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LEGAL ISSUES OF IMPLEMENTING THE RIGHTS OF
ELEWORKERS: CASE OF LITHUANIA

*CUESTIONES LEGALES DE IMPLEMENTACIÓN DE LOS
DERECHOS DE LOS TELETRABAJADORES: CASO DE LITUANIA*

DALIA PERKUMIENĖ¹

LITA RIPINSKIENĖ²

JUOZAS TUMAS³

Kazimieras Simonavičius University. Lithuania

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ABSTRACT

The article analyzes the concept of remote work as a form of work organization using information technology, the legal regulation of remote work at the European Union and national level, and aims to reveal the problems faced by employers and employees in implementing the rights of remote workers established by law. The article draws attention to the compensation of expenses when working remotely, the organization of work control, the relationship of the employee's right to privacy with the employer's

¹ Prof. Dr. Kazimieras Simonavičius University, Lithuania. Doctor of Law degree in private international law at Ghent University (Belgium). A member of GIDEPA, member of Nordic Environmental Law Society NELN.

² Master in Law, University of Kazimieras Simonavičius, Lithuania. Practitioner. Member of the Lithuanian Society of Law.

³ Master in Law, University of Kazimieras Simonavičius, Lithuania. Member of the Lithuanian Society of Law.

obligation to ensure health and safety requirements, and to identification of ways to reduce social exclusion when the employee works remotely. At the end of the article, it is possible to reach the conclusion that the rights of teleworkers are not fully implemented both due to insufficiently clear legal regulation and difficulties in the practical implementation of the requirements established by the law.

Keywords: remote work, Framework agreement on telework, Labor Code, employee rights.

RESUMEN

El artículo analiza el concepto de trabajo remoto como forma de organización del trabajo utilizando tecnologías de la información, la regulación legal del trabajo remoto a nivel de la Unión Europea y nacional, y tiene como objetivo revelar los problemas que enfrentan empleadores y empleados en la implementación de los derechos de los trabajadores remotos. establecido por la ley. El artículo llama la atención sobre la compensación de gastos cuando se trabaja a distancia, la organización del control del trabajo, la relación del derecho del empleado a la privacidad con la obligación del empleador de garantizar los requisitos de salud y seguridad, y la identificación de formas de reducir la exclusión social cuando el empleado trabaja de forma remota. Al final del artículo, se puede llegar a la conclusión de que los derechos de los teletrabajadores no se implementan plenamente debido tanto a una regulación legal insuficientemente clara como a dificultades en la implementación práctica de los requisitos establecidos por la ley.

Palabras clave: trabajo remoto, Acuerdo marco sobre teletrabajo, Código del Trabajo, derechos de los trabajadores.

Summary: 1. Introduction. 2. The concept of remote work. 3. Legal regulation of remote work. 4. Legal and practical issues faced by remote employees and their employers. 5. Conclusions. Bibliographic references.

1. INTRODUCTION

Novelty and relevance. This topic is relevant in the modern Lithuanian labor market, where the global development trends of technology and communications allow more and more employees to work from anywhere in Lithuania or the world. Recently, the provision has changed that work must be associated with a specific place of its performance⁴. Information technology has opened up opportunities for more flexible ways of organizing work, such as telecommuting⁵. In the past, the main factor determining the choice of place of residence was related to the place of work⁶, but today's technology allows an employee to choose a job regardless of geographical restrictions, also considering that for large organizations, it can be difficult to retain all employees in physical workspaces⁷, this work model is a suitable strategy for organizations seeking to reduce costs⁸.

Recently, remote work has become particularly popular in certain sectors, so understanding how working from a remote workplace affects employee rights is extremely relevant in order to ensure legal clarity and certainty. This topic is important not only for employees but also for employers, who must assess their responsibilities and obligations towards employees and adapt to the conditions of this work model. Therefore, researching this topic can lead to a deeper understanding of the impact of this work model on worker rights and to find ways to ensure the sustainable operation of this model.

The problem- working remotely not only opens up new opportunities but also brings with it many unexpected legal and practical challenges. Although according to the regulation of the European Union, telework workers should enjoy the same rights guaranteed by legislation and collective agreements,

⁴ Birutienė, Agnė. "Nuotolinio darbo viešajame administravime teisinio reglamentavimo ypatumai." *Teisinės minties šventė 2022: studentų mokslinių straipsnių rinkinys*. Vilnius: Mykolo Romerio universitetas, 2022. (2022).

