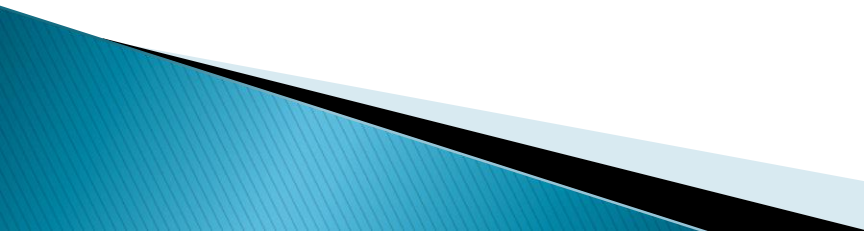


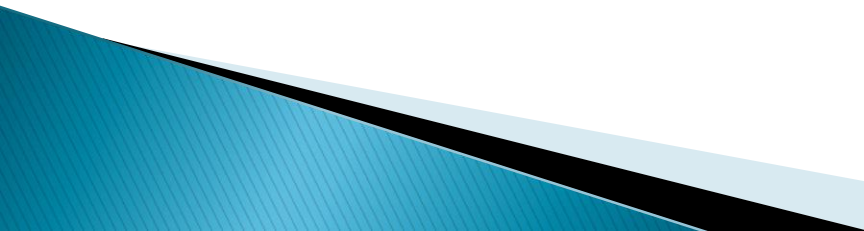
# Labour Dispute Commission: Success stories and examples of the labor contract violations

By Jonas Kryžanauskas, Lithuanian Carriers'  
Trade Union

# A success story of a truck driver

- ▶ The claimant appealed to the Labor Dispute Commission requesting the recovery of the fully unpaid salary from the defendant.
  - ▶ The claimant was a former employee of the defendant.
  - ▶ The defendant has agreed to pay a 460 EUR monthly salary for the claimant when he started working.
  - ▶ There was also an extra condition to pay 8.5 EUR/h for work when being posted in Germany and 10 EUR/h when in France.
- 

# A success story of a truck driver

- ▶ The claimant has been constantly posted to foreign countries.
  - ▶ Over the course of 5 months the claimant's total amount of working hours was 252.2 in France and 88.5 in Germany which means that he had to be paid 4757,12 EUR salary.
  - ▶ Meanwhile, the defendant only paid a salary of 2363.64 EUR to the claimant.
  - ▶ It means that the claimant hasn't been paid 2393.48 EUR in salary which he had to receive.
- 

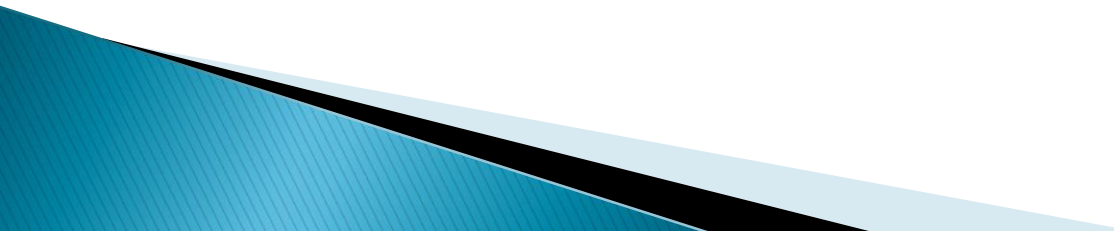
# A success story of a truck driver

- ▶ The applicant requested that the defendant would pay 2393,48 EUR of the unpaid salary and average wages for the delay from the day he was released until the final settlement.
- ▶ The defendant and his representative did not agree with the claim in the Labour Dispute Commission.
- ▶ They highlighted that the monthly salary, that it was agreed on, was 460 EUR. There was an extra condition to pay no less than 50% daily allowance while being posted to another country.


# A success story of a truck driver

- ▶ The defendant also underlined that in the appendix of the working contract there was a condition that the company complies with the minimum salary for the people working in Germany (minimum hourly rate – 8.5EUR/h).
- ▶ However, the law didn't not apply because in this case because, according to the defendant, the employee was “only moving transiting through Germany and not doing any actual work there”.

