

Designation of the General Concept of Compensation for Work in English and Lithuanian

Aušra Tekoriūtė

Vilniaus universitetas
Filologijos fakultetas
Literatūros, kultūros ir vertimo tyrimų institutas
Institute for Literary, Cultural and Translation Studies
Faculty of Philology
Vilnius University
ausra.tekoriute@gmail.com
<https://orcid.org/0000-0002-6428-6664>

Abstract. As part of a systematic knowledge-based analysis of terms related to regulation of wages, the paper analyzes the meaning, usage, and translation of terms designating the general concept of compensation for work in English and Lithuanian. The analysis is based mainly on Chapter IX of the Labour Code of the Republic of Lithuania and its translation into English, as well as the translation of conventions of the International Labour Organization (ILO) and some other legal texts related to wages into Lithuanian. It has been established that while some English and Lithuanian terms with the general meaning of compensation for work are very similar both semantically and functionally, it is possible to trace certain smaller or greater differences between them.

Keywords: term, translation, compensation for work, Labour Code of the Republic of Lithuania.

Bendrosios darbo apmokėjimo sąvokos raiška anglų ir lietuvių kalbose

Santrauka. Šis straipsnis yra sistemingos, darbo užmokesčio reglamentavimo srities žiniomis grįstos anglų ir lietuvių terminų analizės dalis, būtent: terminai, reiškiantys pačią bendriausią darbo užmokesčio sąvoką. Analizė remiasi daugiausia Lietuvos Respublikos darbo kodekso IX skyriaus tekstu ir jo vertimu į anglų kalbą bei Tarptautinės Darbo Organizacijos (TDO) konvencijų bei kitų darbo užmokesčio problemoms skirtų teisinių tekstų vertimu į lietuvių kalbą. Nustatyta, kad kai kurie pačią bendriausią darbo užmokesčio sąvoką reiškiantys terminai savo semantika ir funkcinėmis ypatybėmis yra labai panašūs ir tekste dažnai keičia vienas kitą. Tačiau kai kurie šiai grupei priklausantys terminai turi savitų semantinių požymių, kurie riboja jų vartojimą.

Pagrindiniai žodžiai: terminas, vertimas, darbo užmokestis, Lietuvos Respublikos darbo kodeksas.

Introduction

The essential objective of the European Union is “the promotion of the economic and social progress of its states” and “the constant improvements of the living and working conditions of their peoples.”¹ Labour law, which defines the rights and obligations of EU citizens as workers and employers, plays a significant role in achieving that essential objective of the European Union. Therefore, from this perspective, the Commission is mandated to (1) set and constantly modernise EU legislation regulating working and employment conditions; (2) monitor the effective application of EU law legislation in all the Member States of the European Union; (3) boost employment opportunities by informing and consulting workers on the working and employment conditions in the entire free European labour market.

The aforementioned mandates of the European Commission highly rely on translation services. The Commission sets and develops EU labour legislation by issuing directives, one of the labour law sources, which EU Member States incorporate in their national law and implement. Thus, the directives have to be translated into the national languages of the Member States. For the Commission to be able to monitor the transposition of directives into national law and their implementation, it is necessary to translate national statutes and the most important, at least, delegated legislation into English. Distribution of information on national labour laws is important to ensure free movement of labour, which also depends on the translation of those laws into English.

Therefore, in 2016, to assist the Commission in its role to ensure the correct application of EU labour law and possibilities for comparing national labour legislation and its enforcement in different Member States as the rationale for developing and improving modern labour law, also to enhance the awareness of the enforcement of EU labour law across all Member States for the benefit of mobile labour, the European Union created a European centre of expertise in the field of labour law, employment and labour market policies. The European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies publishes monthly flash reports on the developments in the area of labour law in the EU Member States and EEA countries. The reports include 4 sections: National Legislation, Court Rulings, Implications of CJEU rulings and ECHR, Other relevant information. Those flash reports are prepared and sent to the European Centre of Expertise by the appointed national labour law experts. Analysis and description of terms related to wages would benefit the national labour law experts and translators of the materials that find their way to the monthly flash reports.

¹ Preamble to the Treaty on the Functioning of the European Union.

Another European initiative in the area of labour law that requires translation from Lithuanian into English is the International Comparative Legal Guides (ICLG). They provide current and practical comparative legal information on several jurisdictions in a Q&A format and are a potential source of information for lawyers engaged in the development and interpretation of laws and their implementation in different Member States, and also for migrants who seek jobs in another Member State. Regrettably, no information on the situation of labour law implementation in Lithuania has been found in the Guides.

In the light of the survey of European legal initiatives in the area of labour law, it is quite obvious that translations of legal texts, including those on labour law, both from and into national languages are in great demand as they are essential for the development of European law and the common market. A study entitled “Demand for Translation Services in Lithuania” (Pocius 2010), conducted by the Department of Translation Studies of Vilnius University in 2010 revealed that the biggest demand in the translation market was for legal translation: 50% of the respondents indicated this particular field as the first area in which they would require a translator’s services.

