

ARTICLE 1: RIGHT TO WORK

Legal Normative Acts of the Republic of Lithuania

1. Constitution of the Republic of Lithuania

Article 46, Chapter IV “National Economy and Labour” of the Constitution of the Republic of Lithuania (“*Valstybės žinios*” (Official Gazette), 1992, No. 31- 953; No.33-1014) promulgates that Lithuania's economy shall be based on the right to private ownership, freedom of individual economic activity, and initiative. The State shall support economic efforts and initiative, which are useful to the community. The State shall regulate economic activity so that it serves the general welfare of the people. The law shall prohibit monopolisation of production and the market, and shall protect freedom of fair competition. The State shall defend the interests of the consumers. Article 48 provides that every person may freely choose an occupation or business, and shall have the right to adequate, safe and healthy working conditions, adequate compensation for work, and social security in the event of unemployment. Forced labour shall be prohibited. Military service or alternative service, as well as labour, which is executed during war, natural calamity, epidemic, or other urgent circumstances, shall not be deemed as forced labour. Labour, which is performed by convicts in places of confinement and which is regulated by law shall not be deemed as forced labour either.

1. International Legislation

In observance of item 16, Article 67 of the Constitution of the Republic of Lithuania, the Seimas ratifies and denounces international treaties of the Republic of Lithuania.

Ratified ILO Conventions:

- ILO Convention (No.105) concerning Abolition of Forced Labour (Official Gazette, 1996, No. 28-676);
- ILO Convention (No.111) concerning Discrimination in respect of Employment and Occupation (Official Gazette, No. 28-677);
- ILO Convention (No.138) concerning Minimum Age for Admission to Employment (Official Gazette,1997, No. 95 -2383);
- ILO Convention (No.142) concerning Vocational Guidance and Vocational Training in the Development of Human Resources (Official Gazette,1996, No. 30-738);
- ILO Convention (No.144) concerning Tripartite Consultations to Implement International Labour Standards (Official Gazette,1996, No. 30-739);
- ILO Convention (No.159) concerning Vocational Rehabilitation and Employment (Disabled Persons) (Official Gazette, 1996, No. 30-741);
- ILO Convention (No.160) concerning Labour Statistics (Official Gazette,1997, No. 95-2384; 1998, No. 7);
- ILO Convention (No. 29) concerning Forced Labour (Official Gazette, 1996, No. 27-648);
- ILO Convention (No. 88) concerning the Organisation of the Employment Service (Official Gazette, 1996, No. 28-672).

On approval of the Tripartite Council the following Conventions are being prepared for ratification in 2003:

- ILO Convention (No. 122) concerning Employment Policy
- ILO Convention (No. 181) concerning the Private Employment Agencies
- ILO Recommendation No.188 concerning the Private Employment Agencies

2. Laws

The Republic of Lithuania *Labour Code* adopted on 4 June 2002 (“*Valstybės žinios*” (Official Gazette), 2002 No. 64-2569) was enacted on 1 January 2003. The main purpose of this legal act is to liberalise labour relations and to grant more rights to the participants of labour relations. Article 2 of the Labour Code stipulates that the following principles shall apply to the regulation of labour relations: freedom of choice of employment, state aid to persons in realising the right to employment, prohibition of all forms of forced and compulsory labour, stability of labour relations, freedom of collective bargaining for the purpose of reconciliation of interests of the employees, the employers and the state, liability of the parties to the collective bargaining agreement for their obligations.

The principal legal act regulating the employment of citizens of the Republic of Lithuania is the *Law of the Republic of Lithuania on Support of the Unemployed* (“*Valstybės žinios*” (Official Gazette), 1991, No. 2-25; 2003, No. 32-1313). The Law on Support of the Unemployed establishes employment guarantees for citizens, regulates the application of labour market measures to the unemployed, defines the structure and functions of the labour market. The Law:

- guarantees the right of citizens to freely choose a job or engage in other activities not prohibited under law; this Law shall be applicable to foreign nationals and stateless persons in the general manner, except for the cases regulated by separate laws or international agreements;
- defines the concept of the unemployed, establishes for them the state employment guarantees and possibilities to be provided with vocational counselling and consultation services, vocational training, information concerning available jobs and other labour exchange services;
- defines categories of individuals in the labour market who are provided with additional guarantees, establishes the forms and financing procedure of employment support;
- defines the organisational structure and functions of the labour exchange of Lithuania and the contents of activities of tripartite commissions under labour exchanges.

The second important Law in terms of employment and labour market is the Republic of Lithuania *Law on Vocational Education and Training* (“*Valstybės žinios*” (Official Gazette), 1997, No. 98-2478), which governs the structure and administration of the vocational education and training (VET) system of the Republic of Lithuania, based upon co-operation of the state government institutions and social partners, and also regulates organisation of VET, including labour market vocational training, i.e.:

- establishes the objectives, tasks and procedure of the labour market vocational training;
- defines the contents of the labour market vocational training, requirements for qualifications of vocational teachers and for qualification examinations.

Other laws:

- Law on Equal Opportunities (Official Gazette, 1998, No.112-3100) ;
- Law on the Social Integration of the Disabled (Official Gazette, 1991, No. 36-969; 1998, No. 98-2706);
- Law on the Individuals Income Guarantees (Official Gazette, 1990, No. 30-711; 1994 No.101-2016);
- Law on State Social Insurance (Official Gazette, 1991, No. 17-447);
- Law on the Legal Status of Aliens (Official Gazette, 1998, No.115-3236);
- Law on the Diplomatic Service (Official Gazette, 1999, No. 7-140);
- Law on National Conscription (Official Gazette, 1996, No.106-2427);

- Law on the Organisation of the National Defence System and Military Service (Official Gazette, 1998, No. 49-1325);
- Law on the Implementation of the Republic of Lithuania Law on the Organisation of the National Defence System and Military Service (Official Gazette, 1998, No. 49-1326);
- Statute of the Supreme Court of Lithuania (Official Gazette, 1995, No. 36-887);
- Law on the Prosecutor's Office (Official Gazette, 1994, No. 81-1514);
- Law on the Special Investigation Service (Official Gazette, 2000, No. 41-1162);
- Law on the Approval of the Statute of the Special Investigation Service (Official Gazette, 2003, No. 38-1656);
- Law on the State Security Department (Official Gazette, 1994, No.11-163) ;
- Law on the Approval of the Statute of the State Security Department (Official Gazette, 2002, No.73-3101);
- Law on Public Service (Official Gazette, 1999, No. 66-2130; 2002, No. 45-1708);
- Law on Safe Navigation (Official Gazette, 2000, No. 75-2264);
- Law on Civil Safety; Article 29 amended as of 04 07 2000 (Official Gazette, 1998, No. 115-3230);
- Article of the 41³ Republic of Lithuania Code of Administrative Transgressions of Law;
- Respective Articles of the Criminal Code of the Republic of Lithuania (Official Gazette, No. 89-2741);
- Law on Education (Official Gazette, 1991, No.23-593);
- Law on Safety and Health of Workers (Official Gazette, 2000, No.95-2968);
- Law on Non-formal Adult Education (Official Gazette, 1998, No. 66-1909).

3. *Secondary Legislation*

Resolutions of the Government of the Republic of Lithuania:

- Resolution No. 139 of 29 January 2003 on Approving the Conditions and Procedure of Vocational Training of Individuals Younger than 18 Years of Age (Official Gazette, 2003, No.13-503);
- Resolution No. 189 of 7 February 2002 on Joint Assessment Paper of Lithuania's Employment Policy Priorities prepared by the Republic of Lithuania and European Commission (Official Gazette, 2002, No.15-582);
- Public Works Execution Procedure (Official Gazette, 1998, No.17- 414);
- Action Plan of the Development of Social Partnership of the Republic of Lithuania Government, Trade Unions and Employers Organisations for 2003-2004 (Official Gazette, 2003, No. 9-294);
- Regulations of the Labour Exchange of Lithuania under the Ministry of Social Security and Labour (Official Gazette, 1991, No. 3-89; 1991, No. 28-770);
- On Approval of the Regulations for Issuing Teaching Permits (Licences) (Official Gazette, 1999, No. 62-2050);
- On the Establishment of the Register of Studies and Training Programmes and Approval of the Regulations of the Register (Official Gazette, 1998, No. 25-647).

Orders of the Minister of Social Security and Labour:

- Procedure Governing the Registration of the Unemployed and Awarding and Payment of Benefits to Them (Official Gazette, 1996, No. 65-1561; 2002, No. 39- 1442);
- Labour Market Vocational Training Procedure (Official Gazette, 2000, No. 92-2906; 2002, No. 58- 2359);
- Procedure of Registration of Job Vacancies with the Labour Exchange (Official Gazette, 2002, No. 43-1637);
- Procedure and Prevention of Collective Redundancies (Official Gazette, 2000, No. 48-1398);

- Local Employment Initiatives Implementation Procedure (Official Gazette, 2002, No. 45-1735; 2003, No. 40-1865);
- Procedure of Support for the Unemployed Entitled to Additional Guarantees in the Labour Market (Official Gazette, 2002, No.15-591);
- Procedure of Employment for Works Financed by the Employment Fund (Official Gazette, 2002, No. 15-591);
- Procedure of Organisation and Implementation of Measures for Refreshing the Vocational Knowledge and Practical Skills of the Long-term Unemployed (Official Gazette, 2002, No. 96- 4224);
- Procedure for Extending a Loan to the Unemployed to Set up Own Business;
- Procedure of the Issuance of Licenses for Mediating the Employment of Citizens Abroad (Official Gazette, 2001, No. 99-3562; 2002, No. 56-2278);
- Action Plan for Improving Employment and Social Security of Pre-pensioners for 2003-2004;
- On the Labour Market Vocational Training Regulations (Official Gazette, 1998, No. 65-1897);
- On the Procedure for Organising and Implementing the Labour Market Non-formal Vocational Training and for Approving the Regulations on the Collection of Labour Market Non-formal Vocational Training Programmes (Official Gazette, 2002 No. 33-1259);
- On Organising the Safety and Health Training for Employees (Official Gazette, 2002 No. 77-3303);
- On Approval of the Procedure of Expert Examination for Obtaining a Teaching Permit (License) according to the Labour Market Vocational Training Programmes (Official Gazette, 1999 No. 79-2349).

