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## CHALLENGES OF REST TIME LEGAL REGULATION CASE OF LITHUANIA

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In recent decades, more and more attention has been paid to the well-being of employees and the regulation of work and rest time. Proper legal regulation of rest time contributes to the improvement of employees' health and productivity, and at the same time to the modern needs of the labor market. The human right to rest time is ensured in a complex manner both at the national and international levels, emphasizing the importance of proper rest for employees' health, personal life and work capacity. The right to rest from work, provided for in Article 48 of the Constitution of the Republic of Lithuania, is a constitutional right of every working person. Its inclusion in the Constitution demonstrates the importance of this right and the state's approach to its implementation and protection. This right is considered one of the main objectives of labor law, helping to ensure a balance between the distribution of work and rest time. Proper regulation of rest time shows that work has a direct impact on the employee's health, his material and spiritual well-being and other areas of life. Unbalanced working time can lead to serious consequences, such as reduced work productivity, alertness, and a higher risk of accidents and occupational diseases. It is recognized that the employee, as the weaker party in the employment relationship, does not have sufficient opportunities to protect himself from excessive fatigue, exploitation or abuse of overtime, especially if the duration of work is not properly regulated and remunerated. Therefore, it is necessary to create and implement an effective system at the state level to ensure the right of employees to rest and leisure. Since a person spends most of his time working, performing the duties provided for in the employment contract, it is therefore important that employees are guaranteed sufficient rest time, without violating the requirements of maximum working time and minimum rest time. This article aims to analyze the challenges of legal regulation of rest time and present possible solutions to the legal situation. Research objectives: to define the concept of rest time and discuss individual types of rest time. To analyze the aspects of the legal regulation of rest time. to identify the main problems related to the legal regulation of rest time and its implementation, to present proposals and possible solutions for improving the legal situation. One of the most sensitive areas is the incorrect calculation of compensation for unused annual leave upon termination of an employment contract. Such cases indicate not only shortcomings in the accounting or application of legal acts by employers, but also a lack of awareness among employees about their rights. The disputes that often occur in the case law reflect the wider problems of the employment relationship, therefore, need for stricter control over the accounting of work and rest time, strengthening information about employees about their rights, and improving the enforcement of employers' responsibility for compliance with legal acts and it is necessary to improve the clarity of legal acts and create conditions for their more effective application in practice.

**Key words:** employees, employers, well-being of employees, rest time, maximum working time and minimum rest time.

**Introduction. Relevance of the topic.** Inadequate organization of work and rest time encourages people to defend their violated rights. Analyzing the data provided by the State Labor Inspectorate (VDI), which reflects the number of complaints submitted regarding the improper organization of work and rest time, people defend their violated rights quite actively. In 2020, 118 such complaints related to the improper organization of work and rest time were received. In 2021, this number increased slightly, i.e. to 122 complaints. In 2022, the number of complaints increased

to 135. In 2023, an even greater increase in the number of complaints was observed – 155 complaints were received, i.e. 18 complaints more than in previous years. In 2024, a decrease in complaints to 139 complaints was recorded. As shown by the statistical information provided, the number of complaints regarding the improper organization of work and rest time changes every year. Analysis of statistical data on the number of cases of improper organization of work and rest time substantiates the relevance of this topic and the need for deeper research. Even though the legal regulation of rest time is established in detail both at the national and international levels, non-compliance with these legal norms still occurs frequently. It is not possible to clearly identify one country as the main offender, since both employers and employees often ignore the requirements

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for proper regulation of rest time. This situation is determined not only by abuse on the part of economic entities, but also by improper interpretation and application of rest and working time regulations, ambiguities in the norms and their mutual incompatibility. According to the State Labor Inspectorate, about 80 percent of labor disputes arise due to unpaid wages, and most complaints are related to violations of the organization of work and rest time. In addition, according to the European Foundation for the Improvement of Living and Working Conditions, more than 20 percent of Lithuanian employees work more than 40 hours per week, and 31 percent of employees regularly work more than 10 hours per day. Moreover, 40 percent of employees work an unequal number of hours each day, and 15 percent of employees work more than 10 hours per day. must work on holidays or during free time to fulfill work duties. These statistics reveal that employees are often not guaranteed sufficient rest time and their rights to favorable working conditions and uninterrupted free time are not properly protected.