Therefore, any in-depth analysis and comparison of English and Lithuanian terms of labour law and their usage is welcome and highly relevant.

Knowledge-based study of terminology

Terminology as a linguistic discipline has evolved to a point where a mere compilation of monolingual or bilingual lists of terms in some special field of knowledge is no longer regarded as satisfactory. The results of terminological work should help their user gain a comprehensive view of the subject field and a clear grasp of the place that each term has within the specific terminological system. It has been noted (Cao 2007) that translating in the area of law, in particular, requires substantial subject knowledge. Although some international legal instruments may be quite general in their nature, others call for cooperation with specialists from the relevant field (*ibid.*).

A comprehensive knowledge-based understanding of terminology in a particular area can only be achieved through a detailed analysis of the semantics of each term and its relations with other terms within the system. Approached from a translator’s needs, it is also necessary to describe the syntactic usage of terms, their fitness in different genres of professional and general texts as well as their collocative and derivative potential.

As a point of departure for knowledge-based study of terminology on remuneration for work we have chosen Chapter IX, Articles 139–150, of the Labour Code of the Republic of Lithuania, which will be further expanded through an analysis of other legal documents, both in English and Lithuanian, dealing with the subject of wages,

such as Conventions of the International Labour Organisation and their translations into Lithuanian and other legal literature in English and Lithuanian on various issues of remuneration for work. (See Annex 1)

Regulation of Wages by the Labour Code of the Republic of Lithuania

Chapter IX of the Lithuanian Labour Law begins with the definition of the general concept of compensation for work, in Lithuanian “*darbo užmokesčio sąvoka*”, and says that it is “payment for work performed by an employee under an employment contract”. Thus, right at the beginning we are faced with the question: what are the Lithuanian and English terms that designate the most general concept of compensation for work? If there are several such terms in each language, how and when are they used? What are their paradigmatic, syntagmatic and stylistic differences and similarities? These will be the first problems we are going to deal with.

Article 139 expands the definition of the general concept of compensation for work by indicating that compensation for work (*darbo užmokestis*) consists of several kinds of compensation for work. To be precise, Article 139 indicates six kinds of compensation for work. First and foremost, compensation for work comes as a regular (weekly, fortnightly or monthly) payment of a certain amount of money. How is this kind of regular payment for work referred to in English and Lithuanian?

In addition, Article 139 enumerates other kinds of payment that may supplement the regular payment for work including bonuses, premium payments, and other kinds of payment (*premijos, priedai, priemokos*) etc. Thus, it is implied that the kinds of compensation for work fall into two groups: the basic form of compensation (*bazinis (tarifinis) darbo užmokestis*) and supplementary kinds of compensation (*papildoma darbo užmokesčio dalis*). The English and Lithuanian terminology of the supplementary compensation for work also deserves comparative analysis, which should be useful and instructive for translators of legal texts pertaining to remuneration for work. What are the supplementary forms of compensation for work? What are their distinctive features? Under what circumstances are they paid? What are the English and Lithuanian equivalent terms for such payments? Translators of texts relating to remuneration for work must know and be aware of answers to these questions.

The following articles of Chapter IX regulate several important aspects of remuneration for work. One of such important aspects is the regulation and determination of the size of remuneration for work. Here we come across such terms as *darbuotojų kategorijos pagal pareigybes ir kvalifikaciją, vidutinis darbo užmokestis, minimalus darbo užmokestis, pragyvenimui pakankamas darbo užmokestis ir kt.* To ensure the adequacy of

a possible translation into English of the Lithuanian Labour Code and other legal acts and documents on wages, these terms may not be ignored either.

Closely related to the issue of the size of remuneration for work is the question of various deductions from wages as they have a significant impact on the amount of money an employee takes home.

In Article 140.5 the Labour Code takes up the issue of discrimination in compensating for work based on gender and other grounds, and the principle of equal remuneration for equal or similar work. Here we come across a variety of terms both in Lithuanian (*toks pat darbas*, *lygiavertis darbas*, *vienodas ar panašus darbas*) and English (*equal work*, *work of equal value*, *like work*, *similar work*, etc). The content of these English terms have been the subject of numerous discussions and interpretations. Equivalency and content of such English and Lithuanian terms may pose problems, especially for translators, therefore their analysis may not be neglected.

An important aspect of compensation for work is the procedure of its payment which must follow certain rules and principles. This aspect is important because the rights of employees may be violated by the failure of the employer to adhere to the required rules. Legal regulation of the procedure of wage payment covers the following:

- (a) periodicity of wage payment;
- (b) location of payment;
- (c) accounting for earned wages;
- (d) employees' right of access to information on their earned wages;
- (e) some other issues.

The above overview of the major concepts and items of wage regulation in the Labour Code of the Republic of Lithuania defines the framework for the possible organisation of the comparative analysis of English and Lithuanian terms related to compensation for work.