Orders of the Minister of Justice of the Republic of Lithuania:

- Order No. 264 of 27 December 2000 on Approving the Regulations of Institutions Subordinate to the Department of Prisons under the Ministry of Justice of the Republic of Lithuania (Official Gazette, 2001, No. 1-15);
- Order No. 228 of 9 November 2000 on Approving the Articles of Association of State Enterprises Subordinate to the Penitentiary Department under the Ministry of Justice of the Republic of Lithuania (Official Gazette, 2000, No. 99-3149);
- Order No. 172 of 16 August 2000 on Approving the Internal Regulations of Penitentiary Institutions (Official Gazette, 2000, No. 72-2243).

Orders of the Minister of Education and Science:

- On Approving the Procedure of Registration of Studies and Training Programmes (Official Gazette, 1999, No. 107-3118; 1999 No.108);
- On the Reorganisation of Labour Market Vocational Training Programmes (Official Gazette, 2000, No. 1-25);
- On the Procedure of Submission of Documents for Obtaining a License for Teaching without Specifying the Address of the Educational Unit (Official Gazette, 2000, No. 55-1621; 2001 No. 10-299).

Joint Orders of the Minister of Social Security and Labour and of the Minister of Education:

- On the Vocational Training Establishments Supervision Procedure (Official Gazette, 2001, No. 4-112).

Other Documents of relevance to Vocational Training and Counselling:

- Procedure of Application of Diagnostic Techniques for the Labour Market Vocational Counselling purposes (approved by LLE TC Director's Order No. 06–03–32 of 26 March 2002);

- Code of Ethics of Psychologists approved by the Conference of the Lithuanian Psychologists Association on 23 November 1996.

ARTICLE 1/paragraph 1

„With a view to ensuring the effective exercise of the right to work, the Parties undertake:

4. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable employment as possible, with a view to the attainment of full employment;“

Question A

Please indicate the policy followed by your Government in attempting to achieve and maintain full employment. Please supplement with details of the measures and programmes implemented to achieve as high and stable a level of employment as possible.

Please indicate, if possible, the trend in total employment policy expenditure over the past five years, including the relative shares of “active” (job creation, training, etc.) and “passive” (financial compensation, etc.) measures.

Please indicate the active policy measures taken in order to favour access to employment of groups most exposed to or affected by unemployment (e.g., women, the young¹, older workers, the long-term unemployed², the disabled, immigrants and/or ethnic minorities). Please give indications on the number of beneficiaries from these measures, and information, if possible, on their impact on employment.

One of the key goals established in the Programme of the Government of the Republic of Lithuania for 2001-2004 is employment increase and poverty reduction, prioritisation of human investments, acceleration of the creation of information and knowledge-based society, as well as development of science and technologies;

To achieve these goals the Government has envisaged to concentrate first and foremost on the reduction and prevention of unemployment, to promote investment, improve support to regional business, put more effort into labour force qualifications and its orientation to the local market, intensify the labour market policy, develop labour market training, job counselling, especially for young people, the long-term unemployed, the disabled, pre-pensioners, women, different risk groups, to increase the volume of public and supported works and combine them with training, and to increase possibilities for employers and employees to adapt to changes in the market. Improvement of activities of the labour market institutions and development of social partnership are also important priorities of the Government activities in the sphere of employment and labour policy.

The agreed long-term development tendencies of all sectors implemented through the programmes approved by the Government are reflected in the Long-term National Development Strategy approved by the Republic of Lithuania Seimas Resolution No. IX-1187 of 12 November 2002. Economic development priorities of the country are specified in the Long-term Development Strategy of the Economy of Lithuania up to 2015 prepared by the Ministry of Economy and approved by the Government of the Republic of Lithuania Resolution No. 853 as part of the Long-term National Strategy. The Development Strategy of the Economy of Lithuania up to 2015 covers the long-term economic policy trends providing for maximum increase and effective use of the economic potential of the country. With a view to ensuring

¹ Aged between 15 and 24.

² Persons without employment for over one year and seeking employment.

effective employment of labour resources, the aforementioned strategies envisage to pursue the policy, which promotes economic activity and employment. Employment of the structural policy is envisaged for favouring the creation of new jobs, orientation of the system of vocational training towards market needs in developing and implementing a tender-based retraining system.

Industrial development is defined in the Medium-term Industrial Development Policy and in the implementation strategy thereof approved by the Government. About 25 per cent of the country's GDP is created in industry, and the sector of industry employs over 20 per cent of the country's population. Industrial development is positively influenced by the implementation of its separate programmes (Business Innovation Programme, National Quality Programme, Conformity Assessment Infrastructure (test laboratories, certification institutions) Development Programme, Export development and Promotion Strategy).

On 8 May 2001 the Government of the Republic of Lithuania passed the Resolution No. 529 approving the Programme of Increasing Employment of the Republic of Lithuania for 2001 – 2004 which is a programme document of the Government defining the national strategy of employment and labour market policy, its medium-term priority goals and actions envisaged by the Government and other public authorities with a view to increasing employment of citizens. The Programme of Increasing Employment specifies the already mentioned principal provisions of the Government of the Republic of Lithuania in the spheres of economy, labour, social, educational policy, etc. which have influence on the employment of citizens.

Strategic goals of the Programme of Increasing Employment are as follows:

- to overcome negative consequences of the structural economic reform and external effects on employment of citizens and labour market;
- to increase employment of citizens, reduce unemployment and create balance in the labour market;
- prepare for participating in a single employment strategy coordination process of the European Union.

To achieve these goals a short-term perspective envisages to curb the growth of unemployment level and subsequently to gradually reduce the level of registered unemployment to 7-8 per cent. During the period of implementation of the Programme favourable conditions should be created for business development and investments to ensure the creation of 110 – 120 thousand of new jobs. This should create actual preconditions to further increase the employment of population to the average level of the European Union Member States and to seek full employment.

In addition to these goals, the Programme of Increasing Employment is aimed at preparing for participating in a single employment strategy coordination process of the European Union. The Programme has been developed in view of the main provisions as regards the development and implementation of the single strategy of employment policy provided for by the Heads of the States of the European Union in Amsterdam Conference held in 1997, EU Council recommendations for members states on employment guidelines implemented in the EU Member States when preparing annual national action plans for increasing employment.

The Programme of Increasing Employment of the Republic of Lithuania for 2001 - 2004 establishes five main directions:

1. Development of the system of the creation of jobs. Measures of this direction encompass the improvement of the system to promote the creation of new jobs forming respective support structures covering all funds available for this purpose (of the programmes financed with the state budget funds, Privatisation Fund, Employment Fund, local funds, other international support programmes of the EU, etc.). Promotion of the development of local employment initiatives is envisaged which on the basis of cooperation and initiative of local partners should create conditions to develop local economy and to increase employment of population as well as to address the issues of unemployment, poverty and other problems of socially vulnerable groups of individuals.

2. Improvement of the promotion of employment – means reinforcing the labour market policy, increasing employment abilities, improving vocational training, strengthening employment and social policy cohesion. This direction of the Programme of Increasing Employment covers activities and measures aimed at increasing employment abilities of youth and long-term unemployed, implementing unemployment prevention, improving vocational training, guidance and counselling systems as well as optimising the network of these institutions, reinforcing the labour market policy and improving the balance between passive (compensatory mechanism in case of unemployment) and active policy (vocational training of the unemployed, organisation of provisional employment, etc.), encouraging activeness of the unemployed in the labour market, improving availability of training, reducing the numbers of youth failing to finish schools, increasing support for those who have learning problems, achieving that all youth capable of learning acquire the basic education and profession in the comprehensive system of education; improving ability to adapt in the first workplace of youth who have acquired professional qualification, encourage their territorial mobility.

3. Increasing ability to adjust to changes. Implementation of measures of this direction covers the development of flexible forms of work organisation and payment, develop the forms of temporary, domestic and distant work, self-employment, seasonal works. Measures are envisaged for upgrading skills of workers, development of preventive education, creation of the non-formal training for workers. In addition, this direction encompasses measures mitigating structural changes: improvement of the mechanism of collective redundancies involving all interested parties, simplification of enterprise bankruptcy procedures.

4. Increasing equal opportunities in the labour market. The main goals of this direction is forming the equally accessible labour market, ensuring equal opportunities for men and women in the labour market, supporting the employment of the disabled. To attain these goals, the employers who employ the groups of the disabled provided with additional guarantees in the labour market are granted subsidies to support employment to increase motivation of socially vulnerable groups of individuals, integration into the labour market in relation to the system of provision of social support, develop territorial purposive labour market programmes aimed at increasing employment of the most socially vulnerable individuals and measures of increasing partial employment of pre-pensioners, improve implementation of the principles of equal opportunities for women and men; support small and medium business of women, their economic independence and initiative in creating a job for oneself, to provide conditions enabling parents to reconcile work obligations with family duties (flexible forms of work organisation, accessible and good quality child-care services, forms of social support for families, etc.).

5. Increasing integrity of employment policy. This direction of the Programme includes activities and measures intended for:

- improvement of the system of employment and labour market control; increasing the integrity of policy and decentralised formation and implementation of employment policy; development of tripartite cooperation;

- strengthening and reorganisation of the institutional system of labour market and the agreed managerial structure of labour market institutions and new real conditions of the functioning of labour market: to modernise territorial labour exchanges, strengthen the ability of prompt and flexible response to the developments in the labour market, diversify services provided by labour market;

- develop activities of private employment agencies and their cooperation with the National Labour Exchange.

In accordance with the provisions of the Accession Partnership, the Government of Lithuania has prepared, with the European Commission, Directorate General for Employment and Social Affairs, a Joint Assessment of Lithuania's short-term employment and labour market policy priorities. The Paper on *Joint Assessment of Employment Policy Priorities in Lithuania*

(JAP) was signed by the Minister of Social Security and Labour authorised by the European Commission and the Government of the Republic of Lithuania on 12 February 2002. This document presents an agreed set of employment and labour market objectives necessary to advance the country's labour market transformation, to make progress in adapting the employment system so as to be able to implement the Employment Strategy and to prepare it for accession to the European Union.

The Joint Assessment Paper focuses on the fundamental challenges in the field of employment. These challenges consist, first, in recognising that labour markets should reflect the needs of a dynamic market economy as part of a single market, in particular whether labour is mobile, adaptable and skilled. The second challenge is to have policies and appropriate institutions that support the development of a flexible labour market. This includes the need to promote a forward-looking approach to industrial restructuring to adapt to knowledge-based economies and to face up to the impact of demographic change.