**Problem Statement.** Even though the legal regulation of rest time is established in detail both at the national and international levels, non-compliance with these legal norms still occurs frequently. It is not possible to clearly identify one country as the main offender, since both employers and employees often ignore the requirements for proper regulation of rest time (Valstybinė darbo inspekcija..., 2025). This situation is determined not only by abuse on the part of economic entities, but also by improper interpretation and application of rest and working time regulations, ambiguities in the norms and their mutual incompatibility (Lasek-Markey, 2024). According to the State Labor Inspectorate, about 80 percent of labor disputes arise due to unpaid wages, and most complaints are related to violations of the organization of work and rest time. In addition, according to the European Foundation for the Improvement of Living and Working Conditions, more than 20 percent of Lithuanian employees work more than 40 hours per week, and 31 percent of employees regularly work more than 10 hours per day (Labour Code of the Republic of Lithuania, 2016). Moreover, 40 percent of employees work an unequal number of hours each day, and 15 percent of employees work more than 10 hours per day. Must work on rest days or during free time to fulfill work duties. These statistical data reveal that employees are often not guaranteed sufficient rest time and their rights to favorable working conditions and uninterrupted free time are not properly protected.

The current situation makes it necessary to analyze in more detail the peculiarities of the legal regulation of rest time, paying attention to how these norms are interpreted and applied in practice. The issues in this area should be assessed from three aspects: the clarity of legal norms, their practical application and mutual compatibility.

First, the norms regulating rest time are not always sufficiently clear or consistent, which creates uncertainties for both employers and employees. This may lead to incorrect interpretation of rest time or their violations due to their improper interpretation. Second, mutual violations of legal norms: not only employers, but also employees themselves sometimes do not comply with the requirements of the established rest norms. Employers often seek to exploit employees as much as possible by forcing them to work longer hours, and employees sometimes ignore their rest due to personal choice or the pursuit of additional income, thus violating their rights. Third, insufficiently effective control over the regulation of rest time. Although the labor inspectorate controls compliance with working and rest time conditions, challenges still arise, especially in smaller companies or informal work environments.

**The aim of the article.** To analyze to analyze the challenges of legal regulation of rest time and present possible solutions to the legal situation.

**Research objectives.** To define the concept of rest time and discuss individual types of rest time. To analyze the aspects of the legal regulation of rest time. To identify the main problems related to the legal regulation of rest time and its implementation. To present proposals and possible solutions for improving the legal situation.

**Methodology of investigation.** In order to thoroughly examine the topic and achieve the goals set in the final thesis, the following research methods were applied: scientific literature analysis, document analysis, systematic analysis, comparative analysis, logical analysis, as well as analytical and generalization methods. The scientific literature analysis method was used to analyze Lithuanian and foreign scientific articles, monographs and other sources related to the legal regulation of rest time. This method allowed collecting information that helped define the concept of rest time, its types and the reasons for legal regulation. The document analysis method was applied in order to obtain comprehensive and reliable information about the legal regulation of rest time. This method qualitatively studied legal acts issued by various institutions regulating employees' rest time,

as well as analyzed court decisions related to the practice of ensuring rest time. The systematic analysis method allowed determining the logical relationships between legal acts and their interaction with the provisions of other legal acts. The disclosure of these connections is extremely important, because the legal norms regulating the same legal relations are distributed not only in different legal acts, but also in different sources of law. The comparative analysis method was applied in order to analyze and compare the legal regulation of rest time in foreign countries. This method made it possible to reveal the differences and similarities of the legal norms of various countries, as well as to assess the practical aspects of their application. The logical analysis method was applied in the final thesis in order to consistently and critically evaluate the legal regulation of rest time. Using this method, structured conclusions were formed based on the analysis of legal acts, scientific sources and practical experience.

### **1. The concept and types of leisure time**

In order to examine in detail the problems of legal regulation of rest time, it is necessary to start with an analysis of the concept of the institute of rest time. Only with a precise definition of the concept of rest time, it is possible to assess whether the current legal mechanism ensures adequate rest for employees, whether the implementation of different types of rest, such as daily rest, weekly rest or annual leave, is properly regulated (Ghorpade, et. al. 2024; Jasiukevičiūtė-Zelenko and Bagdonaitė, 2024).