English and Lithuanian Terms Designating the General Concept of Compensation for Work

According to the Labour Code of the Republic of Lithuania, words designating the general concept of compensation for work mean payment for work performed by an employee under an employment contract, which can take on a number of different forms, including a basic wage or salary and supplementary cash payments such as shift pay and overtime pay, and employment benefits. The search for lexical units (words and word groups) designating the general concept of compensation for work in English and Lithuanian has produced the following lists of words:

English:	Lithuanian:
<i>compensation for work</i>	<i>atlyginimas</i>
<i>earnings</i>	<i>atlygis</i>
<i>emolument(s)</i>	<i>darbo apmokėjimas</i>
<i>pay</i>	<i>darbo užmokestis</i>
<i>payment for work</i>	<i>užmokestis</i>
<i>remuneration</i>	<i>uždarbis</i>
<i>wage/wages</i>	

English Terms Designating the General Concept of Compensation for Work

The study of dictionary definitions of the English words listed in the left-hand column most often reveals no significant differences in their meaning. For example, Heery and Noon (2008) define the words *compensation*, *earnings*, *pay*, and *remuneration* by providing the same definition: “payment for work, which can assume a number of different forms, including a basic wage or salary, supplementary cash payments, such as shift pay and overtime pay, and employment benefits”. It is noteworthy that IATE, the shared terminology database of the institutions of the European Union, has borrowed not only this definition but also the idea of using it without any modification for all the above words.

Moreover, there are numerous cases where conventions, statutes, contracts, and other official documents define the words *compensation*, *pay*, *remuneration*, and *wages* as terms designating the general concept of compensation for work. These terms could be called “umbrella” terms.

- (1) In this Convention, the term *wages* means remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered. (Protection of Wages Convention 1949, (No. 95) ILO).
- (2) For the purpose of this Convention the term *remuneration* includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment.” (Equal Remuneration Convention 1951 (No. 100) ILO).
- (3) *Compensation for work* designates the most general and broadest concept, subsuming all the other terms and concepts relating to remuneration for work. It designates the entire returns that an employee obtains from his/her work. Thus, compensation

for work consists of all forms of monetary and non-monetary rewards and pays provided by the employer to the employees for services contributed by them towards organizational objectives. (Definition provided by *Patriot Software LLC*, an American accounting and payroll company)

Pay/wage/wages

The attestation that the terms *pay* and *wages* have this broad umbrella meaning can also be found in numerous cases of their actual use in texts, for example: (4) “Figure 2 summarises the changes in the average CEO *pay structure* over sample period including all compensation variables” (Proceedings of the Eighth Saudi Students Conference. London, 31 January – 1 February 2015, 150).

If the *pay structure* includes all compensation variables, the term *pay* should be interpreted in the above sentence as designating the most general concept of remuneration for work.

A major peculiarity of the English terms listed in the left-hand column is that some of them, especially the terms *pay*, *wage*, and *earnings* can be used interchangeably even in identical contexts in the same document. For example, in the same document posted online by the UK National Institute of Economic and Social Research (2020) there are the following cases of identical use of the terms *pay*, *wage*, and *earnings*:

Pay dynamics in the public sector *vs wage dynamics* in the public sector.

- (5) Figure 1 illustrates that periods of higher *public sector earnings growth* have over the last three decades alternated with periods of higher *private sector wage growth*.
- (6) In general, sectors with higher union density tend to reach higher *pay settlements* than less unionised sectors.
- (7) Our results suggest that lower union density means that *wage settlements* are on average lower than in the past. (Dolton, Hantzsche, and Kara 2020)

However, although the English terms listed in the left-hand column share the umbrella meaning of compensation for work, and some of them can be used interchangeably, a closer look at their semantic and functional features can help uncover some differences. This paper will look at each of the terms one by one.

One of the most prominent semantic features of the terms *pay* and *wage(s)* is that they possess two distinct meanings: (1) the total remuneration for work including all the compensation variables and (2) regular weekly, fortnightly or monthly cash payment in the form of salary or wages (for example, see the definition provided by the

Business Dictionary). The second meaning of the term *pay* is clear in the following example:

- (8) He spent a week's *pay* in just one night (as provided in *Merriam-Webster Learner's Dictionary*)

Because of their broad meaning, the terms *pay* and *wage* are used to form numerous compound terms built on the following patterns:

Pattern **pay + N**: *pay package, pay structure*

Pattern **Adj/Noun + pay**: *basic pay, base pay, consolidated pay*

Compensation

The meaning and usage of this term is slightly different in British and American English (see *Collins Dictionary*² and *Oxford Dictionary*³), the main difference being the following:

- **British English**: because of their very broad meaning, the terms *compensation* and *compensation for work* are mostly used as predicate nominatives, especially in intensional definitions⁴ of the meaning of other terms related to remuneration for work, for example: (9) A worker's *wage* is the monetary *compensation* an employer pays for the work he or she has done. (*Market Business News*)
- **American English**: Similarly to the terms of broad semantics of *pay* and *wages*, the term *compensation* has developed another meaning in American English, that of "The money received by an employee from an employer as a salary or wages" (*Oxford Dictionary*), for example, (10) Send your CV and current compensation to Executive Search Consultant (*Atsiųskite savo Curriculum vitae vadovų paieškos konsultantui ir kartu nurodykite dabartinę savo algą*) (my translation).