The Joint Assessment Paper has analysed and assessed the labour market, wages and taxes, human resources development, equal opportunities policy spheres and the priority policy areas where progress is still needed and where ongoing monitoring should be carried out in the context of the provisions of the Employment Policy Review:

- sustained commitment to successful implementation of current education reforms, with a particular focus on reducing drop-out in basic education, on improving access, quality and relevance in vocational education, and on developing and implementing a national strategy for lifelong learning;
- promoting employment-friendly wage developments through support for the collective-bargaining system and through consideration of whether the minimum wage should be differentiated, particularly for young people;
- reforming unemployment benefits and social assistance to the unemployed in order to improve coverage, eliminate disincentives, and emphasise activation rather than passive receipt of benefits
- developing a detailed action plan for the reform of the public employment service, including a necessary increase in the service's resources, so that it can play a more active role in the reintegration of unemployed people;
- expansion of active labour market programmes, while re-balancing provision away from temporary work in favour of training and other measures designed to increase employability;
- ensuring effective regional management and consultation structures for labour market services, in the context of a coherent national strategy for economic and social development across all regions;
- further strengthening equal opportunities legislation.
- The Joint Assessment Paper focussing on the Lithuania's employment policy priorities on the one hand is an important step towards Lithuania's preparation to participate in the European employment policy coordination process. On the other hand, this Paper constitutes one of the outstanding strategic employment policy documents identifying those employment and human resources policy priorities which are and will be realised through the national measures as well as using the European Social Fund investments.

Article 12 of the Law on Support of the Unemployed establishes that the Employment Fund shall be set up for financing the population employment measures.

The labour market policy measures are financed with the proceeds of the Employment Fund which forms part of the State Social Insurance Fund. Percentage amounts of deductions to the Employment Fund, i.e. about 1,5 per cent from 31 per cent of the general state social insurance contribution rates of the insurers, are fixed by the Seimas of the Republic of Lithuania when approving the State Social Insurance Budget Fund, in view of the labour market situation.

The Minister of Social Security and Labour shall deliberate the distribution and use of the Employment Fund resources. The procedure for establishing and using the Employment Fund shall be laid down and its budget shall be approved by the Tripartite Council of the Republic of Lithuania. The Ministry of Social Security and Labour of the Republic of Lithuania shall manage the Employment Fund and inform the public of its application.

Total resources allocated for the financing of the labour market policy measures in the structure of GDP in 1998 – 2002 comprised:

	1998	1999	2000	2001	2002
GDP (LTL mill.)	43555	42608	44698	47498	50758
Expenditures for the labour market policy (LTL thousand)	150601	151596	158828	174382	186763
Expenditures for the labour market policy (%)	0,35	0,36	0,36	0,37	0,37

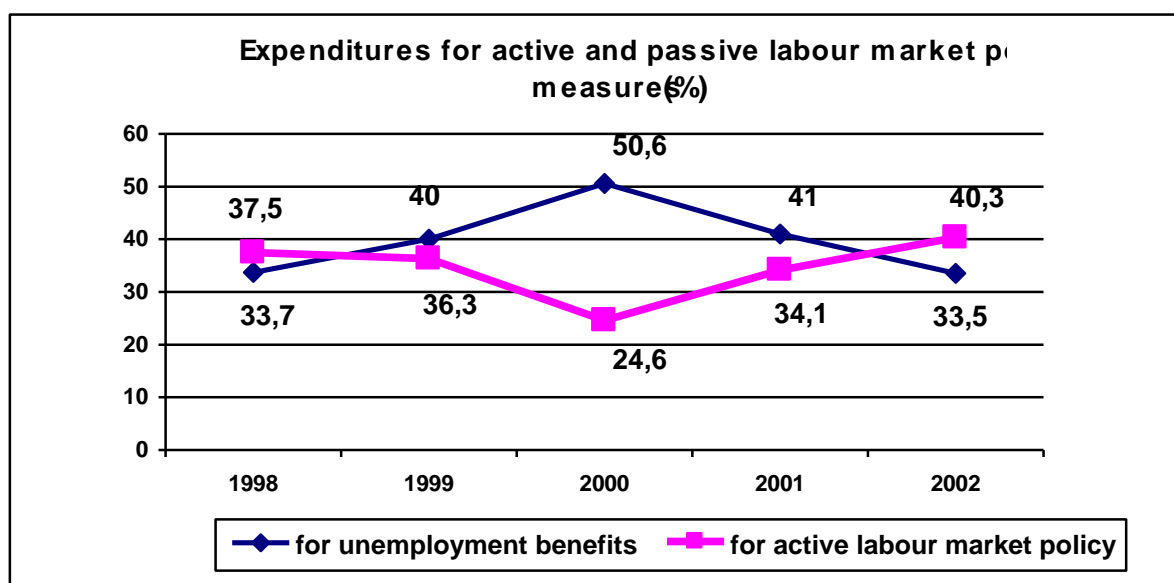
The Employment Fund resources shall be used for: financing vocational training of the unemployed and of the employees given notice of the termination of employment; subsidising employment to create jobs for the unemployed eligible to additional guarantees in the labour market; financing of the implementation of the projects of local employment initiatives; financing the works financed from the Employment Fund; financing public works; paying unemployment benefits; extending loans to the unemployed desirous of setting up their own business; financing the activities of the labour exchange of Lithuania and training service of Lithuania's labour market

Expenditures for active and passive labour market policy measures

No.	Expenditures	1998		1999		2000		2001		2002	
		LTL thousand	%	LTL thousand	%	LTL thousand	%	LTL thousand	%	LTL thousand	%
1.	For active labour market policy measures:	56456	37,5	54904	36,3	39113	24,6	59546	34,1	75301	40,3
1.1	Unemployment prevention	519	0,3	872	0,6	1074	0,7	1215	0,7	1705	0,9
1.2	Labour supply and demand	69	0,0	190	0,1	901	0,6	2076	1,2	5712	3,1
1.3	Vocational training	27484	18,2	28644	18,9	17067	10,7	25138	14,4	30722	16,4
1.4.	Employment support	28384	18,8	25197	16,6	20071	12,6	31117	17,8	37084	19,9
1.4.1	Disabled	3153	2,1	2380	1,6	1811	1,1	3265	1,9	451	0,2
1.4.2	Socially vulnerable persons	3670	2,4	1835	1,2	1449	0,9	2527	1,4	4255	2,3
1.4.3	Self-employment	520	0,3	191	0,1	183	0,1	263	0,2	168	0,1
1.4.4	Public works	12299	8,2	14396	9,5	13337	8,4	20033	11,5	25260	13,5
1.4.5	Jobs financed by the Employment Fund	8742	5,8	6395	4,2	3292	2,1	5029	2,9	6950	3,7
1.5.	"Leonardi da Vinči"					68	0,0			11	0,0
1.6.	PHARE Programme expenditures									67	0,0
2.	For maintenance of labour market institutions	42607	28,3	35725	23,6	38834	24,5	42640	24,5	47499	25,4
2.1.	National Labour Exchange of Lithuania	36494,8	24,2	30711,5	20,3	33966,7	21,4	36775,2	21,1	40658,0	21,8
2.2.	Labour market Training Service	6111,8	4,1	5013,2	3,3	4867,4	3,1	5865,0	3,4	6841,1	3,7

3.	Labour market surveys	238,0	0,2	252,3	0,2	230,0	0,1	246,0	0,1	415,0	0,2
4.	Joint projects with foreign countries	549,9	0,4	123,2	0,1	145,6	0,1	409,0	0,2	977,7	0,5
	Passive labour market										
	Policy measures	50750	33,7	60592	40,0	80438	50,6	71542	41,0	62570	33,5
5.1.	Unemployment benefits	50750	33,7	60592	40,0	80438	50,6	71542	41,0	48386	25,9
5.2.	Pre-pensioner's benefits									14184	7,6
6.	Total expenditures	150601	100	151596	100	158828	100	174382	100,0	186763	100

During 1998 – 2002 the annual expenditures of the Employment Fund made up from LTL 150 to 187 million. About 38 – 40 per cent of the Employment Fund proceeds were allocated for the financing of active labour market policy measures, and 34- 50 per cent – for passive measures (unemployment benefits).



Articles 15, 16, 16¹, 17, and 18 of the Law on Support of the Unemployed regulate the entitlement to the unemployment benefit, the amount of employment benefit, the instances of reduction, suspension, termination of, and disqualification from, employment benefits. An unemployment benefit means temporary material support to individuals dismissed from work.

Unemployed individuals with an at least 24-month state social insurance record within the 3 years immediately preceding their registration with the labour exchange shall be entitled to unemployment benefit provided that the labour exchange did not offer them employment which would suit their particular skills and state of health, or any opportunity of vocational training. The amount of unemployment benefit shall depend on the unemployed individual's state social insurance record and reasons of loss of work. Larger employment benefit shall be paid to individuals who have worked and who have been insured with the compulsory social insurance for a longer period.

The benefit shall be payable on a monthly basis but for not longer than 6 months in a 12-month period. Excluded from the period of entitlement for the unemployment benefit shall be the period the unemployed individual worked in public works or performed the work financed from the Employment Fund or was enrolled on vocational training programmes.

For individuals who are within five years of becoming eligible to receive full old-age pension the payment of unemployment benefit shall be extended for two more months.

Unemployed who are within maximum two years of becoming eligible to receive full old-age pension and who have at least 15-year state social insurance record are eligible to the extension of payment of the unemployment benefit upon their approval, and those who are not

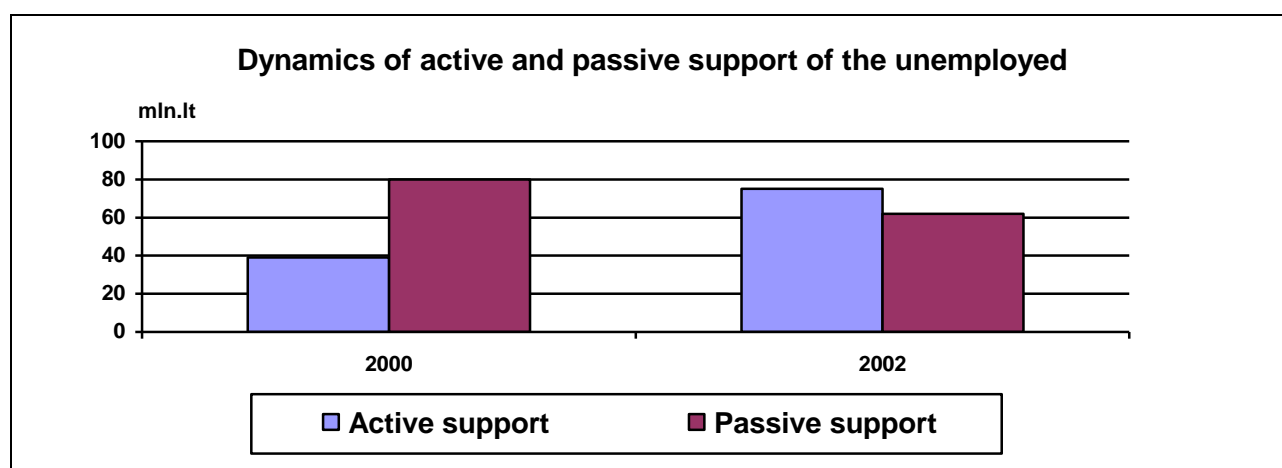
eligible to the unemployment benefit receive the unemployment benefit in the amount of state supported income until they reach the pensionable age. Individuals who receive such unemployment benefit are not subjected to the active labour market measures for the duration of its payment and upon employment of said individuals the payment of the benefit shall be terminated.