Without a clear understanding of rest time, there is a risk that legal regulatory measures may be insufficient or ineffective for modern labor market realities (Bagdanskis, 2021; Zugic, 2024). For example, they may not protect against abuse by employers by assigning excessively long working hours, and employees' rights to rest may remain insufficiently protected (Liu, et. al., 2024). A clear concept of rest time also helps to highlight existing gaps, for example, whether overtime work, the frequency of breaks and their duration are properly regulated. In addition, only with a good understanding of the institute of rest time can it be examined how legal norms meet international standards and national needs (Birmontienė, 2022; Darbo ginčų komisija..., 2025). The concept of rest time includes the right of an employee to have a certain period of time during which he is released from the performance of work functions in order to restore his physical and mental strength and maintain his health and working capacity. This concept is closely related to ensuring the well-being of the emp-

loyee, as properly regulated rest time helps maintain a work-life balance, contributes to productivity, reduces the risk of employee burnout and protects employees from overwork (Kapačinskaitė, 2024). The concept of rest time refers to a period of time during which an employee is released from their work duties and has the opportunity to relax and regain strength. It is an important part of the protection of workers' well-being and health, regulated by both national and international legislation. Rest time can take various forms, such as breaks during work, daily or weekly rest, annual leave or public holidays. Proper regulation of rest time helps to ensure work-life balance and reduces the risk of overwork. The concept of rest time includes not only the period of time when an employee is released from work duties, but also plays an important role in preserving the employee's physical and psychological health. Rest time is necessary not only to restore energy, but also to ensure work-life balance, which contributes to the overall quality of life. It is a period during which an employee can engage in their personal interests, family life, social relationships or simply relax, which is necessary to avoid burnout, reduce stress and ensure long-term work capacity.

In Iceland, annual leave is defined as the legal period of rest for an employee to recover from work, ensuring a proper balance between work and rest. This leave is regulated by Icelandic labour laws and collective agreements.

The regulation of rest time is established by law in order to protect the employee from excessive workload and overwork. For example, international organizations, such as the International Labour Organization (ILO), set minimum standards for rest time that all member states must comply with. These standards include daily and weekly rest, paid annual leave and other forms of rest. National provisions in individual countries' legal documents regulating employment relationships also complement international requirements, ensuring that employees have sufficient time for rest and recovery. Types of rest time may vary in duration and nature (Parmar, et. al., 2024). These can be short-term periods, such as breaks during work, which allow the employee to take a short break and improve their concentration at work, or longer periods, such as paid annual leave, which provide an opportunity to completely withdraw from work and restore physical and emotional strength. Other forms of rest include weekly rest, public holidays and additional breaks in special circumstances, such as health problems or family

events. The concept of rest time is also closely linked to workers' rights and social protection.

## 2. Requirements for the regulation of minimum rest periods

The Labor Code of the Republic of Lithuania (LR DK) establishes mandatory minimum rest requirements that ensure daily and weekly rest for employees. Article 122, paragraph 2 of the Labor Code of the Republic of Lithuania regulates that the minimum rest period includes three types of rest:

- breaks designed to consider the physiological needs of employees, as well as special breaks that are adjusted to working conditions, occupational risk factors and work requiring high mental or physical stress;

- a break to rest and get tired.

- daily uninterrupted rest time.

Daily rest primarily includes physiological and special breaks that are provided considering the needs of employees or specific working conditions. The Labor Code of the Republic of Lithuania provides that such breaks must be provided to employees, but their duration is not detailed. The duration of special breaks and the conditions for providing them are regulated by the description approved by the Resolution No. 496 of the Government of the Republic of Lithuania of 21 June 2017 and the Lithuanian Hygiene Standard HN 32: 2004 "Work with Video Terminals" approved by the Order of the Minister

of Health of the Republic of Lithuania of 12 February 2004. When analyzing these secondary legislation, specific cases are distinguished when special breaks may be granted (see Table 1).

Therefore, an employee who works 8 hours and has a 45-minute lunch break receives six special breaks per day. If the working day lasts 12 hours, the usual 8-hour break procedure applies to the first 8 hours, and for the remaining 4 hours, breaks are granted every hour, extending them to 15 minutes.