# A success story of a truck driver


- ▶ In another appendix of the labor contract there was a condition that the applicant would receive 10 EUR/h pay for the work conducted in France.
  - ▶ However, during the Labor Dispute Commission's hearing, the defendant stated that this payment rate is not applicable to the workers, who only transit France and who do not carry out any work in the territory of France as the company is according to the French labor law.
- 

- ▶ So the defendant's representative said that during the 5 month period the claimant should have been paid a salary of 3246,12 EUR including the posted work and daily allowances. It is confirmed by the posting orders, payment bills and salary transfers such as bank transfers and other documents.
- ▶
- ▶ The defendant appealed to the Labor Dispute Commission to reject the claimant's appeal.

- ▶ Fortunately, the claimant's appeals has been approved by the Labor Dispute Commission.
  - ▶ LDC has based its decision on the notion of the work contract.
  - ▶ LDC has pointed out that the employer has breached the work contract and failed to meet his obligations to the employee regarding the agree terms on salary.
  - ▶ It was clearly mentioned in the work contract what hourly salary the employee will receive when he will be posted in Germany and in France.
- 



- ▶ According to the case, the applicant's working time in France was 252.2 h and in Germany – 88.5 h. During those time periods, the defendant had to pay the applicant a sum of 4757.12 EUR.
- ▶ State social insurance information shows that the insured income of the claimant, that the salary for this period was 2363.64 EUR, although the salary of 4757.12 EUR had to be calculated.

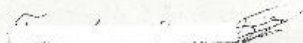
- ▶ The claimant has also asked the LDC to make the defendant pay him the medium wage for all the period the defendant hasn't paid him the full salary.
  - ▶ Lithuanian Labor Code states that the employer must pay all the salary on the day of letting the employee go.
  - ▶ Therefore, the LDC has decided to accept the claimant's appeal and together with the unpaid amount he also was eligible to receive a 1000 EUR compensation for the prolonged period of not getting the full salary.
- 

*Prace, dnia 20/05/2016*  
*Prace, dnia 20/05/2016*

Prace, dnia 20/05/2016

### Oświadczenie

Ja niżej podpisany, zatrudniony w przedsiębiorstwie: \_\_\_\_\_ SPÓŁKA Z OGRANICZONĄ  
ODPOWIEDZIALNOŚCIĄ potwierdzam, iż zostałem zapoznany z OBWIESZCZENIEM W ZAKRESIE  
SYSTEMU, ROZKŁADU ORAZ OKRESU ROZLICZENIOWEGO CZASU PRACY KIEROWCÓW  
obowiązującym od dnia 01.04.2016 r.

  
Limity przebiegu i stawki

- 645 zł = 3040 €
- 550 (akcje) <sup>150</sup>/<sub>400</sub>
- 114 (praca, praca)
- JURGITA? - 15 (praca) <sup>150</sup>/<sub>400</sub>
- 18 (praca) <sup>150</sup>/<sub>400</sub>
- 1120 (praca)
- JURGITA - 210 (praca) <sup>150</sup>/<sub>400</sub>
- 60 (praca)
- 1047 (za akcje, praca)
- 111 (praca)

= 600 €

**UAB "TRANS"**

UAB "TRANS" (Registracijos Nr. [redacted])

(registracijos)

Štada, nr. [redacted]

UAB "TRANS" (Registracijos Nr. [redacted])

UAB "TRANS" (Registracijos Nr. [redacted])

Ats. sąskaita LT27 70000  
AB Lietuvos, kodas 70000

**PAŽYMA**  
2017-08-18 Nr. 08/18-01

Apie [redacted] priskaičiuotą ir išmokėtą darbo užmokesį

Vairuotojų-ekspediterių Šiurkai Štadarke priskaičiuotas darbo užmokesis:  
2017m. 03 mėnuo – 443,90 eurais;  
2017m. 04 mėnuo – 399,36 eurais;  
2017m. 05 mėnuo – 423,02 eurais.