The unemployed individual who is seeking or receiving the unemployment must satisfy certain requirements. He must accept an offer of work if it suits his vocational training and health condition, also an offer of vocational training, to regularly appear at the labour exchange. The unemployment benefit may be refused, reduced or terminated if the above requirements are disregarded.

In any case the unemployment benefit may not be less than the state supported income approved by the Government and may not exceed the amount of two MLSs. Since May 1998 these amounts have not changed, i.e. the minimum unemployment benefit was LTL 135, maximum - LTL 250. The average amount of the unemployment benefit fluctuated from LTL 191,4 in 1999 to LTL 174,9 in 2002.

	1998	1999	2000	2001	2002
Average unemployment benefit (LTL)	187,6	191,4	186,9	182,9	174,9
Unemployed who were paid the unemployment benefit per year (%)	26,4	26,6	29,9	25,4	20,7

As a result of interruption of the Employment Fund financing and reduction of employment opportunities in 2000 more proceeds of the Employment Fund were used for payment of unemployment benefits. Transfer of the proceeds to the Employment Fund depends upon the State Social Insurance Fund budget condition. This undermines the confidence of the unemployed and employees in the effectiveness of the labour market policy and encourages the willingness to use social support. When at the end of 2001 the Law in Support of the Unemployed was supplemented with new provisions and upon improvement of timely financing of the labour market measures the passive support of the unemployed was replaced by active measures.



The Programme of Increasing Employment of the Republic of Lithuania for 2001-2004 envisages to achieve the following objectives in implementing the labour market policy:

- to reinforce labour market policy, improve the balance between passive (compensatory mechanism in case of unemployment) and active (vocational training of the unemployed, organising temporary employment, etc.) labour market policy measures;

- to reorganise the existing system of insurance against unemployment – to distinguish insurance against unemployment as a separate type insurance, to strengthen the insurance principle of social benefits to the unemployed;
- to create the employment support financing system using the resources, other than insurance funds.

The labour market policy of Lithuania and most of its implementation measures are consistent with measures applicable in other countries of market economy. These measures are being continuously improved and supplemented with arrangements which that have justified themselves in the international practice and which have been adapted in Lithuania, increasing their efficiency. The implemented measures are differentiated by target groups of the unemployed and territories mostly affected by unemployment.

In cases provided for by the Law on Support of the Unemployed, the State shall guarantee the citizens:

- free vocational counselling and consultation services, as well as information concerning available jobs;
- free labour exchange services in going into job;
- free vocational training facilities in the event of unemployment;
- the possibility, in the event of unemployment, to perform public works and works financed from the Employment Fund;

Article 7 of this Law provides that the unemployed who have or are likely to have difficulty in finding a job as a result of inadequate qualification or work experience, long-term unemployment or loss of ability to work, may be eligible to additional employment guarantees. The following unemployed shall be provided with additional guarantees in the labour market:

- the disabled – in the manner established under the Law on the Social Integration of the Disabled;
- persons aged from 16 to 25 who go in for a job for the first time;
- graduates of vocational schools, colleges and higher schools who start working according to their speciality;
- long-term unemployed without work for longer than 2 years from the day of enrolment with a labour exchange;
- persons who are within 5 years of becoming eligible to receive full old-age pension;
- a mother or a father with a child under 8 years of age;
- persons who have been released from places of imprisonment where they stayed for longer than 6 months.

Active labour market policy measures:

- **Unemployment prevention** – assists workers warned about pending dismissal due to low qualification or failure to meet new qualification requirements, in re-training and preserving their workplace in getting employed in the same or another enterprise;
- **Labour support and demand (job clubs)** – encourage the unemployed to be active in finding a job, developing their job-seeking skills, promoting self-confidence and competitive opportunities;
- **Vocational training** – creates opportunities for the unemployed to acquire a profession, upgrade their skills or get re-trained in view of labour market needs;
- **Employment support:**
 - **Public works** – helps individuals who cannot find a permanent job to earn for their living, to upgrade their working skills and to mitigate social tension;
 - **Works financed by the Unemployment Fund** - provides opportunity for the unemployed to acquire initial working skills, to determine their qualification knowledge

requirements, to increase their knowledge through attendance of training courses or on-the job training, and to prepare for permanent work;

- **Establishment of subsidised jobs** – facilitates labour market integration of the most socially vulnerable persons;

- **Self-employment** – promotes enterprise among the unemployed, provides organisational – financial assistance to individuals seeking to organise their own business.

- **Projects of local employment initiatives** – projects of creation of new jobs which facilitate in focussing the attempts of local community, enterprises, institutions and tripartite social partners on increasing employment of the population of local municipality through development of the local social – economic infrastructure.

Work supply and demand (job clubs) – the most effective measure aimed at increasing the jobseekers' motivation for work, informing and developing job-seeking skills. Since 1994 the Programme involved 234 thousands of jobseekers. Of which every fifth person was a long-term unemployed, a rural unemployed. In 2002 the number of participants of the Programme was 46,9 thousands jobseekers, or every sixth person enrolled with a labour exchange. The Programme focussed on:

- strengthening the professional self-determination of participants and acquisition of an occupation;

- training to make use of the state-of-the-art information tools – SIS, PIC, Internet, etc.;

- teaching to complete a CV;

- motivation of youth and their stimulation to choose an occupation which is in demand in the market, increasing the duration of training for up to 8 days.

The training in job clubs is organised in view of the participants' needs and competitive opportunities. The greatest attention is paid to these target groups which comprised the largest numbers of the Programme participants:

- 18,7 thousand of persons without qualifications – to strengthen their motivation and to choose an occupation which is in demand in the market;

- 20,7 thousand of long-term unemployed – to motivate them for active job seeking, acquisition of an occupation which is in demand in the market or skills upgrading;

- 18,2 thousand of rural unemployed – to promote self-employment through creating an job for oneself, to familiarise with viable sectors of agriculture, business environment and opportunities.

80 per cent of the job clubs programme participants have acquired job-seeking and communication skills, half of them were provided with psychological assistance which changed their negative attitude towards employment opportunities. Every fifth participant of the programme was employed, 13 per cent of the participants chose learning, 3,8 per cent undertook their own business or acquired patents.

Vocational and Unemployment Prevention Training

Article 19 of the Law on Support of the Unemployed provides for vocational training of the unemployed who have been given a notice of dismissal. Unemployed individuals to whom the labour exchange is not in the position to offer, in the established manner, work suitable for their professional qualification and state of health, also unemployed individuals who lack adequate training may be placed into vocational training to acquire requisite skills meeting the local market demands or to upgrade their skills.

During the period of training the unemployed individuals shall be paid training allowance payable to the unemployed in the amount of 1.3 of the received unemployment benefit, which may not exceed 2 MLSs.

The Employment Fund resources shall be used to finance vocational training of unemployed individuals and pay the unemployed individuals' training allowance for the maximum period of 6 months. In certain cases, where vocational training lasts longer, the financing of vocational training and payment of training allowance for the unemployed may be

extended for up to 10 months on the proposal of the tripartite commission at the labour exchange.

Facilities of vocational training financed from the Employment Fund may also be provided to the employees who are given notice of the termination of employment contract.

The provision with vocational counselling and training facilities of the unemployed individuals and employees who are given notice of dismissal shall be ensured by the Training Service of the Labour Exchange of Lithuania.

The procedure of vocational training and its financing from the Employment Fund shall be established by the Ministry of Social Security and Labour.

The Labour Market Vocational Training Procedure regulates the organisation, implementation, participants, social partners and financing of the labour market vocational training.

In implementing the vocational training programme considerable attention is paid to training efficiency, i.e. employment and market integration of the unemployed involved in training programmes. The Order issued by the Minister of Social Security and Labour on Establishing the Goals and Tasks of Activities of the Labour Exchange of Lithuania for 2003 envisages to ensure the employment within 3 months of the completion of labour market vocational training for: - 65 – 75 per cent of the unemployed who have had professional qualifications; and 45 – 50 per cent of the unemployed who have acquired the first qualification.

The Vocational and preventive training is being organised already since 1991. During the period of 11 years the unemployment prevention programme involved 12,9 thousand of workers who have been given a notice of dismissal, and 142,5 thousand of the unemployed participated in vocational training programmes. The largest numbers of workers referred to vocational training programmes throughout the entire duration of the functioning of these programmes were observed in 2002, i.e. 20,1 thousand of the unemployed and 3,2 thousand of workers who have been given a notice of dismissal. Improving employment skills of the unemployed who have no qualifications is given increasing attention in the recent years. Since 1997 33,5 thousand of the unemployed acquired their first occupation through the vocational training programmes. The bulk (about 60 per cent) of the trainees comprised youth.

At the end of the year territorial labour exchanges develop the forecasts on the basis of which the programmes of activities for the coming years are developed, covering the need for vocational training for particular occupations and professions. Already for the third year the Labour Exchange of Lithuania on the basis of the employers' survey data and labour market surveys provides the annual Priority Trends of the Vocational Training Programme for the Unemployed and Workers who Have been Given a Notice of Dismissal which are published in the supplement to the "Labour Market News" bulletin. The analysis for the purpose of determining the labour market vocational training need is based on the surveys of employers in consideration of the workers rotation, also on the job creation forecast, industrial and service development priority plans, purposive arrangements with employers, and analysis of registered vacancies and workforce. Vocational training applications are adjusted having regard to quarterly results of the forecasts of labour market and vocational training need.