Special breaks are also provided for employees working outdoors when the temperature drops below -10 °C, or in unheated premises where the temperature is below +4 °C. In such cases, employees are granted an additional break of at least 40 minutes every hour and a half. The same break is also given to employees working in occupationally hazardous conditions, as well as those whose work requires significant physical or mental strain.

When it comes to additional breaks for employees related to their physiological needs, it is necessary to pay attention to breastfeeding employees and persons under the age of eighteen. Breastfeeding employees are guaranteed an additional break for feeding their baby, which must be provided at least every three hours, and its duration – not less than half an hour. According to Article 37, Part 9 of the Law on Occupational Safety and Health of the Republic of Lithuania, the legislator provides that such breaks,

Table 1

Conditions and duration of special breaks provided

Conditions for granting a break	Duration of the break
Employees who work with video terminals for more than 4 hours a day	A break of at least 5 minutes is provided every hour.
Employees work outdoors when the air temperature is below -10°C or above +28°C, or in unheated rooms when the temperature is < +4°C	A break of at least 10 minutes is provided every hour and a half.
Employees work under occupational risk (physical and/or mental stress, presence of hazardous factors)	A break of at least 10 minutes is provided every hour or hour and a half, depending on the level of risk.
Workers do hard physical work	A break of at least 10 minutes is provided every hour.
Employees perform monotonous work that requires high concentration, or work that involves high risk and/or responsibility	A break of at least 5 minutes is provided every hour.

Source: Compiled by the authors in accordance with the "Description of the duration of special breaks during the working day (shift) and the conditions for their establishment" approved by the Government of the Republic of Lithuania Resolution No. 496 of 21 June 2017 "On the implementation of the Labour Code of the Republic of Lithuania", TAR, 2017-06-27, No. 10853 and the Order of the Minister of Health of the Republic of Lithuania of 12 February 2004 No. V-65 "On the approval of the Lithuanian hygiene standard HN 32:2004 "Work with video terminals. Safety and health requirements", Valstybės žinios, 2004-02-28, No. 32-1027.

at the request of the employee, may be combined with a break for rest and meals, as well as combined or moved to the end of the working day. When moving breaks for feeding the baby to the end of the working day, the working day is shortened accordingly.

### **3. Case analysis related to problems of rest time regulation**

Lithuanian courts most often consider disputes related to: minimum uninterrupted rest time (11 hours between work shifts); weekly rest time; payment for holidays and rest days. For example, according to the Civil Cases Division of the Supreme Court of Lithuania of 21 May 2019, civil case No. e3K-3-178-684/2019, an employee filed a claim against the employer for improperly provided rest time between work shifts. The court, based on the Labor Code, recognized that the employer violated the employee's rights and ordered compensation for damages. An employee who worked in the trade sector according to the summary accounting of working hours filed a claim against the employer for improperly provided rest time between work shifts. The court found that the employer constantly organized the work schedule in such a way that the mandatory 11-hour uninterrupted rest time was not ensured between work shifts, as provided for in Article 114 of the Labor Code of the Republic of Lithuania. As a result, the employee claimed to have experienced fatigue, stress and health problems. During the court proceedings, it was established that the employer changed work schedules just a few days before the start of the shift, thus violating the deadlines set by law for informing employees about changes in working hours. In addition, the schedules were drawn up in such a way that after a long shift, the employee was sometimes given only 7-8 hours of rest, which did not comply with legal norms. The court, based on the provisions of the Labor Code and established case law, recognized that the employer violated the employee's right to minimum rest time. The decision emphasized that the employer's actions cannot be justified by difficulties in organizing work or seasonal workloads. The court ordered the employer to compensate the employee for non-pecuniary damage in the amount of 3,000 euros for the deterioration of health and stress experienced. It was also ordered to compensate for additional overtime payments, since part of the working time was performed at the expense of overtime. The employer was also ordered to restructure the work organization, ensuring the rest period between work shifts as prescribed by law.