⁵ Llave, Oscar Vargas, et al. *Telework and ICT-based Mobile Work: Flexible Working in the Digital Age*. Publications Office of the European Union, 2020.

⁶ Voort, Job. The benefits and challenges of hiring an international remote workforce. Open access government. (2023). Available online: <https://www.openaccessgovernment.org/benefits-challenges-hiring-international-remote-workforce/157074/> [accessed 2023-10-13]

⁷ Thompson, Beverly Yuen. "The digital nomad lifestyle: (remote) work/leisure balance, privilege, and constructed community." *International Journal of the Sociology of Leisure* 2.1-2 (2019): 27-42.

⁸ Ferreira, Rafael, et al. "Decision factors for remote work adoption: advantages, disadvantages, driving forces and challenges." *Journal of Open Innovation: Technology, Market, and Complexity* 7.1 (2021): 70.

equivalent to workers working on the employer's premises⁹, ensuring these rights in practice can become a challenge due to insufficiently clear provisions of legal acts implemented in practice. Therefore, taking into account the issue of the topic, the research object of the article is the implementation of the rights of remote workers.

The purpose of the study is to investigate the factors that have a negative impact on the implementation of employee rights when working remotely, taking into account the European Union and Lithuanian remote work regulations.

Research tasks: 1) To analyze to what extent the expenses related to the performance of work functions of remote employees are covered; 2) Assess the extent to which the employer can control the work efficiency of the remote worker; 3) Analyze the compatibility of the employee's right to privacy with the employer's duty to ensure safe and healthy working conditions; 4) Identify factors that help reduce social isolation when working remotely. Research methods - comparative analysis of legal acts, analysis of scientific literature, methods of systematization and generalization.

2. THE CONCEPT OF REMOTE WORK

The term telecommuting has become especially popular since the start of the COVID-19 pandemic, and can be understood as the work of employees outside the company's offices¹⁰. The literature uses various concepts to define remote work, e.g. "telework", "remote work", "distance working", etc.¹¹. According to Grigonienė¹² (2020), although a person who works from his home or another remote workplace can have the status of remote worker, remote work is usually

⁹ Framework agreement on telework. European trade union confederation. Brussels 2002/07/16. (2002).

¹⁰ Savić, Dobrica. "COVID-19 and work from home: Digital transformation of the workforce." *Grey Journal (TGJ)* 16.2 (2020): p.102.

¹¹ Grigonienė, Rasa. "Technologijos ir darbuotojų apsauga: nuotolinio darbo iššūkiai." *Darbo teisės iššūkiai besikeičiančiame pasaulyje: [mokslinių straipsnių rinkinys]. Liber Amicorum et Collegarum profesorei Genovaitei Dambrauskienei/Mykolo Romerio universitetas; sudarytoja Ingrida Mačernytė-Panomariovienė. Vilnius: Mykolo Romerio universitetas, 2020. ISBN 9786094880070.* (2020): p. 83.

¹² Grigonienė, Rasa. "Technologijos ir darbuotojų apsauga: nuotolinio darbo iššūkiai." *Darbo teisės iššūkiai besikeičiančiame pasaulyje: [mokslinių straipsnių rinkinys]. Liber Amicorum et Collegarum profesorei Genovaitei Dambrauskienei/Mykolo Romerio universitetas; sudarytoja Ingrida Mačernytė-Panomariovienė. Vilnius: Mykolo Romerio universitetas, 2020. ISBN 9786094880070.* (2020): p. 81-85.

associated not only with the geographical location but also with the technologies used. Savić¹³ (2020), analyzing the concept of remote work, distinguishes four main characteristics of remote work: (1) the person is an employee of a company or organization; 2) performs specific tasks; 3) the work is performed outside the company's physical premises; and 4) telecommunications with the employer. It should be noted that the author does not single out the use of technology for the performance of work as a characteristic of remote work.

