

Research Article

LEGAL FRAMEWORK FOR THE PREVENTION OF PSYCHOLOGICAL VIOLENCE AT WORK IN LITHUANIA AND ESTONIA: A COMPARATIVE ANALYSIS

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ABSTRACT

Background: Psychological violence in the workplace is now recognised as one of the most dangerous psychosocial risk factors, causing direct harm not only to employees' dignity and mental health, but also to the economic stability of organisations and nations. At the international level, legal regulation in this area has evolved consistently from general human rights principles - enshrined in the Universal Declaration of Human Rights and the European Social Charter, to specialised standards, culminating in International Labour Organization Convention No. 190 (hereinafter "ILO Convention No. 190"). In this context, Lithuania and Estonia, two neighbouring Baltic states, have chosen fundamentally different regulatory models: in 2022, Lithuania established a detailed concept of psychological violence and specific preventive obligations for employers, while Estonia continues to rely on general principles of employee safety and health, without establishing a specific definition of psychological violence in national law.

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Method: This article employs a comparative research approach to systematically examine the legal frameworks of Lithuania and Estonia regarding the prevention of psychological violence in the workplace. The study is based on an analysis of legislation, examining key national legal sources and international documents. Using case law analysis, Tallinn Circuit Court Case No. 3-17-164 was examined, illustrating the Estonian courts' approach to classifying psychological violence. A systematic review of the scientific literature enabled the development of a theoretical foundation and the evaluation of the regulations of both countries within a broader international context.

Results and Conclusions: A comparative analysis of legal regulations in Lithuania and Estonia revealed fundamental differences between the two countries' models. Lithuania has established a broad and detailed definition of psychological violence, covering both one-time and repeated unacceptable behaviour or the threat thereof, while Estonian law does not establish a specific definition of psychological violence at all. Furthermore, in Lithuania, employers are required to take specific preventive measures, whereas in Estonia, employers are subject only to a general obligation to assess psychosocial risks, with specific preventive measures left to their discretion. Finally, sanction mechanisms also differ, as in Lithuania, employers can be penalised for failing to fulfil specific preventive obligations, regardless of whether an actual incident of violence has occurred, whereas in Estonia, the Labour Inspectorate can impose fines only after establishing a real threat to an employee's life or health.

1 INTRODUCTION

Psychological violence in the workplace is now recognised as one of the most dangerous psychosocial risk factors, directly damaging not only the dignity and mental health of individuals, but also the economic stability of organisations and countries.¹ Studies show that violence and harassment can reduce worker productivity by up to 60% and cost companies thousands of euros in employee turnover and poor climate. The relevance of the topic in Lithuania and Estonia has been reinforced in particular by the trends in international legal regulation related to the implementation of the standards of the ILO Convention No. 190,² as well as by recent national reforms, such as the amendments to Article 30 of the Labour Code of the Republic of Lithuania, which entered into force on 1 November 2022.³ Despite improvements in the legal framework, psychological violence remains a latent and difficult-to-prove phenomenon, and employers often limit themselves to formal declarations of preventive measures. A comparative analysis of the

1 Aistė Leščinskaitė, 'Psychological Violence at Work: Problems in Applying the Law in Lithuania' (2024) 17(2) *Baltic Journal of Law and Politics* 228, doi:10.2478/bjlp-2024-00023.

2 ILO *Violence and Harassment Convention* no 190 (adopted 21 June 2019) <https://normlex.ilo.org/dyn/nrmlx_en/?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190> accessed 23 March 2026.

3 Law of the Republic of Lithuania no XII-2603 of 14 September 2016 'Labour Code' (amended 1 November 2022) art 30 <<https://www.infollex.lt/ta/368200>> accessed 23 March 2026.

Lithuanian and Estonian models is therefore critical to identify the most effective legal mechanisms to ensure safe working conditions.

International legal frameworks have played a crucial role in curbing this phenomenon, evolving from general human rights principles to specialised standards such as the ILO Convention No 190. These global instruments constitute the fundamental standards for the protection of workers and directly influence national legislative processes, obliging States to ensure a safe and dignified working environment.

This article provides a comparative analysis of Lithuanian and Estonian legislation to assess how these neighbouring countries interpret the concept of psychological violence and what prevention mechanisms they impose on employers. Although both countries are seeking to harmonise their legislation with international guidelines, they have chosen different paths: Lithuania has introduced a detailed and strict concept of violence and harassment from 2022 onwards, covering even single or hypothetical incidents, as well as compulsory preventive measures. In Estonia, meanwhile, general safety principles and psychosocial risk assessment are still used, while case law still links psychological violence to systematic and persistent psychological abuse. This paper analyses which of these models is more effective in encouraging employers to take proactive action and ensuring real protection for workers.

The objective of this study is to examine social labour relations and the factors adversely affecting them, resulting from psychological violence in the work environment. The study focuses on the full set of Lithuanian and Estonian legal norms governing workers' psychological safety, encompassing both individual employment relations and general occupational safety and health requirements. The subject matter includes employers' obligations to implement preventive measures, the legal identification of forms of violence and harassment (both vertical and horizontal), and legal liability mechanisms to protect workers' rights to honour, dignity, and mental health that have been violated. Specific aspects of the legal framework relating to the management of psychosocial risks and the legal protection of workers against ill-treatment are also examined.

The aim of this study is to conduct a systematic, comparative analysis of the legal regulation of the prevention of psychological violence in Lithuania and Estonia to assess the effectiveness of national legislation. The study aims to find out which legal mechanisms establish liability for psychological violence and how these norms are applied in practice in labour disputes. By analysing the experiences of both countries, it seeks to identify aspects of the recognition of psychological violence and to assess whether the legal instruments in place are sufficient to ensure effective protection of workers' rights. Finally, based on the insights gained from the comparative analysis, the study aims to provide legal recommendations to improve preventive policies, address the complex issues of the burden of proof, and promote a safe working environment.

2 METHODOLOGY

This article employs a qualitative legal research methodology, combining comparative, doctrinal, and case-law analysis to systematically examine and evaluate the legal frameworks governing the prevention of psychological violence in the workplace in Lithuania and Estonia.

