefits and guarantees provided for in the Labor Code to employees raising children. Research objectives. Currently, the issue of the relevance and application of benefits and guarantees provided to employees raising children is increasingly raised. The discussions cover various aspects of these measures, from their impact on the well-being of families to the economic and social consequences for employers and the entire labor market. Particular emphasis is placed on how these benefits contribute to work-life balance, gender equality and financial stability of families. To achieve the goals and objectives of the work, the following research methods were used in the final work: analysis of documents, comparative, generalizing, system analysis and methods of empirical research (qualitative research, semi-structured interview). Results. The legal guarantees for employees raising children are broadly defined, but their application in practice raises problems and challenges. In some cases, employers do not fully ensure these rights or employees are not properly informed about their guarantees. In addition, although legal acts provide benefits for employees raising children, ensuring work schedule flexibility often depends on the employer's goodwill. The diversity of opinions of the experts participating in the study shows that while the current legal acts essentially ensure the rights and legitimate interests of employees raising children, problems arise when applying the legal acts in practice.

Key words: employees, employers, social guarantees and benefits for employees, children, social security system.

Introduction. Relevance of the topic. Groups such as the disabled, seniors, children and families raising children are particularly dependent on state benefits and social guarantees and other support, therefore it

is important that they can fully exercise their rights (Administrative Offences Division of the Supreme Court of Lithuania, 2023). Vulnerable persons also include the unemployed, women during pregnancy and childbirth, and parents who are committed to raising children at home (Gálvez, et. al., 2020). Since the family is considered the foundation of society, social security is designed so that the state provides the necessary assistance when it is necessary to ensure the well-being of the family (Balčiūnaitė, 2022). One of the most vulnerable groups in employment relations are persons with family responsibilities, such as pregnant women, women who have recently given birth, and parents on parental leave or raising

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children (Skubiejūtė, 2021). The state regulates this area by establishing principles and rules binding on employment relations. The importance of this topic is emphasized by demographic aging in Lithuania, and low birth rates indicate the need to promote birth rates in the country (Kuzmicka, 2022).

The legislative authority has provided additional benefits and guarantees to this category of labor law subjects and has established legal norms in labor law aimed at protecting the interests of employees raising children. Article 39 of the Constitution of the Republic of Lithuania provides that the state shall protect families raising and educating children, providing them with support under the conditions established by law (Tamunomiebi and Oyibo, 2020). State protection is manifested in additional guarantees and established restrictions related to dismissal from work during pregnancy, childbirth and parental leave (Zenkevičius, 2021).

Problem Statement. Currently, the issue of the relevance and application of benefits and guarantees provided to employees raising children is increasingly being raised. Discussions cover various aspects of these measures – from their impact on the well-being of families to the economic and social consequences for employers and the entire labor market. Particular emphasis is placed on the issues of how these benefits contribute to ensuring work-life balance, gender equality and financial stability of families.

Problematic situations regarding the legal regulation of benefits and guarantees provided for in the Labor Code for employees raising children and the assurance and proper implementation of legal relations in this area can be assessed by distinguishing the following main problems:

First, the practical application of benefits and guarantees to employees raising children may be ambiguously interpreted by both employers and employees and cause disagreements between the parties. Although the Labor Code clearly establishes certain guarantees and benefits for employees raising children, in practice disagreements arise between employers and employees due to different understandings of how these provisions should be applied in a specific situation. For example, an employee may believe that he is entitled to flexible working hours or the possibility of working remotely, while the employer believes that these benefits can only be applied under special conditions. Such misunderstandings often arise from insufficient legal information and inconsistent interpretations of laws.

Secondly, there are certain discrepancies between the establishment of guarantees and benefits provided for by law for employees raising children and their actual application, for example, employees are not always properly informed at the workplace about their rights and the benefits and/or guarantees they are entitled to and therefore cannot properly use them.

Thirdly, another important challenge is the reconciliation of work and family obligations, when employees raising children face obstacles in exercising their rights to shorter working hours or more flexible working hours. Employers often resist such requests from employees due to a decrease in employee productivity or organizational reasons. At the same time, there are problems with ensuring benefits and guarantees and their actual implementation and control to protect the interests of employees.