Although different definitions of telework are used in the literature, in the context of the European Union, telework is defined as a form of work organization and/or performance using information technologies¹⁴. In Article 52, Part 1 of the Labor Code of the Republic of Lithuania (hereinafter - the Labor Code), this definition is expanded, indicating that remote work is a form of work organization or a way of performing work when the employee regularly performs work functions or part of them all or part of the working time in a manner agreed with the employer remotely, in a place other than the workplace acceptable to the parties to the employment contract, as well as using information and electronic communication technologies (Labor Code of the Republic of Lithuania, 2016)¹⁵.

The Labor Code distinguishes the main characteristics of remote work: the work is performed not at the workplace, but at another place agreed upon by the parties to the employment relationship; the employee regularly performs his work functions remotely; the remote work procedure must be established¹⁶. Taking into account the fact that the parties to the employment contract can agree that the work will be permanently or temporarily performed outside the workplace, it can be concluded that work at home or in a place other than the workplace cannot be considered a separate type of employment contract, but only a way of performing work, in order to provide the employee with more flexible conditions and a more acceptable form of work performance¹⁷. When analyzing the definition of remote work provided by the European Union, it

¹³ Savić, Dobrica. "COVID-19 and work from home: Digital transformation of the workforce." *Grey Journal (TGJ)* 16.2 (2020): p.101.

¹⁴ Framework agreement on telework. European trade union confederation. Brussels 2002/07/16. (2002).

¹⁵ Lietuvos Respublikos darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. TAR, 2016-09-19, Nr. 23709. Suvestinė redakcija nuo 2023-08-31. (2016).

¹⁶ Bagdanskis, Tomas, Mačiulaitis, Vilius and Mikalopas, Mantas. *Lietuvos Respublikos darbo kodekso komentaras: individualieji darbo santykiai* (Vilnius: Rito projects, 2018), 118.

¹⁷ Davulis, Tomas. Lietuvos Respublikos Darbo kodekso komentaras. Valstybės įmonė registrų centras, Vilnius. ISBN 9789955302681. (2018).

should be noted that the use of technology in this case separates remote work from other ways of performing work functions remotely¹⁸. However, according to Article 52 of the Labor Code, remote work is not necessarily associated with the use of technology in the performance of work functions. Here, remote work is considered to be work when the employee works in a place other than the workplace, or using information technologies¹⁹. Thus, the definition of remote work in the Labor Code includes other forms of remote work, but this article will analyze remote work when information technology is used to perform work functions.

3. LEGAL REGULATION OF REMOTE WORK

At the level of the European Union, remote work began to be regulated in 2002, when the European Council and social partners signed the General Agreement on telework, which aimed to modernize the work organization of companies and organizations providing public services, as well as give employees the opportunity to better combine work and social life, provided they have more autonomy in performing work tasks²⁰. At the time, it was a promising agreement that defined the concept of remote work, it discussed important issues of remote work organization, including the provision of work equipment, working conditions, work supervision, and data protection, established the rights of remote workers to parallel conditions for employees working on employers' premises, etc.²¹. Issues related to data protection, the voluntary nature of remote work, equipment, organization of working time, and privacy had to be regulated by national legislation and collective agreements of the contracting parties²². However, in the context of the pandemic of 2020, remote work became particularly widespread, at the same time certain challenges in the regulation of remote work became apparent, so there was a need to find new measures to fill the gaps in legal regulation. Taking into account the situation, the European Parliament approved a resolution on the right to disconnect on

¹⁸ Grincevičienė, Neringa. "Nuotolinio darbo naudojimo intensyvumo poveikis darbuotojų darbo ir asmeninio gyvenimo balansui." *Buhalterinės apskaitos teorija ir praktika* 21 (2020).

¹⁹ Davulis, Tomas. Lietuvos Respublikos Darbo kodekso komentaras. Valstybės įmonė registru centras, Vilnius. ISBN 9789955302681. (2018).

²⁰ Framework agreement on telework. European trade union confederation. Brussels 2002/07/16. (2002).

²¹ European social dialogue, Work programme 2022-2024. Brussels.(2022).

²² Yaroshenko, Oleg, et al. "Features of remote work in Ukraine and the European Union: Comparative legal aspect." *Hasanuddin Law Review* 7.3 (2021): 136-149.