The primary method applied is comparative legal analysis, through which the regulatory models of the two countries are examined in parallel to identify structural similarities, differences, and gaps. The doctrinal method underpins the analysis of primary legal sources. At the international level, the study examines the Universal Declaration of Human Rights,⁴ the European Social Charter,⁵ Council Directive 89/391/EEC,⁶ the Charter of Fundamental Rights of the European Union,⁷ and ILO Convention No. 190,⁸ which constitutes the most comprehensive international instrument addressing violence and harassment in the world of work. At the national level, the key sources examined include the Labour Code of the Republic of Lithuania,⁹ Order No. EV-221 of the Chief State Labour Inspector of the Republic of Lithuania approving the Measures for the Prevention of Violence and Harassment at Work,¹⁰ the Estonian Occupational Health and Safety Act,¹¹ the Employment Contracts Act,¹² and the Equal Treatment Act.¹³ The selection of these instruments was guided by their direct relevance to preventing psychological violence in the employment context and by their role in shaping the respective national regulatory frameworks.

Case law analysis was employed to examine the judicial interpretation of psychological violence in Estonia, where statutory definitions are absent. The principal case examined is Tallinn Circuit Court Case No. 3-17-164 (2017), which was selected as the leading judicial authority on the conceptualisation of psychological violence in Estonian employment law.

4 *Universal Declaration of Human Rights* (10 December 1948 UNGA Res A/RES/217(III) A) <[https://docs.un.org/A/RES/217\(III\)](https://docs.un.org/A/RES/217(III))> accessed 23 March 2026.

5 *European Social Charter* (adopted 18 October 1961, revised 3 May 1996) [1996] ETS 163.

6 Council Directive 89/391/EEC of 12 June 1989 on the Introduction of Measures to Encourage Improvements in the Safety and Health of Workers at Work [1989] OJ L 183/1.

7 Charter of Fundamental Rights of the European Union [2016] OJ C202/389

8 *ILO Violence and Harassment Convention* (n 2).

9 Law of the Republic of Lithuania no XII-2603 (n 3).

10 Order no EV-221 of the State Labour Inspectorate of the Republic of Lithuania 'On the Approval of the Description of Measures for the Prevention of Violence and Harassment at Work' (adopted 17 December 2024) [2024] TAR 2024-22312.

11 Law of the Republic of Estonia 'On Occupational Health and Safety' (adopted 16 June 1999) [1999] RT I 60/616 <<https://www.riigiteataja.ee/et/akt/122122021026?leiaKehtiv>> accessed 23 March 2026.

12 Law of the Republic of Estonia 'On Employment Contracts' (adopted 17 December 2008) [2009] RT I 5/35 <<https://www.riigiteataja.ee/et/akt/103022026015?leiaKehtiv>> accessed 23 March 2026.

13 Law of the Republic of Estonia 'On Equal Treatment' (adopted 11 December 2008) [2008] RT I 56/315 <<https://www.riigiteataja.ee/et/akt/V%C3%B5rdKS>> accessed 23 March 2026.

This case was identified through a systematic review of publicly available Estonian court decisions and selected for its direct relevance to the research subject.¹⁴

The literature was selected for its relevance to the research questions and its contribution to the conceptual framework underpinning the comparative analysis.

3 THE LEGAL CONCEPT OF PSYCHOLOGICAL VIOLENCE

Although psychological violence at work has been analysed extensively in the literature, existing definitions vary considerably, as researchers have tended to draw on their own findings and experiences, thereby preventing the emergence of a unified conceptualisation of the phenomenon. Psychological violence is considered to be moral harassment, which is defined as psychological, subtle, disguised, intentional, repeated and sustained violence in which the aggressor seeks to humiliate and exclude a person in the context of work activities.¹⁵ Workplace harassment is defined as interpersonal behaviour intended to harm an employee in the workplace.¹⁶ It should also be noted that psychological violence is seen as systematic unfriendliness towards certain social groups and is, therefore, a substitute for unacceptable forms of discrimination, despite the fact that such systematic acts of unfriendliness are discriminatory.¹⁷ Several terms are used to describe psychological violence: “psychoterror”, “harassment”, “bullying”, “intimidation”, “threatening”, and “aggression”. So, it is clear that psychological violence at work is a complex phenomenon.¹⁸ Other studies present psychological violence as including verbal aggression (excessive criticism, derogatory comments, rumours), manipulation (deliberate exclusion from the team), and abuse of power (deliberate concealment of work tools).¹⁹ Psychological violence occurs in several stages: first, the abuse is subtle, infrequent and hardly noticeable, e.g., unfriendliness; then the negative actions become direct, e.g., humiliation, ridicule; and, finally, the workers are completely isolated and are exposed to intense negative

14 Case no 3-17-164 (Tallinn Circuit Court, 8 January 2019).

15 Júnior Wallison Miranda, Stela Mariana de Moraes and Daniela de Castro Melo, ‘Psychological and Disguised Violence at Work: A Study of Moral Harassment in Brazilian Public Careers’ (2022) 12(2) REUNIR 56, doi:10.18696/reunir.v12i2.831.

16 Natalia Lapshina and Mirit K Grabarski, ‘Double Disadvantage: Disability and Gender in the Context of Workplace Harassment’ (2023) 75(3) Consulting Psychology Journal: Practice and Research 277, doi:10.1037/cpb0000244.

17 *ibid*

18 Andrea Bencsik, József Poór and Tímea Juhász, ‘Psychological Harassment at Work in Hungary and Slovakia’ (2024) 19(1) Management & Marketing 51, doi:10.2478/mmcks-2024-0004.

19 Nicole M Steele and others, ‘The Effects of Working in a Bullying Climate on Psychological Distress and Job Satisfaction: A Multilevel Analysis’ (2022) 74(1) Australian Journal of Psychology e2125341, doi:10.1080/00049530.2022.2125341.

behaviour against which they are unable to defend themselves, with more detrimental psychological and physical consequences.²⁰

3.1. Definition of psychological violence in international documents

Before examining the legal framework for the prevention of psychological violence in Lithuania and Estonia, it is necessary to consider the international instruments that have shaped national legislation in this area. International law addresses psychological violence at work through the lens of human rights, occupational safety and health, and equal opportunities, and an understanding of these global standards is essential for assessing the effectiveness and compliance of national prevention measures.