As the term *compensation* has two meanings in American English, the translation of this term into Lithuanian may pose difficulties. The translator must be particularly mindful both of the context in which the term *compensation* is used, and the source of the text. For example, in the sentence (11) "CEO's base salary accounted for 55% of total *compensation*" (Proceedings of the Eighth Saudi Students Conference. London, 31 January – 1 February 2015, 150), the term *compensation* designates the general concept of remuneration for work because it is usual to define *base salary* in relation to

² Collins Dictionary <https://www.collinsdictionary.com/dictionary/english/compensation>

³ Oxford Dictionary <https://www.lexico.com/definition/compensation>

⁴ Intensional definitions define the meaning of the word by first stating the broad category it belongs to and then indicating its distinguishing specific properties <http://memex.cc/Definition>

total compensation for work by indicating that a base salary does not include benefits, bonuses or any other form of potential compensation from an employer. Moreover, the source of the text is British (see the location of its publication), so the meaning has to be British and not American.

Because of its broad meaning, the term *compensation* is used to form numerous compound terms built on two patterns:

Pattern **compensation + N**: *compensation package, compensation structure*;

Pattern **Adj/Noun + compensation**: *cash compensation, non-cash compensation, deferred compensation, direct compensation, hourly compensation, monetary compensation, total compensation*, etc.

Remuneration

The term *remuneration* differs from the terms *pay* and *wage* in that it does not designate specifically salary or any other specific or regular wages for work. The meaning of the term *remuneration* is a designation of any or all unspecified kinds of compensation for work irrespective of its reference.

(12) Over the years, Clare has contributed to various industry publications on topics such as gender pay, *executive remuneration* and market pay trends. (Parkinson 2018)

Executive remuneration covers here any kind of compensation executives receive for their service.

Because of its general and comprehensive meaning, the term *remuneration* is frequently used as a predicate nominative similarly to the term *compensation*, the only difference between them being the formal character of the term *remuneration*.

Just like the other terms designating the general concept of compensation for work, the term *remuneration* is used to form numerous compound terms built on two patterns:

Pattern **remuneration + N**: *remuneration policy, remuneration bracket*;

Pattern **Adj/Noun + remuneration**: *fixed remuneration, variable remuneration, equal remuneration, executive remuneration*.

Earnings

According to English dictionaries, the term *earnings* has two meanings: (1) money obtained in return for labour or services, and (2) income derived from an investment or product (*Oxford Dictionary*); or: (1) the amount of money that someone is paid for working, and (2) a company's profits in a particular period (*Cambridge Advanced Learner's Dictionary & Thesaurus*).

The second meaning of the term *earnings* (a company's profits in a particular period) is irrelevant for this study of different kinds of compensation for work under an employment contract; thus this paper is going to concentrate exclusively on the first meaning of the term *earnings* (money obtained in return for labour or services).

In IATE, the first meaning of the term *earnings* is defined in two ways: first, it is defined in the same way as the terms *remuneration*, *pay*, and *compensation* ("payment for work, which can assume a number of different forms, including a basic wage or salary, supplementary cash payments, such as shift pay and overtime pay, and employment benefits"), but then another definition, which is "the income arising from the sale of services of labour" can be found. The two definitions supplement rather than contradict each other in that they emphasize two distinct senses in the meaning of the term *earnings* – the first sense in the meaning of *earnings* is that of any unspecified payment for work, and the second sense is that of income (or source of income) to the person who sells his labour. One or the other of those senses becomes prominent in certain contexts. For example, in sentence (13) "I worked in a restaurant, but the money was small so I needed to increase my *earnings*" the sense "income" is more prominent than the sense "payment for work", and therefore, *earnings* could easily be substituted here by the word *income*. Similarly, the sense "income" is prominent in the following sentence: (14) "A bonus can double an executive's *earnings*." The term *earnings* can be interpreted here as "all the income/money an executive can earn by working" and could be substituted by the words *earned income* or *labour income*.

In the phrase *loss of earnings*, the word *earnings* can be substituted by both the word *income* and the word *pay*: *loss of earnings* – *loss of pay* – *loss of income*. All three variants of the phrase occur in speech and depend on the speaker's emphasis.

Owing to its plural form, the term *earnings* can refer to the aggregate amount of pay an employee receives in a certain period of time or to a number of discrete (clearly separate) payments for work.

In sentence (15) "The person's future pension benefit earned for a specific year depends on the level of the person's *earnings* for the given year" the emphasis is on the aggregate payments the person received as an employee in the given year, i.e. the aggregate amount of money the person received in any form under the employment contract.

In sentence (16) "Consolidated pay is the total amount one can get as pay or salary. No other variable *earnings* and allowances will be paid" the emphasis in the meaning of the term *earnings* is on the discreteness of the payments.

The term *earnings* is used to form compound terms on the patterns:

Adj/Noun + earnings and **earnings + Noun:**

gross earnings, *net earnings*, *daily/weekly/annual earnings*,
loss of earnings, *earnings premium*.