January 21, 2021, and the Council of the European Union published conclusions on remote work on June 3, 2021, in which the social partners are encouraged to take the initiative to prepare national action plans and strategies, paying attention to the possibilities of remote work and risk²³.

The European social partners, taking into account the conclusions of the Council of the European Union, took action and signed the seventh work program in 2022, one of the main objectives of which was to negotiate the renewal of the 2002 remote work agreement. The aim was to discuss issues related to the organization of work, the right to disconnect, supervision of employees, working time issues, to review the organization of health and safety, to assess work-life balance, privacy, and data protection, and to present the agreement for consideration to become legally binding directives form²⁴.

Although the directive has not yet been issued, these provisions of the European Union have had a corresponding effect on the national regulation of remote work in Lithuania. At the national level, the main provisions of remote work are presented in Article 52 of the Labor Code, where the requirements for legal protection of the employee are established, such as the voluntary nature of remote work, determining the part of the working time norm, requirements for the workplace, the procedure for providing work tools, keeping records of working hours, billing for work performed to order, etc.²⁵. The following part of the article analyzes how the requirements established by the law are implemented in practice when an employee works from a remote workplace.

4. LEGAL AND PRACTICAL ISSUES FACED BY REMOTE EMPLOYEES AND THEIR EMPLOYERS

Research has shown that providing employees with the necessary material and technical base for remote work has a significant impact on the effectiveness of remote work²⁶. The framework agreement on telework defines several

²³ Eurofound, *Telework in the EU: Regulatory frameworks and recent updates*, Publications Office of the European Union, Luxembourg. (2022).

²⁴ European social partners agree to revise 2002 framework agreement on telework. *Industrial relations and Labor Law, Newsletter* (2022).

²⁵ Lietuvos Respublikos darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. TAR, 2016-09-19, Nr. 23709. Suvestinė redakcija nuo 2023-08-31. (2016).

²⁶ Maghlaperidze, Eka, Natalia Kharadze, and Halyna Kuspliak. "Development of remote jobs as a factor to increase labor efficiency." *Journal of Eastern European and Central Asian Research (JEECAR)* 8.3 (2021): 337-348.

important issues and features regarding the compensation of the expenses incurred by the employee, which allows for the effective protection of the employee's rights²⁷. The agreement states that all questions about work equipment, responsibility, and cost aspects must be clarified before starting remote work and that the responsibility for the supply, installation, and maintenance of remote work equipment is usually the responsibility of the employer, except in cases where the remote worker has chosen to use his own equipment. In addition, if remote work is carried out regularly, the employer must compensate the costs directly related to the work, especially those related to communication²⁸.

The framework agreement on teleworking left room for the member states to detail the provisions on reimbursement of expenses, but it can be noted that usually the scope and methods of reimbursement of expenses must be agreed upon by the employee with the employer through individual or collective negotiations (Office of the Seimas of the Republic of Lithuania, 2021)²⁹. The Lithuanian legislator also did not define what costs and to what extent they should be compensated, the Labor Code³⁰ states that the parties to the employment contract must conclude a written contract specifying the means of work, the procedure for providing them, and the rules for their use. In the event that a teleworking employee incurs additional costs related to the acquisition, installation, and use of equipment, these costs must be compensated and again the amount of compensation must be determined by agreement between the parties.

Thus, both the framework agreement on telework and the national laws of Lithuania leave a great deal of freedom to the parties to the employment contract to decide for themselves what costs and to what extent they will be compensated, except for the additional costs of the employee, which must be compensated. Additional costs to be reimbursed by the employer in accordance with the Labor Code³¹ must be related to the acquisition, installation and use of equipment. Thus, the legislator allows the parties to the employment contract

²⁷ Shoislomova, Sitora. "The experience of developed countries in regulating the use of remote personnel labor." *World Bulletin of Management and Law* 17 (2022): 48-51.

²⁸ Framework agreement on telework. European trade union confederation. Brussels 2002/07/16. (2002)

²⁹ Lietuvos respublikos seimo kanceliarija. *Su nuotoliniu darbu susijusių darbuotojų išlaidų kompensavimas Europos Sąjungos valstybėse ir JAV*. Analitinė apžvalga 21/110. (2021).

³⁰ Lietuvos Respublikos darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. TAR, 2016-09-19, Nr. 23709. Suvestinė redakcija nuo 2023-08-31. (2016).