The Universal Declaration of Human Rights serves as the primary normative reference point in international human rights law, enshrining the principles of dignity and equality from which state obligations to prevent psychological violence and degrading treatment in the workplace are derived. The Universal Declaration of Human Rights, while not directly prohibiting psychological violence, establishes universal principles: all human beings are born equal in dignity and rights;²¹ no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;²² everyone has the right to work, to free choice of employment, to just and favourable conditions of work and protection against unemployment;²³ and the right to rest.²⁴ In interpreting these articles of the Universal Declaration of Human Rights, it is clear that any unacceptable treatment and harm to workers is unacceptable.

The European Social Charter (revised) protects employees' rights and enshrines the right to dignity at work for all workers. Although the term "psychological violence" was not yet common in the text itself in 1996, the European Social Charter provides a solid legal basis for preventing this phenomenon through several key articles. Article 26 of the European Social Charter states that "With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations: to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct; to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to

20 Sarah-Geneviève Trépanier and others, 'When Does Exposure to Daily Negative Acts Frustrate Employees' Psychological Needs? A Within-Person Approach' (2023) 28(2) *Journal of Occupational Health Psychology* 65, doi:10.1037/ocp0000338.

21 Universal Declaration of Human Rights (n 4) art 1.

22 *ibid*, art 5.

23 *ibid*, art 23.

24 *ibid*, art 24.

work and to take all appropriate measures to protect workers from such conduct”,²⁵ to directly educate employees on what constitutes psychological violence and inappropriate behaviour and to ensure that all measures are taken to protect employees from such inappropriate behaviour. Article 3 of the European Social Charter also requires employers to periodically assess not only mechanical hazards but also psychosocial risks that may lead to psychological violence.²⁶

It should be noted that as long ago as 12 June 1989 the Council of the European Union adopted Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work (Directive 89/391/EEC), which is the cornerstone of the EU's legislation laying down employers' obligation to ensure the safety and health of workers in all aspects of their work, and even though the Directive 89/391/EEC does not use the term “psychological violence” directly, the link with it is crucial.²⁷

Directive 89/391/EEC obliges employers to assess and manage all occupational risks. The European Commission and the courts have clarified that this obligation covers not only physical safety but also psychosocial risks such as stress, harassment, and psychological violence at work.

In 2007, the EU social partners concluded a framework agreement on harassment and violence at work, which aims to raise awareness among employers and employees about such incidents and to provide guidance on identifying, managing and preventing them. It stresses the need for companies to have a zero-tolerance policy on violence. Although the agreement does not define psychological violence, it describes the phenomenon in terms of its impact on the dignity of the worker and the working environment: “Harassment occurs when one or more workers or managers are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work”, “Violence occurs when one or more workers or managers are assaulted in circumstances relating to work”. The agreement emphasises that violence is not just a physical act, but encompasses a wider pattern of action: “Harassment and violence can: be physical, psychological and/or sexual; be one off incidents or more systematic patterns of behaviour; be amongst colleagues, between superiors and subordinates, or by third parties such as clients, customers, patients, pupils, etc.”; the agreement specifies that companies must have internal mechanisms in place to address these issues: “Enterprises need to have a clear statement outlining that harassment and violence will not be tolerated. This statement will specify the procedures to be followed where cases occur”; the agreement clearly sets out the principles to be followed by the employer in the event of an investigation into an incident of psychological violence: “The investigation of complaints should be based on the following principles: confidentiality; the

25 *European Social Charter* (n 5) art 26.

26 *ibid*, art 3.

27 Council Directive 89/391/EEC (n 6).

right to a fair hearing for both parties; no victimisation of the person making the complaint; and where appropriate, sanctions for the perpetrator”.²⁸

The Charter of Fundamental Rights of the European Union has significantly influenced the legislative development of both Lithuania and Estonia in the domain of psychological violence prevention. Article 31 of the Charter establishes a justiciable right to working conditions that respect the health and dignity of every worker,²⁹ thereby providing an explicit normative basis for state obligations to address degrading and harmful treatment in employment relations. Complementing this provision, Article 47 guarantees the right to an effective remedy before a tribunal when those conditions are violated, reinforcing the procedural dimension of workers' protection.³⁰ Collectively, these provisions impose binding obligations on EU Member States, including Lithuania and Estonia, to ensure that national legislative frameworks not only prohibit psychological violence at work but also provide accessible and effective mechanisms for its redress.

In summary, international regulation has evolved from general health protection to specialised protection against psychological violence, at the heart of which today is the ILO Convention No. 190 and the international standard specifically addressing psychological violence. ILO Convention No. 190 defines violence and harassment as unacceptable conduct or the threat thereof (whether a single incident or repeated) that causes physical, psychological, sexual, or economic harm.³¹ It obliges ratifying States to prohibit violence by law, to establish mechanisms for control, and to aid victims. In 2024, the Estonian government agreed to ratify ILO Convention No. 190.³² Lithuania has not yet ratified the ILO Convention No. 190, but has chosen to strengthen national law first. As of 1 November 2022, Amendments to the Labour Code of the Republic of Lithuania entered into force, requiring employers to take measures to prevent violence and harassment, and requiring companies with more than fifty employees to have an approved violence and harassment prevention policy.³³ These amendments are in principle in line with some of the objectives of the Convention, so the sense of urgency for ratification may have diminished on the political agenda, but it was not until 25 March 2024 that the Council of the European Union formally adopted a decision inviting all Member States to ratify the Convention in the areas of the EU's competence (such as occupational health and safety, as

28 BUSINESSSEUROPE and others, *Framework Agreement on Harassment and Violence at Work* (adopted 18 April 2007) <<https://osha.europa.eu/en/legislation/guidelines/framework-agreement-harassment-and-violence-work>> accessed 23 March 2026.

29 Charter of Fundamental Rights (n 7) art 31.

30 *ibid*, art 47.

31 ILO *Violence and Harassment Convention* (n 2).

32 Law of the Republic of Estonia ‘On the Ratification of the ILO Convention on the Elimination of Violence and Harassment in the World of Work (no 190)’ (adopted 23 October 2024) <<https://www.riigikogu.ee/tegevus/eelnoud/eelnou/6f956dbc-4c15-411c-95bc-3488327522d1/>> accessed 23 March 2026.