The Supreme Court of Lithuania in 2019 adopted a significant ruling in civil case No. e3K-3-359-701/2019, which examined the issues of working hours, overtime pay, working holidays and rest days for long-distance drivers. In addition, this case discussed in detail the specifics of proof in labor cases, which is relevant for both employees and employers. In this case, a long-distance driver filed a lawsuit against the employer, claiming that: he worked overtime, but was not properly compensated for it, and the requirements for time accounting for work and rest were also violated, especially related to work on holidays and rest days. The employer did not properly record and register the duration of work and rest periods. The court explained that in labor cases, the employee is not just a passive observer of the process. Although the employer usually has the primary responsibility for maintaining and reporting working time records, the employee is not completely relieved of the burden of proof. In this case, the driver did not provide sufficient evidence that he exceeded the prescribed working time at the employer's request. The court noted that while the employer has a duty to properly organize and record working time, the employee must also provide at least minimal evidence to support his claims. The court emphasized that proper working time records are the employer's responsibility, but employees must actively cooperate in providing information. If the working time records were irregular or absent, the employee is entitled to rely on other evidence (e.g. travel routes, fuel card statements, GPS data). Court disputes quite often arise regarding compensation for unused vacation. For example, in civil case No. e3K-3-354-701/2019, the Supreme Court of Lithuania clarified what a salary calculation error means, and the court also provided a clear criterion for when amounts overpaid to an employee (for example, compensation for unused vacation) cannot be considered paid incorrectly. According to the case data, the employer filed a lawsuit, requesting to be awarded overpaid compensation for unused annual vacation from the employee. The case established that the employee, who was on parental leave at the time, had accumulated unused vacation days by mistake. Due to this miscalculation, the employee was incorrectly paid more compensation than she was entitled to.

**Conclusions.** The problems of regulating rest time often become the subject of legal disputes, revealing both violations of labor law and shortcomings in work organization. The main aspects reflected in judicial practice are related to non-com-

pliance with the requirements of minimum rest time, improper accounting of working time and problems with remuneration for work on rest days and holidays. An analysis of judicial practice shows that violations of rest time arise due to employers' improper application of legal norms, accounting shortcomings and insufficient awareness of employees about their rights. Based on the decisions, employers should take stricter work organization measures, ensuring an appropriate balance of work and rest time (Tamunomiebi, et. al., 2020). Meanwhile, it is important for employees to know their rights and actively defend them in legal disputes. Analyzing the case law, it is obvious that a significant proportion of disputes are related to the calculation and payment of wages

and other benefits for rest time. One of the most sensitive areas is the incorrect calculation of compensation for unused annual leave upon termination of an employment contract. Such cases indicate not only shortcomings in the accounting or application of legal acts by employers, but also a lack of awareness among employees about their rights. Disputes that often occur in case law reflect broader problems of labor relations. They emphasize the need for stricter control over the accounting of work and rest time, strengthening information about employees about their rights, and improving the enforcement of employers' responsibility for compliance with legal acts. In addition, it is necessary to improve the clarity of legal acts and create conditions for their more effective application in practice.

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## ПРОБЛЕМИ ПРАВОВОГО РЕГУЛЮВАННЯ ЧАСУ ВІДПОЧИНКУ НА ПРИКЛАДІ ЛИТВИ

### Анотація

**Актуальність теми.** Неналежна організація часу праці та відпочинку спонукає людей захищати свої порушені права. Аналізуючи дані, надані Державною інспекцією праці (ДІП), які відображають кількість поданих скарг щодо неправильної організації часу праці та відпочинку, люди досить активно захищають свої порушені права. У 2020 році надійшло 118 таких скарг, пов'язаних з неправильною організацією часу праці та відпочинку. У 2021 році ця кількість дещо зросла, тобто до 122 скарг. У 2022 році кількість скарг зросла до 135. У 2023 році спостерігалось ще більше зростання кількості скарг – надійшло 155 скарг, тобто на 18 скарг більше, ніж у попередні роки. У 2024 році зафіксовано зменшення кількості скарг до 139 скарг. Як показує надана статистична інформація, кількість скарг щодо неправильної організації часу праці та відпочинку змінюється щороку. Аналіз статистичних даних щодо кількості випадків неправильної організації часу праці та відпочинку обґрунтовує актуальність цієї теми та необхідність глибокого дослідження. Навіть попри те, що правове регулювання часу відпочинку детально встановлено як на національному, так і на міжнародному рівнях, недотримання цих правових норм все ще трапляється часто. Неможливо чітко визначити одну країну як основного порушника, оскільки як роботодавці, так і працівники часто ігнорують вимоги щодо належного регулювання часу відпочинку. Така ситуація визначається не лише зловживаннями з боку суб'єктів господарювання, але й неправильним тлумаченням та застосуванням правил відпочинку та робочого часу, нечіткістю норм та їх взаємною несумісністю. За даними Державної інспекції праці, близько 80 відсотків трудових спорів виникає через невивплату заробітної плати, а більшість скарг пов'язані з порушеннями організації роботи та часу відпочинку. Крім того, за даними Європейського фонду покращення умов життя та праці, понад 20 відсотків литовських працівників працюють понад 40 годин на тиждень, а 31 відсоток працівників регулярно працюють понад 10 годин на день. Більше того, 40 відсотків працівників працюють нерівну кількість годин щодня, а 15 відсотків працівників працюють понад 10 годин на день. 2. Вони повинні працювати у свята або вільний час для виконання трудових обов'язків. Ця статистика показує, що працівникам часто не гарантується достатній час для відпочинку, а їхні права на сприятливі умови праці та безперервний вільний час належним чином не захищені.