**Viso priskaičiuota: 1266,28 eurais**

Išmokama suma, netiesiogūs mokesčiai 1118,64 eurais.  
Apyklumas išmokėtas grąžinti [redacted] iš komandiruočių.

Priedavimai:

1. Asmeninio sąskaito (2017 02 01 – 2017 05 31, 1 lapas);
2. Kasos išskaitų oriferialai (5 vnt).

Direktorius [redacted]

SP. UO.D. [redacted] (Registracijos Nr. [redacted])

SP. UO.D.

[redacted] w.aj. Podlaskis

**DIREKTORUS**

**ĮSAKYMAS**  
**DĖL RUSLAN BARSHCHEUSKI KOMANDIRUOTĖS**

2016-05-20 Nr. W 020

Prasak

Įsakau, įmonės vairuotojų-ekspediterių [redacted] 2016 m. gegužės mėn. 22 d. vykti į komandiruočių (paskirties šalyje: ES ir trečiosios šalys). Komandiruočių planuojama pabaiga 2016 m. liepos 31 d., nesumokant avanso į komandiruočių. Komandiruočių pinigai 50 proc. LRV įmokytyje normos.

Komandiruočių išlaidų: krovinių pervežimas

Priskiriamas vilkikas: [redacted]

Priskiriama puspriekabė: užsakovo

Direktorius [redacted]

Susipažinti ir saukti:

Vairuotojas ekspediterius [redacted]

Direktorius

## ISAKYMAS DĖL TARNYBINIŲ KOMANDIRUOČIŲ

2017.03.08, Nr. 17/610

1. Vairuotojas-ekspeditorius \_\_\_\_\_ nuo 2017 m. kovo mėn. 11 d. iki 2017 m. gegužės mėn. 13 d. siunčiamas į komandiruotę maršrutu: ES šalys. Komandiruotės tikslas: krovinių pristatymas užsakovams.

2. Įmokėti dienpinigius už komandiruotėje išbūtą laiką:  
Reišc Nr. 17/610. Avanso apyskaita Nr. 17/610

3. Apmokamos visos su komandiruote į užsienį susijusios išlaidos pagal LR Vyriausybės nutarimą 2003 m. sausio 28 d. Nr. 99 "Dėl komandiruočių sąnaudų atskaitymo iš pajamų tvarkos patvirtinimo".

Direktorius  
(parašas)

(vardas, pavardė)

Susipažinau:

Vairuotojas-ekspeditorius  
(parašas)

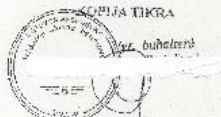
(parašas)

(vardas, pavardė)

Susipažinti: *admonestri*

Vyr. buhalteris

Admonestri



Direktorius

## ISAKYMAS DĖL TARNYBINIŲ KOMANDIRUOČIŲ

2017.03.08, Nr. 17/127-A-3

1. Vairuotojas-ekspeditorius \_\_\_\_\_ viškiu, puspriskose nuo 2017 m. kovo mėn. 9 d. iki 2017 m. kovo mėn. 10 d. siunčiamas į komandiruotę maršrutu: Komandiruotės tikslas: krovinių pristatymas užsakovams.

2. Įmokėti dienpinigius už komandiruotėje išbūtą laiką: Vokietija 2 dienos (58,00 EUR). Viso dienpinigių: 58,00 EUR.  
Reišc Nr. . Avanso apyskaita Nr. 17/127-A-3.

3. Apmokamos visos su komandiruote į užsienį susijusios išlaidos pagal LR Vyriausybės nutarimą 2003 m. sausio 28 d. Nr. 99 "Dėl komandiruočių sąnaudų atskaitymo iš pajamų tvarkos patvirtinimo".

Direktorius  
(parašas)

(vardas, pavardė)

Susipažinau:

Vairuotojas-ekspeditorius  
(parašas)

(parašas)

(vardas, pavardė)

KOPPIJA TERRA



Vyr. buhalteris