33 Law of the Republic of Lithuania no XII-2603 (n 3) art 30.

well as gender equality).³⁴ As the ILO Convention No. 190 covers areas within the competence of the EU (in particular, occupational safety and health and equality of opportunity between men and women in matters of employment), EU Member States are invited to ratify it jointly and in a coordinated manner. This may provide additional impetus for Member States to complete the process soon, although some civil society organisations and politicians have expressed concern about the Convention's use of the concept of 'gender-based violence', linking it to wider ideological debates (similar to those surrounding the Istanbul Convention).³⁵

3.2. The concept of psychological violence in Lithuania

The regulation of psychological violence in Lithuanian legislation has evolved quite significantly over the last five years. Until 1 November 2022, Article 30 of the Labour Code of the Republic of Lithuania, provided only for the employer's obligation to create a working environment in which an employee or a group of employees would not be subjected to hostile, unethical, degrading, humiliating, aggressive, abusive, insulting or offensive actions, which infringe the honour and dignity, physical or psychological integrity of an individual employee or group of employees, or which are intended to intimidate, humiliate or reduce an employee or a group of employees to a defenceless and helpless position, and the concept of psychological violence was not contained in the Labour Code of the Republic of Lithuania.³⁶ However, from 1 November 2022 Article 30 of the Labour Code introduces an additional definition of psychological violence, providing that violence and harassment, including psychological violence, gender-based violence and harassment (violence and harassment directed against persons on the basis of their sex or disproportionately affecting persons of a particular sex, including sexual harassment), means any unacceptable treatment or threat of treatment by an employer (natural person or manager of a legal person) or other employees, whether the unacceptable conduct is intended to have a physical, psychological, sexual or economic impact, whether the unacceptable conduct has or is likely to have such an impact, whether it violates the dignity of a person or creates an intimidating, hostile, degrading or offensive environment, and or whether it has caused, or is likely to cause, physical, material and or non-material damage.³⁷ Violence and harassment shall be prohibited in workplaces, including public and private places, when the worker is at the employer's disposal or performing duties in accordance with the contract of employment; during rest and meal breaks or when using domestic, sanitary and hygiene

34 Council Decision (EU) 2024/1018 of 25 March 2024 inviting Member States to ratify the Violence and Harassment Convention, 2019 (No 190) of the International Labour Organisation [2024] OJ L 1018/1.

35 Diana Karvelienė, 'Stambulo Konvencijos Nuostatos Sugrįžta Tarptautinėje Darbo Organizacijos Konvencijoje Nr 190' (*BNS - Baltic News Service*, 18 September 2025) <<https://sc.bns.lt/view/item/stambulo-konvencijos-nuostatos-sugrizta-tarptautineje-darbo-organizacijos-konvencijoje-nr-190-501595>> accessed 23 March 2026.

36 Law of the Republic of Lithuania no XII-2603 (n 3) art 30.

37 *ibid*

facilities; during work-related trips, travel, training, events or social activities; during work-related communication, including communication by information and electronic communication technologies; in accommodation provided by the employer; on the way to or from work.³⁸ This definition of psychological violence is somewhat confusing and could mean that psychological violence at work could refer to various hypothetical scenarios: the threat of any unacceptable behaviour, whether the aim is to cause a negative impact once or repeatedly, whether the impact is likely to be sustained or whether harm is likely to result. However, from a legal point of view, this can be seen as an obligation to take preventive measures, either to anticipate potential incidents or to anticipate potential harm. In the absence of a real, tangible event that can be assessed according to the legal criteria for psychological violence, employers are paradoxically obliged to anticipate potential problems and take action to prevent them, even in the absence of any concrete signs of psychological violence in the workplace. From a legal perspective, although the concept is confusing, the anxiety it raises about future preventive action is beneficial to both employers and employees. Employers need to act and anticipate potential risks and thus avoid incidents of psychological violence, while employees will not be subjected to psychological violence if employers act preventively.

3.3. The concept of psychological violence in Estonia

As regards the introduction of the concept of psychological violence in Estonian legislation, the situation differs substantially from that in Lithuania. The legislation does not provide for the concept of psychological violence, but it does provide for general obligations for employers to ensure the prevention of and protection from psychological violence. Article 3(3) of Equal Treatment Act of Estonia states that direct discrimination includes also harassment which occurs when unwanted conduct on grounds of any characteristic specified in subsection 1 (The purpose of this Act is to ensure the protection of persons against discrimination on grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation) of § 1 of this Act takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.³⁹ Article 28 of the Employment Contracts Act of Estonia states that an employer must fulfil its obligations regarding employee loyalty and ensure working conditions that comply with occupational health and safety requirements.⁴⁰ Article 9(1) of Occupational Health and Safety Act of Estonia states that psychosocial hazards are work involving a risk of an accident or violence, unequal treatment, bullying and harassment at work, work not corresponding to the abilities of an employee, working alone for an extended period of time and monotonous work and other factors related to management, organization of work and working environment that may

38 *ibid*

39 Law of the Republic of Estonia 'On Equal Treatment' (n 13) art 3(3).

40 Law of the Republic of Estonia 'On Employment Contracts' (n 12) art 28.

affect the mental or physical health of an employee, including cause work stress. In order to prevent damage to health arising from a psychosocial hazard, the employer must take measures, including adapting the organisation of work and workplace to suit the employee, optimising the employee's workload, enabling breaks to be included in the working time for the employee during the working day or shift and improving the enterprise's psychosocial working environment.⁴¹ Thus, as we can see, Estonian legislation does not provide a definition of psychological violence but only imposes obligations on employers to take all possible measures to prevent psychological violence.