The purpose of the article. To analyze the problematic aspects of the legal regulation of the application of benefits and guarantees provided for in the Labor Code to employees raising children.

Research objectives. To define the concept of benefits and guarantees provided for in the Labor Code for employees raising children and their significance for social policy. To examine the aspects of the legal regulation of benefits and guarantees provided for in the Labor Code for employees raising children. Having assessed the legal regulation of benefits and guarantees provided for in the Labor Code for employees raising children, case law and the insights of the experts participating in the study, to identify aspects of the legal regulation of benefits and guarantees provided for in the Labor Code for employees raising children in Lithuania that need to be improved.

Methodology of investigation. In order to achieve the goal and objectives of the work, the following research methods are used in the final work: document analysis, comparative, generalization, systematic analysis and empirical research (qualitative research semi-structured interview) methods. Document analysis is the main scientific research method used in the work. Using this method, the Lithuanian labor law doctrine was analyzed, identifying the problems of legal regulation of granting benefits and guarantees to employees raising children. Using the comparative analysis method, the final work provides explanations of problematic issues related to the legal regulation of granting benefits and guarantees to employees raising children. This method was used to highlight judicial practice and legal doctrine on

the most important issues of employee protection in the field of labor law, as well as to compare Lithuanian judicial practice and its consistency. The generalization method was used to summarize all the legal literature examined in the research question related to the regulation of granting benefits to employees raising children. The summary method is one of the most important research tools, allowing you to structure and synthesize a large amount of information in order to highlight the main aspects of the topic under consideration.

1. The concept of applying benefits and guarantees to employees raising children

One of the main duties of the state is to ensure the social and economic protection of citizens. This is a fundamental goal of a democratic, modern and legal state. In order to protect social rights and fundamental human rights, these rights are enshrined in international legal acts, the Constitution of the country and national legal acts (Birmontienė, 2022). The International Labour Organization (ILO) Convention, the European Social Charter, the International Covenant on Economic, Social and Cultural Rights and other legal acts ensure minimum benefits and social guarantees for workers raising children both at the national and international levels (Bagdanskis, 2021). It is important not only to ensure that these international principles are observed, but also to guarantee their real implementation, and not just declarative consolidation (Paukštė, 2023). The mere fact that the protection of workers raising children is provided for in legal acts is not enough – it is necessary to ensure that socially vulnerable groups, such as subjects of maternity and paternity protection, can actually use these rights and protection at the national level.

Maternity and paternity are related to childcare in order to properly ensure the needs of the child, his or her rights and freedoms. The Constitution of the Republic of Lithuania pays attention to the protection of motherhood and fatherhood (family). Based on the resolution of the Constitutional Court of the Republic of Lithuania of February 6, 2012, the Constitution of the Republic of Lithuania (Lietuvos Respublikos Konstitucija, 1992), Article 39, paragraph 1, establishes the state's obligation to families raising and educating children at home, a guarantee that arises from the more general state obligation to protect and care for the family, motherhood, fatherhood and childhood, Article 38, paragraph 2, of the Constitution of the Republic of Lithuania (Lietuvos Respublikos Konstitucija, 1992), and can-

not be interpreted separately from the right and duty of parents, established in Article 38, paragraph 6, to raise their children as honest people and loyal citizens, and to support them until adulthood.

2. The principle of ensuring the employer's obligation to take measures to assist the employee in fulfilling his family obligations

The employer must create favorable conditions for employees to reconcile work and family life. This obligation of the employer arises from various legal acts, including national legal acts, such as the Labor Code and international conventions. This principle is based on respect for human rights, ensuring equal opportunities and the idea of social solidarity. As for international obligations, the UN conventions and recommendations should be mentioned (Jungtinių Tautų Vaiko teisių konvencija, 1995): The United Nations Convention on the Rights of the Child provides for the obligation of states and employers to ensure that parents have sufficient time and means to fulfill their family responsibilities.

International Labor Organization (ILO) norms: ILO Convention No. 156 on Workers with Family Responsibilities encourages the adoption of legal acts ensuring the compatibility of family and work.