³¹ Lietuvos Respublikos darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. TAR, 2016-09-19, Nr. 23709. Suvestinė redakcija nuo 2023-08-31. (2016).

to negotiate all other expenses not related to the equipment. Such legal uncertainty, according to Lord³² (2020), allows employers to shift workplace costs to workers. Despite the fact that even before the pandemic, telecommuting arrangements were seen as beneficial to workers by reducing travel time and costs and providing more flexible work schedules³³, a study by Battisti, Alfiero, and Leonidou³⁴ (2022) revealed that the actual costs incurred by the employee are greater than the savings in commuting costs. According to some authors, the employer should cover not only the costs related to the technical means, but also the costs related to the installation of the home office³⁵, or pay attention to the internet connection used by the employee, because the most economical home internet connection speed is chosen sometimes does not correspond to the efficient performance of remote work³⁶. However, from the perspective of the employer, it should be noted that the employee can use the Internet, computer equipment, and software to meet both professional and personal needs³⁷, therefore it is difficult to estimate the costs incurred by the employee directly related to the performance of work functions.

Another important aspect in analyzing the benefits and challenges of telecommuting is the implementation of a specific working time agreement³⁸. Being able to control and manage their time is a key benefit for remote workers, they can better balance work and personal life and are not limited by regular working hours³⁹. However, in the European Union, attention was drawn to the fact that with the increasingly intensive use of the remote work model, the work of employees intensified and the working hours became longer, however, the

³² Lord, Phil. "The social perils and promise of remote work." (2020).

³³ Pennington, Alison, and Jim Stanford. "Briefing Paper: Working from home: Opportunities and risks." (2020).

³⁴ Battisti, Enrico, Simona Alfiero, and Erasimia Leonidou. "Remote working and digital transformation during the COVID-19 pandemic: Economic-financial impacts and psychological drivers for employees." *Journal of Business Research* 150 (2022): 38-50.

³⁵ Aremu, Elizabeth O., James L. Heffernan, and Joseph C. Kvedar. "The difference in practice expense costs between telehealth and in-office care could serve as the basis for differential reimbursement structures." *Telemedicine and e-Health* 28.6 (2022): 912-916.

³⁶ Langovska, Lilita, and Sarmite Rozentale. "Remote Work during the Covid-19 Pandemic: Problems and Solutions on the Example of Vidzeme Region in Latvia." *Proceedings of the 2021 International Conference "Economic Science for Rural Development" – Jeglava, May. Vol. 13. 2021.*

³⁷ Shoislomova, Sitora. "The experience of developed countries in regulating the use of remote personnel labor." *World Bulletin of Management and Law* 17 (2022): 48-51.

³⁸ Putra, Arsyi Manggali Arya, Mohammad Isrok, and Nur Putri Hidayah. "Legal Protection of Remote Working Workers in Particular Time Employment Agreements." *Audito Comparative Law Journal (ACLJ)* 4.1 (2023): 22-30.

³⁹ Flores, Marivic F. "Understanding the challenges of remote working and its impact to workers." *International Journal of Business Marketing and Management (IJBMM)* 4.11 (2019): 40-44.

boundaries of professional and personal life were blurred. In order to prevent employees from being constantly available and engaged in work tasks, a resolution was adopted on the right to log off during non-working hours⁴⁰. However, it should be recognized that the employer is interested in the completion of work tasks and the employee working the time limit set in the employment contract, therefore, according to Czech ⁴¹ (2021), from the employer's point of view, it should be stated that the ability to use modern technologies for employee monitoring would be an important tool for effective work time management. However, when deciding to monitor an employee, the employer should take into account the provisions of the General Data Protection Regulation and at the same time comply with the requirements established by national laws and European Union law⁴².

The employer should carefully consider what monitoring tools should be used, how much cost and effort should be invested in it, and how much the chosen tools will be useful for work efficiency⁴³. Paying attention to the fact that remote work is treated as a more flexible form of work, which provides more opportunities for the employee to organize his own working time, too much control can have a negative impact on the employee's job satisfaction and his work results.