The Tallinn Circuit Court has defined workplace violence as hostile and unethical behaviour that is systematic and long-term, directed at one or more individuals who are consequently placed in a helpless and vulnerable position.⁴² The Estonian Labour Inspectorate further identifies psychosocial hazards as encompassing bullying and harassment at work, alongside other aspects of work organisation that may adversely affect the mental or physical health of employees.⁴³ Based on Article 13 of the Occupational Health and Safety Act, the employer is obliged to organise a risk assessment of the working environment to ascertain environmental hazards, measure their parameters as necessary, and assess the risks to an employee's health and safety.⁴⁴ In principle, in Estonia, every employer with at least one employee under an employment contract must conduct a risk assessment.⁴⁵ At the same time, the employee has the right to receive information about working environment hazards, the results of risk assessments of the working environment, and the measures implemented to prevent damage to health.⁴⁶ It is welcome that the law incentivises companies, when organising work, to consider how to improve the psychosocial working environment and better manage employees' workloads.

Looking at the legal framework, it is clear that the legislator has only laid down a general obligation for the employer to ensure safe and healthy working conditions and to assess the working environment, but has provided absolutely no specific recommendations or guidelines on how this should be done, and finally it is not clear at all what constitutes psychological violence in Estonia and what behaviour the employer is obliged to prevent. A good example of the vagueness of the concept of psychological violence is the fact that ILO Convention No. 190 defines violence and harassment in the world of work as a range of unacceptable behaviours, whether a single occurrence or repeated, although Estonian case law explains that only repeated acts, and only those from which the employee is unable to defend himself, can be considered psychological violence.

41 Law of the Republic of Estonia 'On Occupational Health and Safety' (n 11) art 9(1).

42 Case no 3-17-164 (n 14).

43 Labour Inspectorate of Estonia, 'Relations at Work: *Psychosocial Hazards*' (Tööelu, 20 June 2025) <<https://www.tooelu.ee/en/67/psychosocial-hazards#psychosocial-hazards>> accessed 23 March 2026.

44 Law of the Republic of Estonia 'On Occupational Health and Safety' (n 11) art 13.

45 Labour Inspectorate of Estonia (n 43).

46 Law of the Republic of Estonia 'On Occupational Health and Safety' (n 11) art 14.

Judgement No 3-17-164 of Tallinn Circuit Court dealt with an employee's complaint against his dismissal from the Tax and Customs Service, in which the applicant alleged that he had been subjected to prolonged and systematic psychological violence, which was the real reason for his dismissal from his post. Although the Court acknowledged that the employer had committed procedural irregularities in carrying out the redundancies, it rejected the claim for an increase in compensation for psychological violence, reasoning that the employee's subjective feelings or strained relations with management did not, in themselves, prove the existence of systematic harassment. This decision confirms the strict Estonian case law, which states that the finding of psychological violence requires *prima facie* evidence of purposeful, continuous, and humiliating acts, not just isolated disagreements or improperly conducted dismissal procedures.⁴⁷

Therefore, this indicates that the existing regulation is rather superficial and fails to adequately address the increasingly acute problem of psychological violence in the workplace. While national case law has attempted to conceptualise psychological violence and afford protection to employees, the prevailing judicial approach, which requires conduct to be systematic and long-term⁴⁸, is arguably too restrictive. Notably, ILO Convention No. 190 does not impose a requirement of systematicity; it defines violence and harassment broadly as a range of unacceptable behaviours, practices, or threats, adopting a pragmatic, victim-centred approach that focuses on the effect of the conduct rather than its frequency or duration. Accordingly, a single severe act may, in certain circumstances, be sufficient to render an employee helpless and vulnerable, and its exclusion from the scope of protection under current national frameworks constitutes a significant gap warranting legislative attention.

4 EMPLOYER OBLIGATIONS AND PREVENTION MECHANISMS IN LITHUANIA

Article 30 of the Labour Code of the Republic of Lithuania provides not only for a general obligation for employers to create a working environment in which an employee or a group of employees is not subjected to hostile, unethical, degrading, humiliating, aggressive, abusive, insulting or offensive actions, which violate the honour and dignity, physical or psychological integrity of an employee or group of employees, or which are intended to intimidate, embarrass or render defenceless and helpless an employee or group of employees, but also imposes very clear obligations on employers to prevent psychological violence.⁴⁹ Article 30(3) of the Labour Code of the Republic of Lithuania stipulates that the employer shall take all necessary measures to prevent violence and harassment and to

47 Case no 3-17-164 (n 14).

48 *ibid*

49 Law of the Republic of Lithuania no XII-2603 (n 3) art 30.

actively provide assistance to persons who have suffered violence or harassment.⁵⁰ The legislation stipulates that the employer must take measures to eliminate and or control potential risks of violence and harassment, must have adopted a procedure for reporting and dealing with reports of violence and harassment and must make it known to employees, and must provide training to employees on the risks of violence and harassment, on measures to prevent violence and harassment, and on the rights and obligations of employees in relation to violence and harassment.⁵¹ It should be noted that all of these obligations are not recommendations, but direct instructions to employers to act preventively, without waiting for the consequences of an incident of psychological violence. The practical application of these obligations is reflected in emerging case law. Lithuanian courts have recognised psychological violence as an independent ground for non-pecuniary damages, awarding compensation in cases of systematic harassment,⁵² and retaliation against whistleblowers.⁵³

It should also be noted that the Labour Code of the Republic of Lithuania also provides that the list of necessary measures shall be approved by the Chief State Labour Inspector of the Republic of Lithuania and the frequency of training shall be determined by the Chief State Labour Inspector of the Republic of Lithuania, which means that the legislation lays down very clear measures that employers are obliged to take in order to ensure that the prevention of psychological violence is actually guaranteed, rather than being left to the employers' discretion as to the ways of dealing with the issue. In this case, it can be claimed that the State is being proactive not only in controlling and punishing employers but also in providing clear preventive measures. Article 30 of the Labour Code of the Republic of Lithuania also provides for additional preventive measures for employers with more than fifty employees. Such employers must have a policy on the prevention of psychological violence, which sets out how to identify violence and harassment, the possible forms of violence and harassment, the procedure for introducing violence and harassment prevention measures, the procedure for reporting and dealing with violence and harassment, the measures for the protection of and assistance to persons reporting violence and harassment and to the victims of violence and harassment, the rules of conduct (work ethics) for workers and other information relating to the prevention of violence and harassment. At this point, it suggests drawing attention to the fact that employers with fewer than fifty employees should not be misled, as the above-mentioned obligations to create a safe and healthy environment apply to all employers; therefore, the regulatory provision on the number of employees is somewhat misleading.

