Answers of the Association of Judges of the Republic of Lithuania

Although sexual harassment is consistently in the news today, the topic of workplace misconduct is much broader. It encompasses general harassment and other misconduct typically experienced by employees at the hands of their managers, including judges, as well as their peers. Harassment is broadly defined as unwelcome physical, verbal, non-verbal, and psychological behavior that interferes with work performance or the work environment. Examples of harassment include offensive jokes, name-calling, disparaging comments, displaying inappropriate images, unwelcome sexual advances, and inappropriate touching.

Workplace misconduct is a universal problem that causes serious harm to those subjected to it. There is much to be gained by exploring what causes such misconduct to persist, what actions can prevent such misconduct, and what consequences violators should bear. Discussing how to break down barriers to reporting this misconduct, such as limitations on confidentiality, is also paramount.

Questions:

1. Does your country have laws or regulations that cover workplace harassment? Is harassment defined separately or is it incorporated within other provisions of the labor code?

In Lithuania there are various legal acts that define and restrict workplace harassment, regulates measures to decrease such harassment in work environment. Main legal acts concerning this matter are Labor code (especially Article 26), Law on Equal Opportunities, Law on Equal Opportunities for Women and Men.

2. What remedies exist for victims reporting workplace misconduct? What penalties or ramifications do offenders face? Do you have examples of court cases/judgments or administrative proceeding involving harassment?
A person who has suffered such misconduct has the right to demand that the guilty persons compensate for the pecuniary and non-pecuniary damages in the manner prescribed by the Civil Code of the Republic of Lithuania. Employers who tolerate sexual harassment, harasses an employee who testifies or provides explanations, does not take measures to prevent the employee from harassment or sexual harassment, may be subject to administrative responsibility. The harasser himself may be dismissed, subject to administrative or even criminal liability, and may be required to pay damages.

Article 81 of the Republic of Lithuania Code of Administrative Offenses determines that the violation of the equal rights of women and men established in the Law on Equal Opportunities of Women and Men of the Republic of Lithuania imposes a fine on heads of legal persons, employers and other responsible persons from 40 to 560 euros; a repeated violation of this article results in a fine of between 560 euros to 1200 euros.

3. Do you have examples of judicial misconduct related to harassment or bullying?

There are no such examples in Lithuania.

4. Does the judiciary have rules, ethics codes, or legislation relating to harassment by judges and judicial staff? What are the procedures for reporting misconduct and enforcing the rules? What sanctions can be imposed against a judge?

Code of Ethics of the Judges of the Republic of Lithuania, which defines rules of the judges conduct, has no special provisions regarding harassment by judges and judicial staff. But there are general principals established in Code of Ethics of the Judges that judges must follow. In case of infringement of these principals a judge may be punished with penalties mentioned in Law on Courts of the Republic of Lithuania (i.e. reprimand, strict reprimand, dismissal).