Article 24 of the Lithuanian Labor Code provides for the employer's obligation to ensure gender equality and non-discrimination. Article 40 of the Lithuanian Labor Code (Lietuvos Respublikos darbo kodeksas, 2016) provides that employees raising children have the right to request more favorable working conditions (e.g., changing working hours or teleworking). Employees have the right to request flexible working hours, part-time work or teleworking if they are raising children or caring for other family members. The employer has a legal obligation to consider these requests and provide a reasoned refusal if it is not possible to satisfy them.

The Equal Opportunities Act promotes measures that ensure equal opportunities for men and women to combine work and family life.

Employees raising children are also entitled to additional paid or unpaid leave for raising children. The Lithuanian Labor Code also provides that employees with children under 12 years of age are entitled to additional days of leave (Zakarienė, 2021).

Employees raising children may not be discriminated against based on their family responsibilities. Employers may not dismiss employees or change their working conditions based on their family responsibilities (Vaikų priežiūros paslaugos Lietuvoje, 2023). Employers must ensure that col-

lective agreements provide for measures to ensure employees' family responsibilities. Employers may provide childcare facilities, support family members' healthcare, or provide opportunities for flexible working hours during family needs (Valstybinė darbo inspekcija, 2025). The State Labor Inspectorate ensures that employers comply with legal acts relating to employees' rights and obligations (Darbo ginčų komisija..., 2025). An employee who has encountered violations of rights may apply to a labor dispute commission or court. Employers must also inform employees about changes in labor law and employees' rights to family guarantees and anti-discrimination protection. The state may provide tax incentives to companies that apply family-friendly policies. The employer's obligations to assist employees in fulfilling their family responsibilities are based on the principles of legal regulation, social dialogue, and responsibility. The implementation of these obligations not only ensures the right of the employee to reconcile work and family but also contributes to the sustainability of the labor market and social justice (Zakarienė, 2021). Partnerships between employers and the state in this area can create a supportive environment for employees and increase their loyalty and productivity.

In Canada, the obligation of employers to help employees fulfill family responsibilities is based on human rights laws and labor law principles that promote a balance between family and work (Parmar, et al., 2024). Family responsibilities are protected under the Canadian Human Rights Act and provincial legislation (e.g., the Ontario Human Rights Code).

3. Research methodology

In order to confirm or refute the defense statement raised in the final thesis that "the provisions of the legal regulation of benefits and guarantees provided for in the Labor Code for employees raising children are not fully regulated from the point of view of protecting labor law subjects, therefore they do not ensure the rights and legitimate interests of employees, and at the same time their children, therefore, appropriate legal regulation of this issue is important" and to reveal the challenges encountered in practice, identifying fundamental problems related to the legal regulation and application of benefits and guarantees for employees raising children, a qualitative study was conducted in January – March 2025 – semi-structured interviews with experts, labor law specialists working in the field of labor law. This study was used to obtain expert insights and identify problems encountered in practice.

Object of the study: provisions of the legal regulation of benefits and guarantees provided for in the Labor Code for employees raising children.

The aim of the study is to identify problems related to the application of benefits and guarantees provided for in the Labor Code for employees raising children.

Research objectives:

1. To conduct an empirical study of selected interest groups (experts) using semi-structured interviews and to summarize the results obtained.

2. To provide proposals and recommendations for improving legal regulation in the field of application of benefits and guarantees provided for in the Labor Code for employees raising children.

Research hypothesis. The currently valid legal regulation of benefits and guarantees provided for in the Labor Code for employees raising children does not ensure the needs of different interest groups in the context of sustainable development. The qualitative research method chosen for the study was a semi-structured interview. This method aimed to obtain data that met the objectives of the qualitative study. The semi-structured interview method was based on an interview plan that included specific questions and a pre-planned sequence of their presentation, with the expectation that additional questions not included in the plan could be asked during the course of the study to strengthen the study. The semi-structured interview method is a suitable way to obtain accurate answers from individuals with practical experience who are familiar with the benefits and guarantees provided for in the Labor Code for employees raising children, as well as aspects of the regulation of the legal situation. The basis of a qualitative semi-structured interview is open-ended questions to which it is expected to obtain as detailed and accurate answers as possible, formulated and presented by the research participant himself.

Research process. Interviews with experts were conducted in January-March 2025.