50 *ibid*, art 30(3).

51 *ibid*

52 Case no e2A-349-587/2022 (Kaunas Regional Court, 24 March 2022).

53 Case no e2A-1616-643/2023 (Vilnius Regional Court, 1 August 2023).

On 17 December 2024, the Chief State Labour Inspector of the Republic of Lithuania, by Order No EV-221, approved the Measures for the Prevention of Violence and Harassment at Work, which entered into force on 1 January 2025 and applies to all employers, regardless of the number of employees.⁵⁴ The order establishes a systematic framework for preventive action to ensure a safe working environment. The measures provided for in the inventory can be divided into three main groups: firstly, identify the necessary preventive measures, which are directly related to the organisation of work, the improvement of working conditions, and the appointment of a responsible person who can be contacted by victims of violence. Secondly, the organisation of training is a crucial part of prevention. The aim of this training is to educate employees and managers about the risks of violence and sexual harassment, thereby creating a culture of prevention within the organisation. Thirdly, the procedures for investigating cases of violence and harassment also serve a preventive function. Establishing clear investigation procedures not only helps respond to incidents that have already occurred but also helps ensure accountability for inappropriate behaviour in the workplace. This set of measures is geared towards preventing violence and improving workplace social affairs, in line with established legal standards.

5 EMPLOYER OBLIGATIONS AND PREVENTION MECHANISMS IN ESTONIA

In 2019, the Estonian Ministry of Social Affairs produced an analysis to help employers manage psychosocial risks and prevent mental health disorders, with recommendations to the state. The analysis highlights that in Estonia, mental health problems are the second most frequent cause of work disability, at a cost to the country of around EUR 572 million per year. The Estonian Ministry of Social Affairs stressed that mental health is an organisational problem, not an individual one, and that employers must be proactive by identifying risk factors, identifying vulnerable employees, using objective and subjective assessment methods, and finally introducing management measures to prevent conflicts, i.e., making it clear that harassment and bullying are not tolerated, establishing rules for resolving disputes within the team, clearly defining the boundaries of employees' responsibilities, building the competence of managers, encouraging open communication, and demonstrating exemplary behaviour as part of a culture.⁵⁵

The Labour Inspectorate of Estonia has also stated in its recommendations that the most effective way to prevent psychological violence (which is a psychosocial risk factor) is to be proactive. The Labour Inspectorate of Estonia recommends, as key prevention measures, clearly defining the responsibilities and powers of employees, clearly setting out principles and guidelines for the management of harassment and bullying, ensuring transparency in

54 Order no EV-221 (n 10).

55 Sotsiaalministeerium, *Töökeskonna vaimse tervise analüüs* (Sotsiaalministeeriumi töö- ja pensionipoliitika töökeskonna üksus 2019) <<https://www.tooelu.ee/et/313/uuringud>> accessed 23 March 2026.

decision-making regarding employees, and involving employees in decision-making, providing training for employees and middle managers on how to recognise stress and how to provide support, providing support for employees who are subjected to violence, ensuring reintegration after the experience and, of course, the employer must take every complaint seriously, investigate the facts with an impartial person and take measures to address the situation.⁵⁶ However, these are only recommendations, and the legislation does not impose these obligations on employers.

As already discussed in section 3.3 above, the statutory framework for the prevention of psychological violence is rather narrow and stems from general legislative requirements, i. e., an employer must ensure the protection of employees against discrimination, follow the principle of equal treatment, and promote equality in accordance with the Equal Treatment Act⁵⁷ and Gender Equality Act,⁵⁸ an employer must ensure working conditions conforming to occupational health and safety requirements and in order to prevent damage to health arising from a psychosocial hazard, an employer must take measures, including adapt the organization of work and workplace to suit the employee, optimise the employee's workload, enable breaks to be included in the working time for the employee during the working day or shift, and improve the enterprise's psychosocial working environment.⁵⁹

Such regulation in Estonia, which imposes only general obligations to assess psychosocial risk factors, does not adequately address the problem of psychological violence in a preventive manner, as employers are not obliged to take specific targeted measures to prevent it. By contrast, Lithuanian regulation is considerably more prescriptive. Following the 2022 amendments to the Labour Code, employers with more than fifty employees are required to adopt and implement a workplace violence and harassment prevention policy⁶⁰, and the obligation to provide training on the prevention of violence and harassment applies to all employers regardless of their size, with training required at least once every three years.⁶¹ Non-compliance with these obligations exposes employers to sanctions imposed by the State Labour Inspectorate. This comprehensive and binding regulatory framework, which leaves considerably less discretion to employers than the Estonian approach, creates stronger structural incentives for proactive prevention of psychological violence in the workplace.

In legal literature, it is argued that the existence of a legislative framework is insufficient to address the problem unless it is accompanied by other primary and secondary interventions implemented in the workplace. Management and employee training, organisational

56 Labour Inspectorate of Estonia (n 43).

57 Law of the Republic of Estonia 'On Employment Contracts' (n 12) art 28.

58 Law of the Republic of Estonia 'On Gender Equality' (adopted 07 April 2004) [2004] RT I 27/181 <<https://www.riigiteataja.ee/et/akt/107032023043?leiaKehtiv>> accessed 23 March 2026.

59 Law of the Republic of Estonia 'On Occupational Health and Safety' (n 11) art 9(1).

60 Law of the Republic of Lithuania no XII-2603 (n 3) art 30.

61 Order no EV-221 (n 10).

surveys, and risk assessment, with measures of possible antecedents of harassment (such as psychosocial working conditions, organisational culture, management, and leadership practices) and psychosocial work environment redesign are examples of primary-level interventions. The aim is to reduce harassment by decreasing the risk in the work environment and increasing awareness, recognition, and understanding of harassment and its consequences. Commonly used secondary measures include conflict management training, training for the investigation of complaints, and mediation. Strategies that can be used to prevent harassment and in situations where harassment has occurred include assertiveness training, social support, counselling, and therapy.⁶²

It should be noted that, even with such an incomplete legal framework, workers still have the right to refuse to carry out work or to stop work the performance of which endangers their health or that of other persons or does not allow to comply with environmental safety requirements, promptly notifying the employer or the employer's representative and a working environment representative thereof,⁶³ and the employer may be obliged to pay the average wage to an employee who is able to work and ready to work even if the employee does not work because the employer has not provided work, has not performed the necessary actions for the performance of the work, or has otherwise delayed accepting the work, unless the failure to provide work is due to the employee's fault. It can be argued that if the psychological violence relates to the performance of vicious tasks, the employee may refuse to perform such duties, and the employer will be obliged to pay the employee's average wage for such time.