Emolument (usually emoluments)

Various English dictionaries define the term *emolument* in a very similar way:

“(formal; usually emoluments) A salary, fee, or profit from employment or office.”
(*Oxford Dictionary*)

“Compensation received by virtue of holding an office or having employment (usually in the form of wages or fees)” (*Princeton WordNet 3.1*)

A closer look at its usage in various texts reveals two important features of the term *emolument(s)* that make it different from the other terms designating the general concept of compensation for work. The first is its very formal character. The second is its predominant use in the plural, which points to a semantic feature that makes it different from the meaning of the other terms designating the general concept of compensation for work. While the other terms refer to the kinds of remuneration as a lump sum of various kinds of remuneration and are, therefore, mostly used in the singular, the term *emolument* refers to a discrete (clearly separate) unit of any kind of remuneration; thus it can be and is mostly used in the plural, referring to a group of discrete kinds of compensation for work.

“The term *remuneration* includes the ordinary, basic or minimum wage or salary and any *additional emoluments* whatsoever.” (Equal Remuneration Convention, 1951 (No 100) ILO)

“The Constitution’s *emoluments* clauses prohibit presidents from accepting any payment from federal, state or foreign governments beyond their official salary” (*The New York Times* September 6, 2019)

Differently from all the other general terms for compensation for work, the term *emolument(s)* is not used to form any compound terms.

Lithuanian Terms Designating the General Concept of Compensation for Work

Darbo užmokestis

The most general and most frequently used Lithuanian term is *darbo užmokestis*.

Article 139 of the Labour Code of the Republic of Lithuania gives the following definition of the term *darbo užmokestis*:

“139 straipsnis. *Darbo užmokesčio sąvoka* (Article 139. The Concept of Remuneration)

1. *Darbo užmokestis – atlyginimas už darbą, darbuotojo atliekamą pagal darbo sutartį.* (Remuneration is payment for work performed by an employee under an employment contract).

2. *Darbuotojo darbo užmokestį sudaro:* (An employee's remuneration consists of:)
- 1) *bazinis (tarifinis) darbo užmokestis (valandinis atlygis arba mėnesinė alga, arba pareiginės algos pastovioji dalis)* (the basic (rate) remuneration (hourly wage or monthly salary);
 - 2) *papildoma darbo užmokesčio dalis, nustatyta šalių susitarimu ar mokama pagal darbo teisės normas ar darbovietėje taikomą darbo apmokėjimo sistemą* (additional remuneration established by mutual agreement or paid according to labour law provisions or the remuneration system applicable at the workplace);
 - 3) *priedai už įgytą kvalifikaciją* (bonuses for qualifications acquired);
 - 4) *priemokos už papildomą darbą ar papildomą pareigų ar užduočių vykdymą* (allowances⁵ for additional work or the execution of additional duties or tasks);
 - 5) *premijos už atliktą darbą, nustatytos šalių susitarimu ar mokamos pagal darbo teisės normas ar darbovietėje taikomą darbo apmokėjimo sistemą* (bonus payments for work performed, established by mutual agreement or paid according to labour law provisions or the remuneration system applicable at the workplace);
 - 6) *premijos, darbdavio iniciatyva skiriamos paskatinti darbuotoją už gerai atliktą darbą, jo ar įmonės, padalinio ar darbuotojų grupės veiklą ar veiklos rezultatus* (bonus payments allocated on the initiative of the employer to motivate an employee for work well done or for the activities or performance results of the employee or of the enterprise, department or group of employees)."

From the definition given above it is clear that the term *darbo užmokestis* is to be understood in the Labour Code as designating the general concept of remuneration for work and covering not only the regular payment for work in the form of salary and wages, but also all other forms of compensation for work. This general meaning is clearly manifested in the following phrases and sentences:

“darbo užmokestis ir jo sudedamosios dalys (the remuneration and components thereof)” (Article 44.(1). The Labour Code of the Republic of Lithuania)

“Darbdavys užtikrina darbuotojo teisę po atostogų grįžti į tą pačią ar lygiavertę darbo vietą ne mažiau palankiomis negu buvusios darbo sąlygomis, įskaitant darbo užmokestį. (The employer shall ensure the employee's right to return, after special leave, to the same or equivalent workplace/position under terms of employment no less favourable than those previously, including remuneration)” (Article 131(2) The Labour Code of the Republic of Lithuania).

⁵ It should be noted that there is a mistranslation in the English version of the Labour Code. *Merriam-Webster Dictionary* defines *allowances* as “a reimbursement or bounty or for expenses.” Therefore, *priemokos* should be translated as *premium pay*, as *Cambridge Business English Dictionary* defines the term as “money that is paid in addition to someone's regular rate of pay for working extra hours, at night, etc.”

However, analysis of the meaning of the term *darbo užmokestis* as used in the Labour Code of the Republic of Lithuania shows that in the overwhelming majority of cases *darbo užmokestis* is used in the meaning of the fixed and regular payment for work, that is, as *salary* and *wages*.