Employment support:

Public works

Article 20 of the Law on Support of the Unemployed establishes that temporary public works shall be organised for the unemployed and other persons who have registered with the labour exchange. Public works shall be organised by the labour exchange together with local governments.

Citizens performing public works shall receive payment for the time of work which is calculated by applying the hourly payment which is not less than the minimum hourly wage fixed by the Government.

Individuals performing public works shall not be entitled to unemployment benefit if their wages are higher than the benefit. If the wage is lower than the received benefit, the difference between the wage and the benefit shall be paid by the labour exchange.

Persons employed for public works shall continue their registration with the labour exchange and the state employment and social guarantees prescribed by this and other laws shall be applicable to them.

Procedure for the Performance of Public Works regulates the organisation and performance of public works which may be arranged for the unemployed and other persons enrolled with a territorial labour exchange in the established manner.

The programme of public works is particularly relevant given the reducing overall rural employment in the territories where high rate of unemployment is observed. Public works are also socially useful to local community. 202 thousands of individuals participated in the public works programme during 11 years. In 2002 public works were performed by more than 48 thousands of people – exceeding by one third the comparable figures of 2001. Every second individual among those engaged in public works is a long-term unemployed, and every third – a person entitled to labour market guarantees. This year about 50 thousand of the unemployed will be included in the public works programme this year.

Demand for public works still considerably lags behind the supply, despite considerable allocations. Last year LTL 25 million were allocated for the public works programme from the Employment Fund. State budget funds (transferred to municipalities) approved for labour market policy programmes, i.e. public works amounted to LTL 18,9 million. However, in 2002 municipalities utilised only LTL 11,7 million of the aforementioned amount.

This problem is faced this year too: the majority of municipalities allocated considerably smaller financing for public works and as a result the said amount reduced from allocated LTL 19,4 million to LTL 14,5 million. Association of Municipalities of Lithuania was urged to expand the public works programme and to ensure maximum utilisation of the state funds allocated for this purpose.

Having regard to such situation, territorial labour exchanges announced annual tenders of private employers capable of organising such works with their own funds. Private employers who become more and more active in the public works programme increasingly recognise the usefulness of public works – employees who participated in the programme in 2002 exceeded by 1,5 thousand the respective figure of 2001 (3,5 thousand). Last year the number of farmers organising public works grew more than twice - from 412 to 965. At the beginning of this year over 2 thousands of employers undertook to allocate the missing amount of LTL 10 million to finance the part of wages to the public works programme participants.

Public works are of different kinds: upkeep of the environment, taking care of forests, conservation of cultural heritage, implementation of other projects in the field of care and welfare. The numbers of single elderly and disabled individuals who need support have increased recently, and social services are not always capable of providing them with timely assistance, which gives particular importance to the works in social sphere. The main works in the sphere of cities and settlements welfare, upkeep of parks and cemeteries are carried out by the unemployed. The Botanic Park covering the area of 100 ha is maintained in Palanga. Last spring the afforestation of over 2000 ha area in the country was carried out by the unemployed involved in public works. Already for the third year public works are organised in Mažeikiai by parish of the Church of St. Jesus Heart R.K. in construction of a new Catholic Church of St. Francis of Assisi II. There are many more similar examples. The unemployed are involved in repairs of Veisėjai Church of St. George in Lazdijai district, as well as in the restoration of the Lutheran Church building of historic value in Kelmė. The unemployed of Lazdijai also actively participated in the reconstruction of the former estate of Aštrioji Kirsna and of the ponds, in the estate park upkeep works, and in the construction of a spinnery in Raseiniai.

In view of the grown need for public works, territorial labour exchanges have distinguished priority groups of individuals entitled to social support who face labour market

integration problems: - the long-term unemployed (in 2002 they accounted for 23,6 thousand), persons from the families of unemployed (7,9 thousand) with two or more persons deprived of jobs, - rural unemployed (24,3 thousand), - unemployed pre-pensioners (2,1 thousand). As an outcome of public works executed in 2002 as many as 17,5 thousand of mostly socially vulnerable persons became entitled to receive a social benefit. The number of persons who remained for permanent work grew (from 1,4 to 2,5 thousand) compared with 2001.

In 2003 the priority groups of the unemployed according to this programme remain the same likewise of the previous year: that is long-term unemployed, in particular inhabitants of rural areas, the unemployed from socially vulnerable families and their children – during summer holidays. Main attention is paid to the projects that are useful in social terms: care and welfare works, ecological projects, upkeep of the forests, afforestation, maintenance of the undergrowth, environmental works.

The first project of public works was carried out in the country in 2001 – 2002 and involved foreign partners – the Ministry of Labour of Denmark. Jonava Recreational Zone Development Project was carried out using joint resources of the Employment Fund, Jonava Municipality, Public Company “AB Achema”, forest enterprise and the Ministry of Labour of Denmark. This project was presented to the United Nations for Dubai premium and was awarded a special diploma as one of the best projects. The Social Services Provision Project which received larger financing was implemented in Mažeikiai region. As many as 87 unemployed teachers, 79 medical nurses, 22 social workers and tenders are enrolled with Mažeikiai labour exchange. 91 unemployed of these occupations was included in this Project. They worked in Mažeikiai Labour Therapy Centre, Viltis Home, a subdivision of the Lithuanian Welfare Society for Persons with Mental Disabilities “Viltis” (Hope), as well as at a special boarding school, etc.

Self-employment

In observance of Article 14 of the Law on Support of the Unemployed are granted from the Employment Fund. *Procedure of extending loans to the unemployed desirous of setting up own business* regulates initial organisational – financial support provided to the unemployed seeking self-employment organising own business. Loan amount depends upon the sum of likely expenditures: the sum of 6 months unemployment benefit payable to the unemployed and average training expenditures per unemployed (which makes the total of about LTL 4 thousand). The loan is interest-free and is granted for maximum 3-year period. Loan repayment begins no later than in the second year after its receipt. The unemployed who is willing to obtain a loan for organising own business must complete mandatory business organisation courses of up to 2 weeks duration, be in possession of the property eligible for mortgaging or a warrantor (guarantor) who received regular income to guarantee the loan repayment.

The unemployed organising their own business may be subjected to tax reliefs and privileges in acquiring premises and other benefits.

During 11 years more than 4 thousand of the unemployed received loans for setting up their own business. However, not many unemployed are willing to borrow in the recent years. This is due to a relatively high risk related with small business development. The loan of about LTL 4 thousand extended to the unemployed for the business start-up is insufficient, fees charged for loan documentation are high and financial standing of the job-seekers keeps deteriorating (the property held by an individual is often evaluated in the amount which is smaller than the loan amount). The degree of business risks also increases given a 3-year loan maturity.

Cooperation agreement between the Labour Exchange of Lithuania and Lithuanian Small and Medium Business Development Agency which is under implementation since 1998 has contributed to the improvement of informing and educating the jobseekers who are willing to engage in their own business. The Agency supplies territorial labour exchanges with business information publications, memos for a businessman, etc. All this information material and labour

market publications are made available to the public in Job Centres, Information and Consultation Centres established in the territorial labour exchanges and is accessible for every person who is interested in business. The unemployed who visit the Agency's Internet websites find extensive and operative information on business, laws regulating business sphere, developments and crediting issues.

An outstanding work is carried out by the business organisation specialists of the territorial labour exchanges who were provided with training by volunteers from the USA Peace Corps. Labour market business counsellors provide individual counselling on business organisation matters: establishment of an enterprise, patent issuance procedure, privileges applied when obtaining patents, business financing opportunities, legal aspects of business and organise free 2-week courses of business fundamentals. During these courses their participants learn how to select a type of an enterprise, keep financial records, are informed about taxes, etc. Upon completion of training individuals who generate an attractive business idea are provided with assistance in drawing up a business plan.

Since the beginning of such training business fundamentals courses have already been completed by about 10 thousands of jobseekers, and all course participants received course completion certificates. The interest in courses is increasingly growing, because the knowledge acquired and the course completion certificate often helps the jobseekers to find a job.

In 2002 the jobseekers had the opportunity to receive qualified consultations about business organisation through participation in the Programme of Support for the First-time Businessmen under the EU PHARE Small and Medium Business Development Project.

With a view to creating more favourable conditions for small business development, providing all kinds of support for the unemployed to enable them to settle individual employment problems on their own, the Lithuanian Labour Exchange and the Private Company "UAB Investment and Business Guarantees" (INVEGA) signed a cooperation agreement on 24 March 2003. This cooperation will create the opportunity for the unemployed who are willing to start-up business to use the information intended for the first-time businessmen which is placed in the Internet website of INVEGA through Self Information Service Centre of the Lithuanian Labour Exchange. Organisation of workshops in local labour exchanges about the possibilities of financing guaranteed by INVEGA and forms of state support for the first-time businessmen is envisaged in the nearest future.

Establishment of subsidised jobs

By virtue of amendments introduced to the Law on Support of the Unemployed since 2002 the mandatory mechanism of employment of certain mostly vulnerable social groups of individuals as well as the mechanism of creation of jobs was replaced by economic promotion (Article 8). Depending upon the category of supported persons, the employers are paid employment support subsidies of the established amount – i.e. "the employment support basket of the unemployed" follows the unemployed entitled to additional guarantees who is employed in the labour market. According to the agreement with a labour exchange this employment support measure aimed at the unemployed supported in the labour market applies to all enterprises which have engaged the unemployed irrespective of the number of workers.

Employment quotas are fixed only for the disabled of Groups I and II, as for the group of persons whose integration into the labour market is most difficult. The maximum employment quota fixed for them is up to 5 per cent. The employers who have employed the disabled of Groups I and II in works covered by additional quotas during their employment for up to 1,5 – year period are paid employment support subsidies for their expenses relative to job creation or adaptation:

- for the first 12 months – in the amount of 1 MMW (minimum monthly wage) per month;
- for the subsequent 6 months – in the amount of 0,5 MMW per month.

Employers who, following the job placements of the labour exchange, employ the disabled of Group III and other unemployed entitled to additional guarantees in the labour market during their employment for one year period are paid employment support subsidies for their expenses relative to job creation or adaptation:

- for the first 6 months – in the amount of 1 MMW per month;
- for the subsequent 6 months – in the amount of 0,5 MMA per month.

The Procedure of Support for the Unemployed Entitled to Additional Guarantees in the Labour Market regulates the organisation of job creation and employment in the labour market for the unemployed entitled to additional guarantees.