As regards the assessment of psychosocial risk factors, the Labour Inspectorate has created a tool aimed mainly at small and medium-sized enterprises to assist them in assessing the risks in the workplace,⁶⁴ however, while the initiative is positive, the Labour Inspectorate is solely responsible for the implementation of legislative requirements, in this case for compliance with Occupational Health and Safety Act of Estonia and may impose a fine on the persons responsible where it finds violation of requirements established for working environment affected by physical, chemical, biological, physiological or psychosocial hazards if it involved a threat to the health or life of an employee, committed by an employer or an employer's management board member or another representative to whom the obligation to ensure compliance with these requirements was delegated. This means that the Labour Inspectorate also needs to identify a real threat to the worker's life or health to impose a fine. However, proving a direct link between the working environment and a "real threat" is extremely difficult. Therefore, such regulation is by no means preventive, and the existing regulation, lacking a preventive mechanism, does not sufficiently encourage companies to take the initiative before emergencies arise.

62 Helge Hoel and Ståle Einarsen, 'Shortcomings of Antibullying Regulations: The Case of Sweden' (2010) 19(1) *European Journal of Work and Organizational Psychology* 30, doi:10.1080/13594320802643665.

63 Law of the Republic of Estonia 'On Occupational Health and Safety' (n 11) art 14.

64 Labour Inspectorate of Estonia (n 43).

6 COMPARATIVE ANALYSIS OF THE SPECIFICITIES OF THE LEGAL FRAMEWORK

As can be seen, the Lithuanian and Estonian regulations on psychological violence and harassment are characterised by substantial differences, ranging from the legal definitions to the details of the obligations imposed on employers. Firstly, in Lithuania, as of 1 November 2022, the Labour Code introduces a very broad and detailed definition of violence and harassment. It covers any unacceptable behaviour or threat thereof, whether a single incident or repeated, with the intent to cause physical, psychological, or other effects.⁶⁵ Regulation covers not only the immediate workplace, but also business trips, rest periods, and electronic communication. Estonian legislation does not provide a specific definition of psychological violence. In Estonia, the general principles of non-discrimination and the assessment of psychosocial risk factors are used. In case law, workplace violence is defined as systematic and persistent hostile behaviour, which differs from the definition in Lithuania (where a single incident is sufficient) and from international standards. In Lithuania, there are very clear and binding obligations. Employers are obliged to adopt a procedure for dealing with reports, to organise periodic training and, for those with more than fifty employees, to draw up a violence prevention policy. A specific preventive measure has been in force since 2025, detailing the necessary actions. In Lithuania, the State actively prescribes specific measures rather than leaving them to employers to decide. In Estonia, the regulation only provides for a general obligation to ensure safe conditions and to assess psychosocial risks (stress, bullying, strain). Although the Ministry of Social Affairs and the Labour Inspectorate issue recommendations for proactive action (open communication, managerial competence), this regulation is seen as superficial because it lacks concrete implementation guidelines. In Lithuania, regulation is much stricter; employers must act preventively, as they face sanctions for failing to fulfil specific obligations (such as not organising training and not having a company policy on psychological violence), without waiting for an actual incident of violence to occur. The practical effect of this framework is evidenced by enforcement data, as in 2025, the State Labour Inspectorate recorded 181 violations of Article 30 of the Labour Code, with a 48 per cent increase compared to 2024, and examined 462 complaints relating to psychological violence, nearly double the figure recorded in 2022, when the legislative reforms first entered into force.⁶⁶ In Estonia, the Labour Inspectorate can impose fines, but this requires proof of a real threat to the worker's life or health. As it is difficult to prove a direct link between the working environment and such a threat, this regulation does not sufficiently encourage companies to be proactive before emergencies arise.

65 Law of the Republic of Lithuania no XII-2603 (n 3) art 30.

66 Valstybinė darbo inspekcija, '2025 m smurto ir priekabiavimo darbe pažeidimų užfiksuota beveik dvigubai daugiau nei pernai' (*State Labour Inspectorate of Lithuania*, 12 March 2026) <<https://vdi.lrv.lt/lt/naujienos/2025-m-smurto-ir-priekabiavimo-darbe-pazeidimu-uzfiksuota-beveik-dvigubai-daugiau-nei-pernai-vFG/>> accessed 23 March 2026.

The divergence between the two regulatory models is borne out by enforcement data. In Lithuania, the number of psychological violence claims before Labour Dispute Commissions increased by 89 per cent between 2024 and 2025, reaching 196 claims in 2025, nearly double the figure recorded in 2022, when the legislative reforms first entered into force.⁶⁷ However, the outcomes of these proceedings reveal persistent practical challenges; approximately 42 per cent of psychological violence claims were dismissed, while only 1.5 per cent were upheld in full or in part, with the majority resolved through settlement agreements.⁶⁸ In contrast, Estonia's labour dispute statistics do not disaggregate claims by category of psychological violence, as the concept lacks a specific legal definition under national law. The Estonian Labour Dispute Committee recorded 2,411 applications in total in 2024; however, psychological violence, as a distinct legal ground, is not recorded or reportable separately within the Estonian system.⁶⁹ This absence of category-specific enforcement data is not merely a statistical gap; it is a structural consequence of the regulatory framework itself, which, without a statutory definition and specific employer obligations, there is no systematic basis on which enforcement activity relating to psychological violence can be measured, reported, or assessed. The Estonian regulatory framework does not create the conditions necessary for proactive action by employers. Since there are no specific statutory obligations as mandatory training, complaint-handling procedures, or prevention policy requirements, employers have neither a clear legal standard to meet nor a meaningful risk of sanctions for failing to act before an incident occurs. This stands in stark contrast to the Lithuanian model, where the existence of specific obligations and the active enforcement of those obligations by the State Labour Inspectorate creates structural incentives for employers to act preventively and in a timely manner.