“*Darbo užmokestis darbuotojui turi būti mokamas reguliariai, bet ne rečiau kaip kartą per mėnesį.* (Remuneration must be paid to the employee on a regular basis and at least once per month)” (Article 91 The Labour Code of the Republic of Lithuania)

In the phrases *vidutinis darbo užmokestis*, *minimalusis darbo užmokestis* the term *darbo užmokestis* is also clearly used in the meaning of *salary* or *wages*.

That leads to the conclusion that the term *darbo užmokestis* can be used in two meanings: first, as remuneration for work in general, and second, as the fixed regular payment for work. The use of the term *darbo užmokestis* in those two meanings appears to be similar to that of the terms *pay* and *wages* in English.

Atlyginimas

The *Dictionary of Modern Lithuanian* provides two meanings of the word *atlyginimas*: “(1) užmokestis už darbą (gauti nemažą atlyginimą); (Compensation for work, e.g. to receive a good pay.) (2) atsiteisimas už nuostolius, išlaidas, žalą ir pan. (Persikėlimo išlaidų atlyginimas. Nuoskaudos atlyginimas)” (Compensation or reward given for loss or harm suffered).

The second meaning of the term *atlyginimas* is irrelevant for this study and, therefore, the paper is going to concentrate exclusively on the first meaning of the term *atlyginimas*.

The *Dictionary of Modern Lithuanian* defines the first meaning of the term *atlyginimas* in the most general way as “užmokestis už darbą” (payment for work) without going any deeper into the peculiarities of its semantics or usage.

A more detailed definition of the term *atlyginimas* can be found in the translation of the ILO Equal Remuneration Convention, 1951:

“*Terminas „atlyginimas“ apima įprastinį, pagrindinį ar minimalų darbo užmokestį arba algą ir bet kokius papildomus uždarbius, bet kokiu būdu tiesiogiai ar netiesiogiai darbdavio išmokamus darbuotojui grynaisiais pinigais arba natūra už darbuotojo darbą.* (The term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment”) (Equal Remuneration Convention 1951 (No. 100) ILO).

In the definition given above, the term *atlyginimas* is defined as a term that signifies the general concept of compensation for work that subsumes any kind of payment for work. In the English text of the definition, its equivalent is given as *remuneration*, which is quite consistent with the meaning of the term *remuneration*.

The same general meaning of the term *atlyginimas* is found in the phrase *vienodas atlyginimas vyrams ir moterims* in the following sentence:

- (17) “*Tarptautinės darbo organizacijos Generalinė konferencija, [...] nusprendusi priimti tam tikrus pasiūlymus dėl vienodo atlyginimo vyrams ir moterims už lygiavertį darbą [...]* (The General Conference of the International Labour Organisation, [...] having decided upon the adoption of certain proposals with regard to the principle of *equal remuneration* for men and women workers for work of equal value [...])” (Equal Remuneration Convention 1951 (No. 100) ILO).

Nevertheless, *atlyginimas*, similarly to the term *darbo užmokestis*, is also used in the meaning of the fixed and regular payment for work, or simply *salary*. In the following example the fixed and regular payment for work is referred to in the same context by three words – *atlyginimas*, *alga*, and *darbo užmokestis*:

- (18) *Atlyginimo skaičiuoklė 2020. Ši algos skaičiuoklė skirta darbo užmokesčio dydžio ir mokesčių skaičiavimui. (Auditum atlyginimo skaičiuoklė)* (This salary calculator can be used to calculate salaries and payroll taxes).

Thus, our analysis suggests that *atlyginimas* like *darbo užmokestis* can be used both in the meaning of the general, undifferentiated remuneration for work, and in the meaning of the fixed and regular payment for work, i.e. *salary*.

Atlygis

The analysis of the actual use and meaning of the term *atlygis* and its English equivalents given in IATE suggests that it can be used in two different meanings:

1. payment for goods or services (English equivalents *consideration*, *payment for a service*, *reward*);
2. total remuneration, in cash or in kind, payable by an employer to an employee in return for work done by the latter during an accounting period. In this meaning the English equivalents are the following: *compensation of employees*, *remuneration of employees*, *employee compensation*, *employee remuneration*, *payment for work*.

Where the term *atlygis* means payment for a service, it may also be based on a contract between the service giver and service receiver, but it is not based on an employment contract, and, therefore, this paper concentrates only on the second meaning of

atlygis “total remuneration for work done under an employment contract”. Two things should be noted about the usage of *atlygis* in this meaning. First, although *atlygis* can mean total remuneration for work in general, it may also refer to an unspecified discrete unit of any kind of remuneration just like the English term *emolument*.

- (19) “Nagrinėjant diskriminacijos dėl darbo užmokesčio bylas, atlyginimu už darbą laikomas darbo užmokestis ar bet koks kitas *atlygis*, įskaitant *atlygi* grynaisiais pinigais arba natūra (In examining wage discrimination claims, remuneration for work is considered to be the salary or any other emolument/payment for work received in money or in kind)” (Article 26 The Labour Code of the Republic of Lithuania) (my translation).