Research ethics. Maintaining the requirements of research ethics, the questions were formulated in order not to affect the responses of the research participants and their preconceived opinions. The research participants were informed in advance of the right not to answer any question, and they also had the right to deviate from the questionnaire and express their observations that seemed important to them, revealing the topic of the research. The research participants were also asked spontaneous additional questions that arose during the interview, in response to the thoughts they expressed. The research was con-

ducted in accordance with ethical principles, ensuring the privacy and confidentiality of the participants.

Summarizing the results obtained, it can be stated that the rights and obligations of employers in applying benefits and guarantees to employees raising children are provided for in the Lithuanian Labor Code, other legal acts and international documents. Creating favorable conditions for working parents is one of the main obligations of employers. This obligation of employers was indicated by most experts participating in the study. Summarizing the obtained research results, it can be stated that if an employer does not comply with the benefits and guarantees provided to employees raising children, this is considered a violation of labor law. The legal consequences of such violations and the possibilities for employees to defend their rights are provided for in Lithuanian legislation. The employer may face legal consequences, for example, administrative liability. According to experts, an employer may be subject to administrative fines under the Code of Administrative Offences of the Republic of Lithuania for violations of labor law, including failure to provide benefits and guarantees to employees raising children. The amount of the fine depends on the nature of the violation and the size of the employer. For example, fines ranging from several hundred to several thousand euros may be imposed for illegal working hours or violation of vacation procedures. Repeated violations or deliberate disregard for employee rights may result in higher sanctions.

Conclusions. Summing up the results of the study, it can be stated that the legal guarantees for employees raising children are broadly defined, but their application in practice raises problems and challenges. In some cases, employers do not fully ensure

these rights or employees are not properly informed about their guarantees. In addition, although legal acts provide benefits for employees raising children, ensuring work schedule flexibility often depends on the employer's goodwill. The diversity of opinions of the experts participating in the study shows that while the current legal acts essentially ensure the rights and legitimate interests of employees raising children, problems arise when applying the legal acts in practice. Experts identified the following problematic aspects related to the practical application of benefits and guarantees for employees raising children: employers' reluctance to apply more flexible conditions: some employers avoid providing legitimate benefits (e.g., flexible work schedules or remote work), fearing a decrease in labor productivity or administrative challenges. Another problem identified by experts is discrimination in the labor market: employees raising children (especially women) face discrimination when hiring or assessing career opportunities. This is especially evident in smaller companies, lack of information: employees are not always aware of the benefits and guarantees they are entitled to, and therefore do not use them or employers ignore them, problems also arise due to improper implementation of laws: although the legal system provides for numerous guarantees, their implementation is not properly controlled in practice, especially in smaller cities and regions, insufficient financial support: many financial benefits or tax benefits do not fully cover family needs, especially in the case of single parents or families with many children, conflicts between employees and employers: employees seeking their rights (e.g. additional leave) often experience pressure or a negative attitude from the employer.

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ПРОБЛЕМИ ПРАВОВОГО РЕГУЛЮВАННЯ ЗАСТОСУВАННЯ ПІЛЬГ ТА ГАРАНТІЙ, ПЕРЕДБАЧЕНИХ У ТРУДОВОМУ КОДЕКСІ ЛИТВИ, ДО ПРАЦІВНИКІВ, ЯКІ ВИХОВУЮТЬ ДІТЕЙ