In some European Union countries, employers have access to monitor a remote employee, not only to make sure that the employee uses his working time efficiently, but also to monitor the working conditions of the employees, as well as, both the labor inspectorate and the employer, in advance after reporting, can visit the employee's home in order to determine whether the employee's working conditions meet the established requirements⁴⁴. Although, according to the Framework Agreement on Telework, the employer is responsible for the health and safety of its employees at the workplace⁴⁵, the implementation of telework safety requirements for employers presents specific challenges related to the fulfillment of legal occupational safety and health obligations, in particular, risk

⁴⁰ 2021 m. sausio 21 d. Europos Parlamento rezoliucija su rekomendacijomis Komisijai dėl teisės atsijungti (2019/2181(INL)), Briuselis. (2021).

⁴¹ Czech, Marta. "Economic and legal aspects of employee monitoring, with particular emphasis on remote work." *Optimum. Economic Studies* 106.4 (2021): 97-110.

⁴² Czech, Marta. "Economic and legal aspects of employee monitoring, with particular emphasis on remote work." *Optimum. Economic Studies* 106.4 (2021): 97-110.

⁴³ Pokojski, Zenon, Agnieszka Kister, and Marcin Lipowski. "Remote work efficiency from the employers' perspective—What's next?." *Sustainability* 14.7 (2022): 4220.

⁴⁴ European Trade Union Institute. *Romania: law on teleworking approved*. (2020).

⁴⁵ Framework agreement on telework. European trade union confederation. Brussels 2002/07/16. (2002).

assessments of the work environment may conflict with employees' right to privacy at home, therefore in some European Union countries the employer's obligation to prepare a written document showing how the remote work procedure works in the company is established⁴⁶. Article 52, Part 3 of the Labor Code⁴⁷ also stipulates that when working remotely, workplace requirements must be determined in writing, if any. Thus, the Lithuanian legislature does not imperatively require that workplace requirements be established, it is only necessary if such requirements are made. Taking into account the provision of the law, the right to decide whether certain requirements for the workplace are imposed or not is left to the employer. Article 381 of the Law on Occupational Safety and Health of the Republic of Lithuania⁴⁸ would also be relevant here, which states that the same occupational safety and health conditions must be created for employees working remotely as for other employees of the company. The legislator assigns the employer the duty to provide the employee with the necessary work and personal protective equipment, and it is also emphasized that the remote workplace should meet the occupational safety requirements.

However, the employer's ability to monitor the employee's workplace when the employee works remotely is very limited. Pursuant to Article 5 of the Law on Legal Protection of Personal Data of the Republic of Lithuania⁴⁹, when processing video and/or audio data at the workplace and in the premises or territories of the data controller where its employees work, when processing personal data related to the behavior, location or movement of employees monitoring, these employees must be informed about such processing of their personal data by signature or in another way that proves the fact of notification. In addition, the monitoring of the employee should be carried out in accordance with the procedure established by law and for legitimate purposes and be a proportionate measure to the aim pursued⁵⁰.

⁴⁶ Shoislomova, Sitora. "The experience of developed countries in regulating the use of remote personnel labor." *World Bulletin of Management and Law* 17 (2022): 48-51.

⁴⁷ Lietuvos Respublikos darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. TAR, 2016-09-19, Nr. 23709. Suvestinė redakcija nuo 2023-08-31. (2016).

⁴⁸ Lietuvos respublikos darbuotojų saugos ir sveikatos įstatymas. Paskelbta valstybės žiniuose 2003-07-16, Nr. 70-3170. Galiojanti suvestinė redakcija nuo 2022-05-01. (2003).

⁴⁹ Lietuvos Respublikos asmens duomenų teisinės apsaugos įstatymas. Paskelbta valstybės žiniuose 1996-07-03, Nr. 63-1479. Galiojanti suvestinė redakcija nuo 2021-12-01 iki 2023-12-31. (1996).

⁵⁰ 2016 m. balandžio 27 d. Europos Parlamento ir Tarybos reglamentas (ES) 2016/679 dėl fizinių asmenų apsaugos tvarkant asmens duomenis ir dėl laisvo tokių duomenų judėjimo ir kuriuo panaikinama Direktyva 95/46/EB (Bendrasis duomenų apsaugos reglamentas). (2016).