Second, the term *atlygis* is mostly used in compound terms where it often alternates with the term *atlyginimas*.

valandinis atlygis – hourly pay

atlygis grynaisiais pinigais – remuneration in cash

fiksuotasis atlygis/atlyginimas – fixed remuneration (payments or benefits without consideration of any performance criteria)

kintamasis atlygis/atlyginimas – variable remuneration (additional payments or benefits depending on performance or, in certain cases, other contractual criteria)

garantuotas kintamasis atlygis/atlyginimas – guaranteed variable remuneration (exceptional remuneration that can only occur when hiring new staff and is limited to the first year of employment)

atidėtasis atlygis atlyginimas – deferred remuneration (part of the remuneration which is deferred over an appropriate period of time and which should meet two essential conditions: it is unvested⁶ and it is subject to *ex-post malus* risk adjustments (also referred to as performance adjustment).

The *Dictionary of Modern Lithuanian* also shows two different meanings for the term *atlygis*: (1) “atlyginimas, atpildas” and (2) “atlyginimo norma, tarifas”.

Uždarbis

The *Dictionary of Modern Lithuanian* defines the meaning of *uždarbis* as “kas uždirbta, gaunamas ar gautas užmokestis” (something that has been earned). IATE gives the following definition: “atpildas už atliktą darbą, suteiktas paslaugas, kitus patarnavimus”,

⁶ Vesting refers to the transfer of full ownership of a financial instrument. If a company has set aside a certain amount of stock for you, but stipulates that certain conditions have to be met before these stocks are assigned to you, such shares are considered unvested. (<https://www.google.com/search?client=firefox-b-d&q=define+unvested>)

which is the same definition as given for the term *atlyginimas*. The English equivalents of *uždarbis* in IATE are also the same as those of the term *atlyginimas*: *remuneration, earnings, pay, compensation*. As one can see, the information given in lexicographic resources fails to reveal any specific semantic or functional features of the term *uždarbis*. Information about the semantic and functional features of this term has to be ascertained from its actual use in texts.

In the Labour Code of the Republic of Lithuania the word *uždarbis* occurs only once in the following sentence:

- (20) *Igyvendinant darbuotojų lyčių lygybės ir nediskriminavimo kitais pagrindais principus, darbuotojo darbo užmokestis be diskriminavimo reiškia nediskriminacinį darbo užmokestį ir visus papildomus uždarbius pinigais arba natūra, kuriuos darbuotojas tiesiogiai ar netiesiogiai gauna iš darbdavio už savo darbą.* (“In implementing the principles of gender equality and non-discrimination on other grounds, an employee’s remuneration without discrimination shall mean non-discriminatory remuneration and all additional earnings in cash or in kind that the employee receives either directly or indirectly from the employer for his or her work.”) (Article 140.6 The Labour Code of the Republic of Lithuania)

The term *uždarbis* is used in a very similar way in the following translation of a sentence from the ILO Equal Remuneration Convention No. 100 1951:

- (21) *Šioje Konvencijoje: (a) terminas „atlyginimas“ apima įprastinį, pagrindinį ar minimalų darbo užmokestį arba algą ir bet kokius papildomus uždarbius, bet kokiū būdu tiesiogiai ar netiesiogiai darbdavio išmokamus darbuotojui grynaisiais pinigais arba natūra už darbuotojo darbą; (b) terminas „vienodas atlyginimas vyrams ir moterims už lygiavertį darbą“ susijęs su atlyginimo tarifais, nustatytais nediskriminuojant pagal lytį.* (“For the purpose of this Convention--(a) the term remuneration includes the ordinary, basic or minimum wage or salary and any *additional emoluments* whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment; (b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.”) (Equal Remuneration Convention 1951 (No. 100) ILO)

The plural form of the term *uždarbis* in the above sentences, just like its English equivalents in the plural form of *earnings* or *emoluments*, indicate reference to a number of discrete units of compensation for work.

Conclusions

The systematic semantic and syntactic analysis of labour law terms designating the general concept of compensation for work in English and Lithuanian has brought us to the following conclusions:

In English, the group of terms designating the general concept of compensation for work contains the following seven terms: *compensation*, *earnings*, *emolument(s)*, *pay*, *payment for work*, *remuneration*, and *wages*. The counterpart group of Lithuanian terms includes the following six terms: *atlyginimas*, *atlygis*, *darbo apmokėjimas*, *darbo užmokestis*, *uždarbis*, *užmokestis*.

The major semantic difference between the terms of this group, both English and Lithuanian, is their possibility of designating not only the general concept of remuneration for work, but also of referring to a regular monthly, weekly, daily or hourly remuneration for work fixed under an employment contract, which requires from the translator to be mindful of the meaning in which the term is used in each concrete case. The usage in these two meanings (first, as remuneration for work in general, and second, as the fixed regular payment for work) is characteristic of the English terms *pay* and *wages* and the Lithuanian terms *atlyginimas* and *darbo užmokestis*.