In summary, Lithuania has chosen the path of strict, detailed regulation, requiring employers to implement specific prevention procedures. Estonia relies more on general safety principles and risk assessment methodologies but lacks a clear legal framework on what constitutes psychological violence, giving employers more freedom but less clarity on how to manage the problem, and sanctions only reach employers in exceptional cases where a real risk to a worker's life or health is identified. Moreover, the absence of a specific legal definition and enforceable preventive obligations means that the Estonian regulatory framework does not create the conditions necessary for employees to act proactively in identifying psychological violence or asserting their potentially violated rights.

67 Valstybinė darbo inspekcija, '*Darbo ginčų komisijų veiklos apžvalga už 2025 metus*' (*State Labour Inspectorate of Lithuania*, 2026) <<https://vdi.lrv.lt/lt/darbo-gincai/apie-dgk/dgk-statistika-dgk-spendimu-ir-teismu-sprendimu-apzvalgos/>> accessed 23 March 2026.

68 *ibid*

69 Tööinspektsioon, *Tööinspektsiooni Aastaraamat 2024* (*Tööinspektsioon 2025*) <<https://www.ti.ee/ennetus-ja-teave/infomaterjalid/tooinspektsiooni-aastaraamat>> accessed 23 March 2026.

7 CONCLUSIONS

The comparative analysis of Lithuanian and Estonian legal frameworks reveals that, while both countries have reached a significant milestone in recognising psychological violence as not merely an ethical but also a legal problem, it remains a conceptually contested phenomenon, and there is no unanimous international or national consensus on a definition of psychological violence. Although both legal systems draw on international standards, they have adopted different legislative approaches. Lithuania has introduced a broad definition of 'violence and harassment' in the Labour Code, encompassing even one-off acts and the threat of hypothetical harm, whereas Estonia addresses psychological violence primarily within the occupational safety and health framework, treating it as a systematic psychosocial risk rather than a distinct legal category.

In Estonia, the prevention of psychological violence continues to rest on the general principles of occupational safety and non-discrimination, without a specific definition of the phenomenon. Although the Estonian system places considerable emphasis on the assessment of psychosocial risks, national case law remains conservative, consistently linking psychological violence to systematic and long-term conduct. This approach risks leaving victims of isolated but severe incidents without adequate legal protection, as a single act may fall outside the scope of judicial recognition. The absence of a specific legal definition of psychological violence in Estonian law and the high judicial threshold requiring proof of systematic and long-term conduct mean that the Estonian regulatory framework does not create the conditions necessary for employees to seek redress through dispute resolution bodies, employees who experience psychological violence have no clear legal basis on which to formulate a claim, and therefore no meaningful incentive to initiate formal proceedings.

Taken together, these findings suggest that the Lithuanian model offers greater clarity and stronger employee protection, as employers are directly obligated to ensure a preventive culture and are subject to specific sanctions for non-compliance. The Estonian regulatory framework, by contrast, remains superficial, while proactivity is encouraged through administrative guidance; enforceable sanctions are imposed only when a direct threat to life or health can be identified.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

ПРАВОВА БАЗА ДЛЯ ЗАПОБІГАННЯ ПСИХОЛОГІЧНОМУ НАСИЛЬСТВУ НА РОБОТІ В ЛИТВІ ТА ЕСТОНІЇ: ПОРІВНЯЛЬНИЙ АНАЛІЗ

Айсте Мачюлайте

АНОТАЦІЯ

Вступ. Психологічне насильство на робочому місці зараз визнається одним із найнебезпечніших психосоціальних факторів ризику, що завдає прямої шкоди не лише гідності та психічному здоров'ю працівників, але й економічній стабільності організацій та країн. На міжнародному рівні правове регулювання у цій сфері послідовно розвивалося від загальних принципів прав людини, закріплених у Загальній декларації прав людини та Європейській соціальній хартії, до спеціалізованих стандартів, що закріплені в Конвенції Міжнародної організації праці № 190 (далі – «Конвенція МОП № 190»). У цьому контексті Литва та Естонія, дві сусідні балтійські держави, обрали принципово різні моделі регулювання: у 2022 році Литва запровадила детальну концепцію психологічного насильства та конкретні превентивні зобов'язання для роботодавців, тоді як Естонія продовжує покладатися на загальні принципи безпеки та здоров'я працівників, не встановлюючи конкретного визначення психологічного насильства в національному законодавстві.

Методи. У цій статті використовується порівняльний дослідницький підхід для систематичного вивчення правових баз Литви та Естонії щодо запобігання психологічному насильству на робочому місці. Дослідження ґрунтується на аналізі законодавства, вивченні ключових національних правових джерел та міжнародних документів. У роботі було використано аналіз судової практики та розглянуто справу Талліннського окружного суду № 3-17-164, яка ілюструє підхід естонських судів до класифікації психологічного насильства. Систематичний огляд наукової літератури дозволив розробити теоретичну основу та оцінити нормативно-правове регулювання обох країн у ширшому міжнародному контексті.

Результати та висновки. Порівняльний аналіз правового регулювання в Литві та Естонії виявив фундаментальні відмінності між моделями двох країн. Литва встановила широке та детальне визначення психологічного насильства, яке охоплює як одноразову, так і повторювану неприйнятну поведінку або загрозу її прояву, тоді як естонське законодавство взагалі не встановлює конкретного визначення психологічного насильства. Крім того, в Литві роботодавці зобов'язані вживати конкретних превентивних заходів, у той час як в Естонії роботодавці несуть лише загальний обов'язок оцінювати психосоціальні ризики, а конкретні запобіжні заходи залишаються на їхній розсуд. Зрештою, механізми санкцій також відрізняються, оскільки в Литві роботодавці можуть бути покарані за невиконання конкретних профілактичних зобов'язань, незалежно від того, чи мав місце фактичний випадок насильства, тоді як в Естонії Інспекція праці може накладати штрафи лише після встановлення реальної загрози життю чи здоров'ю працівника.

Ключові слова: психологічне насильство на робочому місці; домагання на робочому місці; зобов'язання роботодавця; охорона праці; Литва та Естонія.