Анотація

Актуальність теми. Такі групи, як інваліди, люди похилого віку, діти та сім'ї, які виховують дітей, особливо залежать від державних виплат, соціальних гарантій та іншої підтримки, тому важливо, щоб вони могли повною мірою здійснювати свої права (Відділ адміністративних правопорушень Верховного суду Литви, 2023). До вразливих осіб також належать безробітні, жінки під час вагітності та пологів, а також батьки, які зобов'язані виховувати дітей вдома (Gálvez et. al., 2020). Оскільки сім'я вважається основою суспільства, соціальне забезпечення розроблено таким чином, щоб держава надавала необхідну допомогу, коли це необхідно для забезпечення благополуччя сім'ї (Balčiūnaitė, 2022). Однією з найбільш вразливих груп у трудових відносинах є особи з сімейними обов'язками, такі як вагітні жінки, жінки, які нещодавно народили дитину, та батьки, які перебувають у відпустці по догляду за дитиною або виховують дітей (Skubiejūtė, 2021). Держава регулює цю сферу, встановлюючи принципи та правила, обов'язкові для трудових відносин. Важливість цієї теми підкреслюється демографічним старінням у Литві, а низький рівень народжуваності вказує на необхідність сприяння його підвищенню в країні. Законодавча влада передбачила додаткові пільги та гарантії цій категорії суб'єктів трудового права та встановила правові норми у трудовому праві, спрямовані на захист інтересів працівників, які виховують дітей. Стаття 39 Конституції Литовської Республіки передбачає, що держава захищає сім'ї, які виховують та навчають дітей, надаючи їм підтримку відповідно до умов, встановлених законом (Tamunomiebi та Oyibo, 2020). Державний захист проявляється у додаткових гарантіях та встановлених обмеженнях, пов'язаних зі звільненням з роботи під час вагітності, пологів та відпустки у зв'язку з доглядом за дитиною. Мета дослідження. Дати визначення поняттю пільг та гарантій, передбачених Трудовим кодексом для працівників, які виховують

дітей, та їх значення для соціальної політики. Розглянути аспекти правового регулювання пільг та гарантій, передбачених Трудовим кодексом, для працівників, які виховують дітей. Оцінивши правове регулювання пільг та гарантій, передбачених Трудовим кодексом для працівників, які виховують дітей, судову практику та висновки експертів, які брали участь у дослідженні, визначити аспекти правового регулювання пільг та гарантій, передбачених Трудовим кодексом для працівників, які виховують дітей у Литві, які потребують удосконалення. Задачі дослідження. Наразі все частіше порушується питання актуальності та застосування пільг і гарантій, що надаються працівникам, які виховують дітей. Обговорення охоплюють різні аспекти цих заходів – від їхнього впливу на добробут сімей до економічних та соціальних наслідків для роботодавців та всього ринку праці. Особливий акцент робиться на питаннях, як ці пільги сприяють забезпеченню балансу між роботою та особистим життям, гендерної рівності та фінансової стабільності сімей. Проблемні ситуації щодо правового регулювання пільг та гарантій, передбачених Трудовим кодексом, для працівників, які виховують дітей, та забезпечення їй належної реалізації правовідносин у цій сфері можна оцінити, виділивши такі основні проблеми: По-перше, практичне застосування пільг та гарантій для працівників, які виховують дітей, може неоднозначно тлумачитися як роботодавцями, так і працівниками та спричиняти розбіжності між сторонами. Хоча Трудовий кодекс чітко встановлює певні гарантії та пільги для працівників, які виховують дітей, на практиці між роботодавцями та працівниками виникають розбіжності через різне розуміння того, як ці положення повинні застосовуватися в конкретній ситуації. **Методологія.** Для досягнення мети та завдань роботи у підсумковій роботі використано такі методи дослідження: аналіз документів, порівняльний, узагальнюючий, системний аналіз та методи емпіричного дослідження (якісне дослідження, напівструктуроване інтерв'ю). Аналіз документів є основним науковим методом дослідження, що використовується в роботі. За допомогою цього методу було проаналізовано доктрину трудового права Литви, виявлено проблеми правового регулювання надання пільг та гарантій працівникам, які виховують дітей. Використовуючи метод порівняльного аналізу, у заключній роботі наведено пояснення проблемних питань, пов'язаних з правовим регулюванням надання пільг та гарантій працівникам, які виховують дітей. Цей метод було використано для висвітлення судової практики та правової доктрини з найважливіших питань захисту працівників у сфері трудового права, а також для порівняння судової практики Литви та її узгодженості. Для узагальнення всієї дослідницької літератури, що стосується регулювання надання пільг працівникам, які виховують дітей, було використано метод узагальнення. Метод конспектування є одним з найважливіших інструментів дослідження, що дозволяє структурувати та синтезувати великий обсяг інформації з метою виділення основних аспектів теми, що розглядається.

Ключові слова: працівники, роботодавці, соціальні гарантії та пільги для працівників, діти, система соціального забезпечення.

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