The usage and translation of the remaining English and Lithuanian terms of the group investigated, which are always used in the most general meaning of compensation for work, depend on their individual semantic, stylistic and functional characteristics. Thus, the terms *compensation* and *remuneration*, which are the most general in their meaning, are frequently used as predicative substantives. The terms *earnings* and *emolument(s)* refer to any kind or kinds of compensation for work as discrete units of compensation without identifying what kind of compensation it is. Their reference to discrete units of compensation finds expression in their usual plural form. A similar sense of discreteness is characteristic of the Lithuanian term *uždarbis*, which makes it similar to the English terms *earnings* and *emoluments*. The difference in the usage of *emoluments*, however, is determined by its highly formal character.

Differences between the terms designating the general concept of remuneration for work can also be traced in their ability to form compound terms. In this respect, the most prolific terms in English are *pay*, *wage*, *compensation* and *remuneration*. In Lithuanian, the most prolific terms in producing compound terms are *atlygis* and *atlyginimas*.

References

- Alford N., Fréchet J., eds. 2015. *Proceedings of the Eighth Saudi Students Conference in the UK*. London: Imperial College Press.
- Cao D. 2007. *Translating Law*. Clevedon: Multilingual Matters Ltd.

- Dolton P., Hantzsche A., Kara A. 2020. The dynamics of public and private sector wages, pay settlements and employment. *National Institute of Economic and Social Research*. Accessed October 25, 2020. <https://www.niesr.ac.uk/publications/dynamics-public-and-private-sector-wages-pay-settlements-and-employment>.
- Equal Remuneration Convention 1951 (No. 100) ILO. Accessed October 25, 2020. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100.
- Heery E., Noon M. 2008. *A Dictionary of Human Resource Management*. Oxford: Oxford University Press.
- International Comparative Legal Guides. Accessed October 25, 2020. <https://iclg.com/practice-areas/employment-and-labour-laws-and-regulations>.
- Lietuvos Respublikos darbo kodeksas. Accessed October 25, 2020. <https://www.infolex.lt/ta/368200.memmex.cc>. Accessed October 25, 2020. <http://memex.cc/Definition>.
- Monthly Flash Reports on Labour Law. Accessed October 25, 2020. <https://ec.europa.eu/social/main.jsp?langId=en&catId=157&moreDocuments=yes>.
- Pocius A. 2010. *Vertėjų poreikio tyrimas*. Vilnius: Vilniaus universitetas.
- Preamble to the Treaty on the Functioning of the European Union (Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union). Accessed October 25, 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>.
- Protection of Wages Convention 1949, (No. 95) ILO. Accessed October 25, 2020. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C095.
- Republic of Lithuania Law on the Approval, Entry into Force and Implementation of the Labour Code. Accessed October 25, 2020. <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/da9eea30a61211e8aa33fe8f0fea665f?jfwid=-k3id7tf7e>.

Sources

- Auditum* atlyginimo skaičiuoklė 2020. Accessed October 25, 2020. <https://www.auditum.lt/index.php/atlyginimu-skaiciuokle/atlyginimo-skaiciuokle.html>.
- Business Dictionary*. <http://www.businessdictionary.com/>.
- Cambridge Advanced Learner's Dictionary & Thesaurus*. <https://dictionary.cambridge.org/>
- Cambridge Business English Dictionary*. <https://dictionary.cambridge.org/>
- Cambridge Dictionary*. <https://dictionary.cambridge.org/>.
- Collins Dictionary*. <https://www.collinsdictionary.com/>.
- Dabartinės lietuvių kalbos žodynas. <http://lkiis.lki.lt/dabartinis>.
- IATE. Accessed October 25, 2020. <https://iate.europa.eu/home>.
- Kagan J. 2020. Remuneration. *Investopedia*. Accessed October 25, 2020. <https://www.investopedia.com/terms/r/remuneration.asp>
<https://www.investopedia.com/terms/r/remuneration.asp>.
- Market Business News*. Accessed October 25, 2020. <https://marketbusinessnews.com/financial-glossary/wage-definition-meaning/>.
- Merriam-Webster Dictionary*. <https://www.merriam-webster.com/>.
- Merriam-Webster Learner's Dictionary*. <http://www.learnersdictionary.com/>.

Oxford Dictionary. <https://www.lexico.com/>.

Parkinson C. 2018. *What's the Difference Between a Wage and a Salary?*. Accessed October 25, 2020. <https://croner.co.uk/resources/pay-benefits/difference-between-wages-and-salary/>.

Patriot Software LLC. Accessed October 25, 2020. <https://www.patriotsoftware.com/blog/payroll/what-is-compensation/>.

Princeton WordNet 3.1. Accessed October 25, 2020. <http://wordnetweb.princeton.edu/perl/webwn?s=emoluments&sub=Search+WordNet&to2=&to0=1&to8=1&to1=1&to7=&to5=&to9=&to6=&to3=&to4=&ch>.

The New York Times. Accessed October 25, 2020. New York Times Sep 6, 2019.

Legal Texts

Equal Remuneration Convention 1951 (No. 100) ILO

Lietuvos Respublikos darbo kodeksas

Preamble to the Treaty on the Functioning of the European Union

Protection of Wages Convention 1949, (No. 95) ILO

Republic of Lithuania Law on the Approval, Entry into Force and Implementation of the Labour Code