During 11 years local labour exchanges have registered 682 thousand of the unemployed entitled to additional guarantees. 210 thousand of individuals entitled to additional guarantees in the labour market were given jobs in 1991 – 2002. About 10 thousands of subsidised jobs were created for the unemployed entitled to guarantees in the labour market. 2,6 thousands of such jobs were created in 2002.

Every year the disabled are provided with employment support and assistance in getting employed. About 40 thousand of the disabled were registered in local labour exchanges during 11 years. In 2002 local labour exchanges were addressed by about 6 thousand of the disabled. At present 4,1 thousand of the disabled are enrolled with labour exchanges. 13 thousands of them or every third enrolled individual with disability were employed during the period of 11 years. Nearly 5 thousands of individuals, or every ninth jobseeker with disability, were employed in the newly established jobs co-financed with the Employment Fund proceeds. In 2002 some 2 thousand of the disabled were given jobs. Two thirds of the disabled enrolled with the labour exchange are included in the labour market measures every year. More than 2 thousands of the disabled were trained in new professions or have undergone retraining during 11 years with assistance of labour exchanges.

Since the last year the key attention is paid to support of employment of individuals suffering from extremely serious disability. Using financial support of labour exchanges 328 new jobs for the disabled were created in 2002, of which 60 per cent of jobs were created for people with Group I and II disability.

Works financed from the Employment Fund

Article 20¹ of the Law on Support of the Unemployed provides that works financed from the Employment Fund shall be offered to the unemployed individuals who begin working activities providing them with the opportunity to acquire initial working skills and helping to establish themselves for permanent work. Works financed from the Employment Fund for a maximum period of 6 months. Should it appear that additional vocational training is required for permanent employment, the duration of such works may be extended for up to 8 months.

Employers who, following the job placements of the labour exchange, employ unemployed individuals in works financed from the Employment Fund, shall be reimbursed from the Employment Fund on a monthly basis for their expenses in the amount of minimum monthly wage and social insurance contribution calculated as payable for the amount.

The Procedure of Employment for Works Financed by the Employment Fund shall be laid down by the Ministry of Social Security and Labour of the Republic of Lithuania. The financed works shall be organised for the benefit of the following individuals:

- graduates from vocational schools, colleges and higher educational establishments;
- individuals who have been sent by a labour exchange to a vocational school and have completed it;
- have no professional qualifications;
- whose profession or business practice is out of demand in the local labour market;

- whose vocational training or business practice was interrupted for a period exceeding 1 year.

Implementation of the programme of financed works was commenced in 1996. From the very outset the programme involved 28,2 thousands of the unemployed. Already in 2002 as many as 4,8 thousands of the unemployed were involved in the programme. Programme priority is given to teaching the graduates and individuals who have completed labour market vocational training the initial working skills in particular jobs and to the efficiency programme.

In 2002 2,7 thousand of the participants of the programme of works financed by the Employment Fund comprised unemployed youth. Of which the graduates accounted for 1,7 thousand, or for 63 per cent from the total number of unemployed youth, and people who have completed labour market vocational training made up 0,6 thousand. 2,1 thousand of individuals whose occupation or business practice is out of demand in the local labour market or whose vocational training or business practice was interrupted for a period exceeding 1 year were provided with the opportunity to upgrade or to acquire new working skills. The programme involved 0,9 thousand of individuals without vocational training who were provided with the assistance under the programme of financed works in determining their professional motivation. High efficiency of the programme is testified by almost 70 per cent of the unemployed who remain for permanent work for third year already.

Projects relating to local employment initiatives

Article 20² of the Law on Support of the Unemployed establishes that projects relating to local employment initiatives may be implemented in the territories of municipalities (neighbourhoods), where unemployment rate exceeds the average unemployment rate of the country or where such rate of unemployment is envisaged as a result of pending collective redundancies. These projects are aimed at employing the unemployed enrolled with local labour exchanges. Implementation of the projects relating to local employment initiatives is organised by the Lithuanian Labour Exchange under the Ministry of Social Security and Labour.

Implementation of the projects relating to local employment initiatives is co-financed with the Republic of Lithuania State Budget, municipal budgets and the Employment Fund proceeds. The procedure of development, selection, financing of implementation and control of the projects relating to local employment initiatives is established by the Minister of Social Security and Labour.

Projects relating to local employment initiatives implementation whereof was commenced in 2001 were financed only from the State Budget. 16 projects were successfully implemented in 2001 utilising LTL 1,2 million of the State Budget funds and creating over 150 new jobs. In 2002 implementation of 36 projects was completed with LTL 3,5 million of the State Budget funds which resulted in the establishment of 377 new jobs.

Total amount of funds allocated for the projects relating to local employment initiatives in 2003 amounted to LTL 7 million 460 thousand. Of which LTL 4 million 500 thousands were allocated from the State Budget and LTL 2 million 960 thousands - from the Employment Fund. Implementation of 90 projects and creation of 793 of new jobs is envisaged for this year. In the first stage of financing the amount of LTL 3 million 500 thousands was allocated from the State Budget, implementation of 38 projects is under way, and creation of 416 new jobs is pending. In the second stage of financing the Employment Fund will allocate LTL 2 million 960 thousands with a view to realising 44 projects and creating 294 new jobs. In the third stage LTL 1 million funds will be allocated for the implementation of 8 projects envisaging to create 83 new jobs.

Implementation of the projects relating to local employment initiatives revealed new employment opportunities for the disabled. 10 per cent of the new jobs being created are intended for the disabled. For the purpose of determining and allocating financing for the projects relating to local employment initiatives in 2003, priority was given to the projects which guarantee the largest number of jobs for the disabled.

Individuals involved in active labour market policy measures (per year, in thousand)

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Total	0.4	3.7	17.1	25.6	32.7	41.0	52.3	71.4	76.1	86.3	106.6	127.4
Women	27.7	36.1	36.9	39.2	48.1	59.4
Men	24.6	35.3	39.2	47.1	58.5	68.0
Youth	14.2	21.0	22.4	28.5	35.0	31.6
Disabled	1.4	1.9	2.1	1.8	2.0	0.4*
Long-term unemployed	13.8	16.4	19.5	30.5	41.4	52.4
Of which covered by the programmes of:												
Unemployment prevention	0.1	0.1	0.6	0.2	0.2	0.4	0.9	1.1	1.7	1.8	2.6	3.2
Women	0.2	0.5	0.5	0.6	0.8	1.2
Men	0.7	0.6	1.2	1.2	1.8	2.0
Labour supply and demand (job clubs)	1.0	6.0	13.4	18.6	25.6	33.0	42.4	46.9	46.9
Women	4.1	8.7	11.5	14.5	17.6	20.2	22.6	24.5
Men	1.9	4.7	7.1	11.1	15.4	22.2	24.3	22.4
Youth	15.6
Disabled	0	0.4	0.5	0.8	0.9	0.7	0.7	0.1*
Long-term unemployed	1.9	6	6.9	7.6	10.8	16.1	18.3	20.7
Vocational training	0.3	1.9	8.4	14.1	14.1	12.1	14.2	16.1	12.6	11.7	17.0	21.7
Women	8.7	9.8	7.5	6.8	9.7	12.8
Men	5.5	6.3	5.1	4.9	7.3	8.9
Youth	7.3
Disabled	0.1	0.1	0.1	0.1	0.3	0.2	0.2	0.2	0.1*
Long-term unemployed	1.2	3.6	3.1	2.2	1.9	1.5	2.4	3.8	6.1
Employment support: Self-employment	0.03	0.9	1.3	1.3	0.6	0.2	0.2	0.1	0.05	0.04	0.06	0.03
Women	0.1	0.1	0.0	0.0	0.0	0.0
Men	0.1	0.0	0.0	0.0	0.0	0.0
Youth	0.0
Disabled	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Long-term unemployed	0.0	0.0	0.0	0.0	0.0	0.0
Public works	0.1	0.7	5.8	7.7	10.4	10.9	12.1	21.5	23.3	26.8	34.6	48.1
Women	3.5	4.0	7.6	8.4	9.6	12.0	16.8
Men	7.4	8.1	13.9	14.9	17.2	22.6	31.3
Youth	4.9
Disabled	0.1	0.2	0.2	0.4	0.4	0.4	0.4	0.1*
Long-term unemployed	3.6	3.1	5.5	6.3	11.1	18.1	23.6
Works financed from the Employment Fund	2.5	4.8	5.5	4.3	2.5	3.8	4.8

Women	...	...	...	...	...	1.0	2.2	2.5	2.1	1.3	1.9	2.5
Men	...	...	...	...	...	1.5	2.6	3.0	2.2	1.2	1.9	2.3
Youth	...	...	...	...	...	...	...	...	...	...	...	2.7
Disabled	...	...	...	...	...	0.1	0.1	0.1	0.1	0.0	0.0	0.0*
Long-term unemployed	...	...	...	...	...	1.0	1.3	1.3	0.8	0.7	1.1	1.2
Creation of subsidised jobs	...	0.1	0.9	1.2	1.5	1.3	1.6	1.5	1.3	1.0	1.6	2.8
Women	...	...	...	...	...	...	1.0	1.1	0.8	0.7	1.1	1.6
Men	...	...	...	...	...	...	0.6	0.4	0.5	0.3	0.5	1.2
Youth	...	...	0.1	0.2	0.3	0.4	0.5	0.4	0.5	0.4	1.7	0.2*
Disabled	...	...	...	...	...	...	...	...	...	...	...	1.0
Long-term unemployed	...	...	...	...	...	...	...	...	...	...	...	0.8

* - only for the disabled of Groups I and II

Article 8 of the Law on Support of the Unemployed establishes that on proposal of the labour exchange municipalities shall prescribe for the employers the annual quotas of employment of the disabled of Groups I and II or creation of new jobs from 2 to 5 per cent of the total number of workers for an enterprise which employs more than 50 workers. The disabled are employed in the manner established under the Law on the Social Integration of the Disabled.

When employment support measures provided for under the Law on Support of the Unemployed prove insufficient to eliminate the disproportion existing between labour supply and demand resulting from structural changes, liquidation or reorganisation of enterprises, individual employment programmes are developed for separate territories. Such programmes are firstly aimed at providing jobs for the unemployed entitled to additional guarantees in the labour market. Decisions on the development of employment programmes for individuals are taken by the Government of the Republic of Lithuania, county governors or municipal councils. Implementation of employment programme measures are financed from the Republic of Lithuania State Budget, municipal budgets, Employment Fund, and other funds provided for regional development.