It should be recognized that the employer's duty to ensure that the remote worker is provided with conditions that meet the safety and health requirements, in parallel with the employees working on the employer's premises, is difficult to implement, especially given the fact that it is physically difficult for the employer to control whether the remote workplace meets the safety requirements, all secondly, the Lithuanian legal regulation does not directly give the employer the right to monitor an employee working remotely, thirdly, in order to establish a work environment that meets safety and health requirements (e.g. proper lighting, height-adjustable desk, ergonomic work chair), the question arises as to who should reimburse the related costs. Taking into account the stated circumstances, the greatest share of responsibility for health and safety issues when working remotely rests with the employee, therefore the employer should take measures to help the employee understand and implement the requirements set by the law on occupational safety issues.

Despite the practical challenges faced by companies using the remote work method, according to some authors, one of the main problems of remote employment faced by European countries is the distance of employees from the collective⁵¹. Research has shown that social activities have a significant impact on employee engagement and performance in organizations. This highlights the importance of not underestimating the role of social activities in a remote work environment⁵². If at the initial stage many evaluate such isolation positively, it can cause psychological and economic difficulties in the future⁵³.

The possibility that a remote worker will be separated from the team was foreseen already in 2002, when Social partners signed the General Agreement on telework, which emphasized that the employer must ensure that measures are taken to prevent the remote worker from being isolated from others, as well as his collective rights would not be restricted⁵⁴. When regulating remote work, the Lithuanian legislator also sought to prevent the isolation of remote workers, stating that the employer must provide conditions for remote workers to communicate and cooperate with other employees and employee

⁵¹ Lazarova, Teodora. "The economic perspective of remote working places." *Пари и кyлтyра б.(2)* (2020): 30-41.

⁵² Nesuda, Elizabeth. "The impact of the covid-19 pandemic on employee engagement and performance in the teleworking context in the us public sector: a phenomenological case study." (2023).

⁵³ Galanti, Teresa, et al. "Work from home during the COVID-19 outbreak: The impact on employees' remote work productivity, engagement, and stress." *Journal of occupational and environmental medicine* 63.7 (2021): e426.

⁵⁴ Framework agreement on telework. European trade union confederation. Brussels 2002/07/16. (2002).

representatives at the employer's workplace, to receive information from the employer⁵⁵.

However, it has been observed that working remotely reduces social contacts, which can increase the risk of social isolation⁵⁶. Therefore, according to some authors, the priority of organizations and companies should be to develop a strategy that would promote communication among remote workers, thus reducing the perception of social isolation⁵⁷. The effectiveness of the strategy is confirmed by research conducted by Pianese, Errichiello and Vieira da Cunha⁵⁸ (2022), which found that the team leader's ability to bring together and support team members, and properly transfer information during virtual meetings. In addition, communication reduces the negative effects of telecommuting on perceived productivity, work engagement, and social isolation, so managers and organizations should pay special attention to facilitating knowledge sharing, as this can help employees cope with feelings of loneliness and social isolation caused by the physical distance of telecommuting work. Involvement in a team can lead to positive work outcomes, and better performance through the exchange of information, knowledge, and support⁵⁹. This opinion is supported by Even⁶⁰ (2020), indicating that social and organizational isolation can be avoided or at least reduced as much as possible by promoting face-to-face communication, involving employees in information exchange, and raising the qualifications of managers in remote work issues. When we have low managerial involvement, knowledge sharing decreases, and social distance increases⁶¹. However, according to other authors, the opportunity to develop and raise professional qualifications

⁵⁵ Lietuvos Respublikos darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. TAR, 2016-09-19, Nr. 23709. Suvestinė redakcija nuo 2023-08-31. (2016).

⁵⁶ Lengen, Julia Christine, et al. "Social isolation among teleworkers in the context of the COVID-19 pandemic: indications for organising telework with respect to social needs." *Zentralblatt für Arbeitsmedizin, Arbeitsschutz und Ergonomie* 71 (2021): 63-68.

⁵⁷ Galanti, Teresa, et al. "Work from home during the COVID-19 outbreak: The impact on employees' remote work productivity, engagement, and stress." *Journal of occupational and environmental medicine* 63.7 (2021): e426.