**Постановка задачі.** Поточна ситуація робить необхідним детальніше проаналізувати особливості правового регулювання часу відпочинку, звертаючи увагу на те, як ці норми тлумачаться та застосовуються на практиці. Питання в цій сфері слід оцінювати з трьох аспектів: чіткість правових норм, їх практичне застосування та взаємна сумісність.

По-перше, норми, що регулюють час відпочинку, не завжди є достатньо чіткими або послідовними, що створює невизначеність як для роботодавців, так і для працівників. Це може призвести до неправильного тлумачення часу відпочинку або його порушень через неправильне тлумачення. По-друге, взаємні порушення правових норм: не лише роботодавці, а й самі працівники іноді не дотримуються вимог встановлених норм відпочинку. Роботодавці часто прагнуть максимально експлуатувати працівників, змушуючи їх працювати довше, а працівники іноді ігнорують їхній відпочинок через особистий вибір або прагнення до додаткового доходу, порушуючи тим самим їхні права. По-третє, недостатньо ефективний контроль за регулюванням часу відпочинку. Хоча інспекція праці контролює дотримання умов часу праці та відпочинку, проблеми все ще виникають, особливо в невеликих компаніях або неформальному робочому середовищі.

**Задачі дослідження.** Проаналізувати аспекти правового регулювання часу відпочинку. Визначити основні проблеми, пов'язані з правовим регулюванням часу відпочинку та його реалізацією. Запропонувати пропозиції та можливі рішення щодо покращення правової ситуації. **Методологія.** Для ґрунтовного вивчення теми та досягнення цілей, поставлених у дипломній роботі, було застосовано такі методи дослідження: аналіз наукової літератури, аналіз документів, систематичний аналіз, порівняльний аналіз, логічний аналіз, а також аналітичний та узагальнюючий методи. Метод аналізу наукової літератури було використано для аналізу литовських та зарубіжних наукових статей, монографій та інших джерел, пов'язаних з правовим регулюванням часу відпочинку. Цей метод дозволив зібрати інформацію, яка допомогла визначити поняття часу відпочинку, його види та підстави для правового регулювання. Метод аналізу документів було застосовано з метою отримання вичерпної та достовірної інформації про правове регулювання часу відпочинку. За допомогою цього методу було якісно досліджено правові акти, видані різними установами, що регулюють час відпочинку працівників, а також проаналізовано судові рішення, пов'язані з практикою забезпечення часу відпочинку. Метод систематичного аналізу дозволив визначити логічні зв'язки між правовими актами та їх взаємодію з положеннями інших правових актів. Розкриття цих зв'язків є надзвичайно важливим, оскільки правові норми, що регулюють одні й ті ж правовідносини, поширені не лише в різних правових актах, але й у різних джерелах права. Метод порівняльного аналізу було застосовано з метою аналізу та порівняння правового регулювання часу відпочинку в зарубіжних країнах. Цей

метод дозволив виявити відмінності та подібності правових норм різних країн, а також оцінити практичні аспекти їх застосування. У дипломній роботі було застосовано метод логічного аналізу з метою послідовної та критичної оцінки правового регулювання часу відпочинку. За допомогою цього методу було сформовано структуровані висновки на основі аналізу нормативно-правових актів, наукових джерел та практичного досвіду.

**Ключові слова:** працівники, роботодавці, благополуччя працівників, час відпочинку, максимальний робочий час та мінімальний час відпочинку.

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