With a view to assisting the *long-term unemployed*, who are seeking for a job the Procedure of Organisation and Implementation of Measures for Refreshing the Vocational Knowledge and Practical Skills of the Long-term Unemployed was approved in September 2002 (“*Valstybės žinios*” (Official Gazette), No.96-4224). According to this Procedure short-term training courses of up to one month length will be organized for the long-term unemployed at their places of residence, to inform them about present situation and options, as well as to introduce some professions available for them to choose or to improve the already existing skills.

In addition, one of the primary objectives provided for in the Order of the Minister of Social Security and Labour on the Establishment of Goals and Objectives of the Lithuanian Labour Exchange for 2003 is to enhance employability of the disabled, people without qualification, and long-term unemployed.

27 short-term introductory programmes to the occupations that are most popular in the labour market have been prepared. They enable the long-term unemployed to refresh their vocational knowledge, to assess their opportunities to subsequently find a job according to their current occupation, or to provide information about a new occupation and about how to acquire it. Qualified vocational training specialists and psychologists will be working with the unemployed in small groups, together seeking unemployment solutions acceptable to the unemployed. In QIV 2002 and QI 2003 these measures involved 6,4 thousand of the long-term unemployed. The courses aimed at refreshing vocational knowledge and practical skills as well as introductory training courses were completed by 4,2 thousand, and the courses aimed at increasing motivation - by 2,8 thousand of the long-term unemployed. Preference is given to introductory measures designated for the unemployed without qualification or whose occupation

is out of demand in the labour market. Measures of refreshing vocational knowledge and practical skills are aimed at the long-term unemployed who have been out of work for a prolonged period and have professional and practical knowledge.

3,7 thousand of the long-term unemployed participated in the survey carried out to assess the above measures. The survey showed that training sessions were very helpful and diversified – 60 per cent of the participants were provided with useful advice, one third of them gained more self-confidence, and one fifth learned how to make more transparent plans for their future. 62 per cent of the said participants made up their minds to seek jobs and 43 per cent – to go in for training. Majority of the participants wanted to extend the duration of training sessions, have more interviews with psychologists, spend more time on practical exercises.

Increasing employment opportunities for youth.

With a view to speeding up the youth's integration into the labour market, the *Youth Job Centre* was established in autumn of 1999 under Vilnius Labour Exchange. For the purpose of methodical management of activities of this Centre a Methodical Council was formed. Social partners are actively involved in the Council activities. In 2002 Youth Job Centres were established in Šiauliai and Klaipėda, in May 2003 - in Kaunas. Methodical Councils are operating at the Youth Job Centres, whereas the activities of all Youth Job Centres are coordinated by the Youth Methodical Service under the National Labour Exchange.

Activities of Youth Job Centres are based on voluntary principle – there is no mandatory registration in the Centres, they are equipped with the state-of-the-art information technologies: self-information service terminals have been installed to look for a job or profession, providing information about job vacancies, self-cognition tests, films about occupation routines, ways of looking for a job, information about places for acquiring a profession and conditions of admittance to universities, colleges and vocational schools. Youth Job Centres' customers have free access to the Internet and can find the required information in the websites of the Lithuanian Labour Exchange and other employment institutions. Youth Job Centres offer the services of counsellors who deal directly with customers, organise specialised workshops and various group sessions. The youth is provided with the information material about the procedure and opportunities of learning and studies, and with the descriptions of 320 main occupations.

Graduates who have been enrolled with local labour exchanges are referred to the intensive integration programme "*Absolventas*" (Graduate). They get familiarised with the development of independent job searching skills and work career opportunities. Graduates and youth without qualifications who are registered with local labour exchanges are involved in the intensive integration programme "*Abiturientas*" (Secondary School Graduate) which strengthens the job-seeking motivation of youth, renders vocational counselling and information services.

The *Programme of the First Step in the Labour Market* is designated for the first-time jobseekers. Almost all first-time jobseekers are young people (77 per cent in 2002). Programme priorities for jobseekers without professional qualifications is counselling, and for people with profession and graduates – job-broking.

In June 2000 the database "Talentų bankas" (Talent Bank) of high quality specialists was created in the information system DBIRZA-I of the Lithuanian Labour Exchange, designating four target groups of the Talent Bank participants, of which two groups comprised graduates with a bachelor's or master's high qualification degree and at least fourth year students of universities. (Order No. 88 of 31 May 2000 of the National Labour Exchange on Establishing the Talent Bank in DBIRZA-I Information System and on Announcing Their Participants in the Internet"). The programme of "Talents Bank" is aimed at extending employment opportunities for high quality specialists and students, and speeding up the employers' search for workers they need.

The database of "Talents Bank" was exported to the Internet website of the Lithuanian Labour Exchange created in January 2001. When in June 2001 the Internet Labour Exchange

(ILE) started functioning on the Internet website of the Lithuanian Labour Exchange), the Talent Bank became a separate part of ILE supply database for jobseekers which joined highly qualified specialists and students. All jobseekers can place their announcements in this database. In autumn of the same year the additional function was introduced providing for supplementing the Talent Bank questionnaire and sending it to a respective labour exchange through the Internet, without mediation of the labour exchange. At present 1500 individuals have announced themselves through the Talent Bank, of which 370 are university graduates and 140 - university (fourth year) students.

During 2002 local labour exchanges provided services to 83,7 thousand of the unemployed youth aged from 16 to 25. Population employment measures cover about 60 thousand of youth, with 26,3 thousand placed into jobs and 31,6 thousand included in the labour market active policy programmes. Youth accounted for 57 per cent of the unemployed engaged in works financed from the Employment Fund and for 3 per cent amongst people referred to the labour market vocational training. In 2002 6,6 thousand of graduates were placed into jobs and 6,5 thousand of them were included in the labour market active policy programmes. 0,8 thousand of graduates participated in career management programmes. As a result of stimulation of activeness of graduates, numbers of the unemployed in 2002 subtracted from 6,1 thousand at the beginning of the year to 4,2 thousand at the year-end.

Measures applied to the youth contributed to reducing the youth unemployment rate registered in the labour exchange from 18,7 to 13,4 per cent in 2002.

Programmes for Prisoners and Individuals Released from Places of Imprisonment

On 25 October 1999 the Government of the Republic of Lithuania passed the Resolution No.1179 approving the Programme of Social Adaptation of the Convicts and Individuals Released from Penal, Corrective Work and Social and Psychological Rehabilitation Institutions for 2001-2004. The goals of this Programme are – to assist persons released from penal institutions to better adapt themselves to the different society, provide them with more opportunities to learn and raise qualifications in penal institutions and in free life. For the purpose of implementing the aforementioned Resolution, the Ministry of Social Security and Labour is carrying out the following programmes through the Lithuanian Labour Exchange financed with the State Budget funds:

Vocational guidance of young people serving a sentence of imprisonment.

In Panevėžys Labour Market Training Consultative Service a specialised mobile vocational guidance centre has been established to render vocational guidance to young people serving a sentence of imprisonment. 4 group programmes organised in 2001 were attended by 300 convicts. The Project of Forming the Required Social Adaptation Skills of the Youth Group in the Penitentiary was implemented in Panevėžys Penitentiary. The Project was aimed at providing assistance to women in penitentiary aged under 30 and sentenced for the first time to acquire the necessary social adaptation skills.

Programme of Social Adaptation of Convicts.

Panevėžys Labour Market Training Centre carried out vocational and social adaptation of convicts. To this end the plans for individual job search and integration into the labour markets of persons who are finishing to serve a sentence in Panevėžys penitentiary. In 2002 the training was organised for 245 and 4 training programmes were additionally implemented. 72 convicted women acquired the occupation of a dress-maker – operator, 16 – of a light clothes dress-maker, 43 – of an embroiderer, 12 – of environmental workers, 13 – of a florist – flower seller, and 79 convicted women completed the courses of the fundamentals of work with computers. Women are referred to training after they undergo a psychological programme. The amount of LTL 190 thousand of the State Budget funds was utilised to implement this measure.

In observance of the Law on Support of the Unemployed, payment of unemployment benefit for the unemployed people released from places of imprisonment is commenced on the 8

th day after their enrolment with a labour exchange and an “Employment Plan” is drawn with each such person specifying in it labour market integration measures.

Programme of Vocational Training and Employment of Persons Released from Places of Imprisonment.

In 2002, 68 persons released from places of imprisonment who have completed vocational training programmes in 2001 were placed into jobs. In 2002 implementation of this programme is envisaged in 10 local labour exchanges of the biggest towns of the country. The biggest towns face greatest challenges in terms of adaptation of the aforementioned individuals in the labour market and their employment. During the year local labour exchanges referred 159 former prisoners to the vocational training programmes. 70 per cent of the trainees without working skills and professional qualifications participated in the initial training programmes, 20 per cent upgraded their already existing skills. After completion of vocational training programmes, 137 former prisoners acquired new professions or occupational competences (22 of them terminated training contracts), of which 32 were placed into jobs. Job search for other persons released from places of imprisonment is still under way, because they completed training in November and December. State Budget funds used for vocational training of persons released from penal institutions accounted for LTL 174,2 thousand.

On order of the Ministry of Social Security and Labour the Institute of Labour and Social Research performed sociological surveys of social and occupational needs of the convicts. These surveys were aimed at analysing the problems of social adaptation of persons returning from different types of penal institutions, identifying their social and occupational needs. About 1,5 thousand of persons serving the last year of sentence in six penal institutions of different regimes. Conclusions and proposals are taken as the basis for improvement and development of the system of social adaptation of persons released from places of imprisonment.

Roma/Gypsy programme

The Programme of Vocational Training and Employment of Roma in Vilnius city has been developed and measures of implementation of this Programme for 2003 – 2004 approved by Order of the Minister of Social Security and Labour. The Programme provides for vocational counselling and labour market vocational training of the Roma. 7 training programmes that are of top-priority and in demand in the labour market were adapted for vocational training of Roma, in consideration of their education, 3 non-formal training programmes likely to be useful in daily life of Roma have been prepared. Practical realisation of these programmes is undermined by lack of activity and motivational attitudes characteristic of this demographic group.

Preparations for publishing an informational booklet are under way. Information will be disseminated in cooperation with international Roma associations (“Roma Fire”, “Roma (Gypsy) Public Centre”, “Roma Mission”).

Question B

Please, indicate the trends in employment³ covering all sectors of the economy. In connection with this, indicate as far as possible, the activity rate⁴, the employment rate⁵ and the breakdown of employment by region, by sex, by age, by employment status (employed, self-employed), by type of employment (full time and part-time, permanent and fixed-term, temporary), and by sector of activity.