⁵⁸ Pianese, Tommasina, Luisa Errichiello, and Joao Vieira da Cunha. "Organizational control in the context of remote working: A synthesis of empirical findings and a research agenda." *European Management Review* 20.2 (2023): 326-345.

⁵⁹ Hodzic, Sabina, et al. "When telework is a burden rather than a perk: The roles of knowledge sharing and supervisor social support in mitigating adverse effects of telework during the COVID-19 pandemic." *Applied Psychology* (2023).

⁶⁰ Even, Angela. "The evolution of work: Best practices for avoiding social and organizational isolation in telework employees." Available at SSRN 3543122 (2020).

⁶¹ Hodzic, Sabina, et al. "When telework is a burden rather than a perk: The roles of knowledge sharing and supervisor social support in mitigating adverse effects of telework during the COVID-19 pandemic." *Applied Psychology* (2023).

could represent the negative impact of the lack of contacts and informal relations with colleagues⁶².

In summary, it can be said that form of remote work differs from other forms of work, because in order for the rights of a remote worker to be implemented in accordance with the requirements established by law, trust-based cooperation between the employee and the employer is necessary, because when the employee works at a workplace far from the employer's premises, part of the responsibility when exercising the employee's rights, the employee himself/herself is transferred.

5. CONCLUSIONS

In many cases, the laws regulating remote work do not establish precise rules, leaving many issues to be resolved by the parties to the employment contract through mutual negotiations, which leaves a lot of uncertainty in labor relations and has a negative impact on the protection of the rights of the remote worker. In order to ensure the rights of employees and clearly define the obligations of employers, it is important to create clear rules governing the remote work model, which would help avoid legal ambiguity and prevent possible disputes.

Issues related to the reimbursement of the expenses of a remote employee are complicated because when an employee works remotely, it is difficult to assess what expenses and to what extent are related to the implementation of work functions. In order to ensure fair reimbursement of telework expenses, it is important to establish clear terms by law, ensuring that these terms are fair to both employees and employers.

One of the biggest advantages of remote work is flexible working conditions, including the fact that the employee can organize his working hours in a way that suits him. In addition, studies have shown that employees usually work more working hours than they would do on the employer's premises, therefore, before using monitoring measures, the employer should assess whether the relevant measures are proportionate to the intended goal and whether they will bring economic benefits or, on the contrary, reduce confidence and work

⁶² Rymaniak, Janusz, et al. "From stationary to remote: Employee risks at pandemic migration of workplaces." *Sustainability* 13.13 (2021): 7180.

performance.

Safe and health-friendly working conditions are the common goal of both parties to the employment contract and the legislator. In practice, it is difficult for an employer to control the working conditions of a remote employee without violating his right to privacy, so this responsibility is usually transferred to the employee, but employers could contribute by informing the employee about the proper organization of the workplace, principles of ergonomics, the necessary frequency of breaks and other factors that may affect the health and safety of the employee. Analysis of working conditions, employee surveys, hardware and software updates, and regular training could help ensure safe working conditions when working remotely.

Many employees who work remotely experience social isolation, especially if they rarely interact with colleagues and managers. This can have a negative impact on their mental health, emotional well-being, and overall job satisfaction. Therefore, in order to reduce the impact of social isolation, the role of managers is particularly important, and they should find ways to maintain team cooperation and social dialogue during and after work when employees are working remotely.

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DALIA PERKUMIENĖ

Vytautas Magnus University, Faculty of Bioeconomics/law
(Kaunas, Lithuania)

Studentų str. 11, Akademija, Kaunas district LT-53361.
University of Kazimieras Simonavičius, Faculty of law, Vilnius,
Lithuania.

scientific area-law.

dalia.perkumiene@vdu.lt

Orcid: 0000-0003-4072-3898

LITA RIPINSKIENĖ

University of Kazimieras Simonavičius, Faculty of law, scientific
area-law, Vilnius,
Lithuania. Practitioner. Member of the Lithuanian Society of Law.

lita.ripinskiene@stud.ksu.lt

Orcid: 0009-0006-8349-6137

JUOZAS TUMAS

University of Kazimieras Simonavičius, Faculty of law, scientific
area-law,
Vilnius, Lithuania. Member of the Lithuanian Society of Law.

juozas.tumas@stud.ksu.lt

Orcid: 0009-0000-5768-048X