³ Reference is made to the definition of employment adopted by the Thirteenth International Conference of Labour Statisticians (Geneva, 1982) or any further versions.

⁴ The activity rate represents the total labour force as a percentage of the population aged 15-64 and living in private households. The labour force is defined as the sum of persons in employment; plus the unemployed.

⁵ The employment rate represents persons in employment as a percentage of the population aged 15-64 and living in private households.

Please, give the trend of the figures and percentage of unemployment in your country, including the proportion of unemployed to the total labour force. Please, give a breakdown of the unemployed by region, category, sex, age and length of unemployment.

Population and labour force

According to the data of the Population and Dwelling Census carried out in 2001, during the period of 1989-2001 population numbers declined by 5 per cent. This process was caused by migration of citizens and negative natural increase of population. Recalculations of figures based on census data covered only the workforce, the number of the unemployed, and other indicators of 2001 and 2002. Population employment surveys¹ data for 1997 – 2000 given in the below-presented tables are not compared with the data of 2001 and 2002. To achieve the comparability of data, completion of their recalculation in consideration of changes in population numbers is envisaged by the end of 2003. To this end we will compare the period of 1997 – 2000 and the year 2001 with 2002 separately in our case study.

Activity rate

According to the population employment survey data the labour force declined from 1843 thousand in 1998 to 1794 thousand in 2000. As a result the labour force activity reduced which for those aged 15-64 during 1998-2000 approximately changed from 72 to 70,9 per cent. However, there has been a further fall in the labour force activity rate. In 2002 it dropped to 69,3 per cent, declining by additional 0,1 percentage point compared with 2001. Male activity rate in Lithuania is above that of the female. Nevertheless, the male activity rate for those aged 15-64 in 1997 - 2000 fell further (from 78,1 to 75 per cent), meanwhile the female activity rate went up (from 65,3 to 67,1 per cent). In 2002 the rate of activity of both genders compared with 2001 reduced by 0,1 percentage point each reaching 73,2 per cent – for men, and 65,7 per cent – women respectively.

In terms of age-groups, activity in Lithuania was relatively low for young people of both sexes aged under 25. The activity level of males of this age in 1997 – 2000 dropped from 82,8 to 71,5 per cent. For female it fell from 58,9 to 56,0 per cent. In 2002 compared with 2001, the activity rate of male aged 20-24 kept diminishing - from 67,0 to 64,5 per cent. The same diminishing tendency was observed in the female activity rate – from 52,1 per cent in 2001 to 51,7 per cent in 2002.

Employment trends

During the transitional period to a market economy, rapid changes took place in the economic structure, which in turn impacted on employment trends. Employment trends are characterised by the growth of unemployment, illegal work, new forms of employment and overall employment rate reduction.

Employment in the private sector

Workers actively migrated between public and private sectors. The share of the private sector in the overall employment structure in 1990–2000 grew from 22 to 66 per cent. Development in the balance between the private and public sectors was mostly conditioned by the process of privatisation. During 1990-2000 the total number of people employed in public enterprises, institutions, and organisations reduced from 1440,2 to 495 thousands, and the numbers of people employed in private enterprises experienced almost a twofold increase (from 412,5 to 1062,2 thousands). Its worth noting that the bulk (about 64 per cent) of workers in the public sector comprises women, whilst men more actively participate in the sphere of private economic activity (57 per cent).

Employment rate

The employed population decreased by 200 thousand (slightly over 11 per cent) during the first half of the 1990s, whereas GDP fell by 40%. The overall employment rate of population fell from 89,7 per cent in 1991 to 51,2 per cent in 2000.

Employment rate⁶ according to the LFS data reduced from 61,2 per cent in 1997 to 59,8 per cent. Respective decline was observed in the male employment rate – from 66,8 to 61,9 per cent in 2000. The female employment rate in 1997-1999 increased from 56 to 59,6 per cent falling to 57,9 per cent in the next year. Speaking about male and female employment, the male employment fell lower than that of the female. This is explained by the fact, that economic difficulties experienced in 2000 more affected male-dominated economic activities. In 2002 compared with 2001, improved economic environment resulted in the growth of the overall as well as in the male and female employment rate. In 2002, employment rate in Lithuania reached 59,6 per cent. The male and female employment rates stood at 62,3 and 57,1 per cent respectively. Analysis of employment of younger (aged under 25) men and women showed that it is lower than the overall employment rate. This means that youth in Lithuania undertake jobs at an older age.

Regional differences

The impact of the transition process on the various districts of Lithuania differs depending on their original economic structure and geographic location. In addition, given the reduced interference on the part of the state (both in regulatory terms and in the sphere of investment decisions), free markets targeted investments towards the best-developed areas. Such tendencies resulted in significant regional differences in the sphere of employment.

Territorial distribution of employment has undergone changes during the period of economic reforms. According to the data of population employment surveys in terms of territorial employment Lithuania may be divided into 3 territories: 1) prevailing agriculture with the lowest employment rate; 2) prevailing industry with industrial and construction enterprises which have re-oriented their production and are operating quite effectively, where the rate of employment is average; 3) the larger cities – with the highest employment rate.

According to the reported data, the lowest rate of employment among persons aged 15–64 in 2002 was observed in Alytus county and stood at mere 53,3 per cent. The highest employment rate among persons of the aforementioned age was observed in Tauragė (64,3 per cent) and Marijampolė (62,0 per cent) counties. A significant part of reported employment in a number of regions (most notably Taurage and Marijampole) is in agriculture, and much of this represents low-productivity subsistence farming.

Number of employed

According to the data of population employment surveys numbers of employed population in the country between 1997 and 1999 increased almost by almost 28 thousand (or by 2 per cent) and in 1999 made up 1598,4 thousand (812 thousand of men and 786,3 thousand of women). As a result of economic difficulties in 2000 the numbers of employed fell down to 80 thousand (or 5 per cent) accounting for 1517,9 thousand (759,8 thousand of men and 758,1 thousand of women). As a result of improved economic situation, numbers of employed in 2002 compared with 2001 went up to 54 thousand (4 per cent) and stood at 1406 thousand (708 thousand of men and 698 thousand of women).

Employment by sectors

Large changes in the sectoral structure of employment took place in the early years of the transition. In 1990 prior to economic reforms, the bigger part of the population was employed in industry (30 per cent), agriculture (18 per cent) and construction (12 per cent). In the first years of restructuring of economy the largest employment reduction was observed in industry and

⁶ The ratio of employed population aged 15 – 64 to the total number of population of the same age group.

construction. Agricultural employment kept growing until 1996, amounting to 24,1 per cent followed by a slowdown. The greatest increase in jobs manifested itself in the services sector.

In 2000, 19,6 per cent of the employed population (23,4 per cent of men and 15,8 per cent of women) were engaged in agriculture, forestry and fisheries, 26,3 per cent (32,6 per cent of men and 20 per cent of women) – in industry and construction, and 54,1 per cent (43,9 per cent of men and 64,2 per cent of women) – in services sector.

In 2002 almost 21 per cent of the employed were in industry and 6,6 per cent – in construction sector. The services sector in which 54,7 per cent of total employed population are engaged is being expanded. Nevertheless, in 2002 17,9 per cent of the employed worked in agriculture. Employment share in agriculture still remains high. The challenges faced by this sector include low productivity and restricted mobility of rural inhabitants. It is increasingly more difficult for Lithuanian farmers to realise their products and to compete in the international market due to production concentration in small and non-profitable farms, unfavourable natural conditions and cheap agricultural produce of EU countries. Slowly developing alternative rural businesses (tourism, manufacturing of ecological products, miscellaneous services, growing of medicinal herbs, etc.) do not facilitate the growth of rural employment in the sphere of non-agricultural produce.

Employment status

The surveys of population employment show that in 1997 - 2000 self-employment conditions kept worsening: the number of employers and self-employed reduced by 33 thousand (12 per cent). When the economic situation started improving in 2002 compared with 2001 employers and self-employed grew by 15 thousand (or by 7 per cent). In 2002 they accounted for 16,6 per cent (men made up 62 per cent, and women – 38 per cent) of all employed.

The majority - approximately 80% - of all employed individuals are employees. In 1997-2000 the employees' reduced by 23 thousand (or by 2 per cent), nevertheless, during the recent years, their number again went up and in 2002 accounted for 1124 thousand or almost 80 per cent of the total employed. 48 per cent of men and 52 per cent of women worked as employees.

Majority of employers and self-employed comprise men, whereas women prevail amongst employees.

Part-time employees

In 1997 –2000, 89-90 per cent of those employed were full-time workers. The similar situation persists in 2001-2002. The data of the population employment surveys show that in 2002 only 10,8 per cent of people in employment were part time workers, of which 44 per cent comprised men and 56 per cent – women. This type of work is not very much prevalent in Lithuania. The difference is particularly marked in the case of Lithuanian women, 88 per cent of whom work full time as compared with only 12 per cent women engaged for part time work.

Part time work is probably the most widely applied non-traditional form of employment, and such flexible forms of work and labour organisation, like tele-work, temporary work, home-work, flexible working time, job rotation, etc. are insufficiently applied. Unfavourable social and economic environment and inadequately regulated legal aspects (irrespective of legal preconditions for the development of flexible labour forms provided for by the Labour Code enacted on 1 January 2003) do not encourage the application of flexible forms of labour organisation. This, in its turn, to a certain extent prevents the workforce from adapting itself to structural and economic changes.

Labour force activity rate by age and sex (%)

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	61.5	61.7	61.9	60.4	58.4	57.9
15 – 19	21.4	17.8	16.2	12.3	8.6	6.8

20 – 24	70.9	69.4	69.2	63.8	59.6	58.2
25 – 29	85.5	89.1	89.7	88.4	87.0	86.6
30 – 34	87.3	90.6	92.7	88.1	88.7	89.1
35 – 39	91.5	92.4	93.7	88.7	91.7	90.6
40 – 44	94.7	94.3	95.1	91.3	90.7	91.4
45 – 49	93.7	93.4	91.8	89.1	87.6	88.0
50 – 54	84.0	86.5	90.2	87.0	83.2	83.6
55 – 59	58.7	60.6	62.7	62.8	64.3	66.6
60 – 64	25.0	24.1	26.0	27.0	24.9	27.1
65 – 69	9.2	10.0	9.5	12.9	10.8	10.2
70+	5.5	4.3	3.3	5.2	3.1	1.5
15 – 64	71.5	72.0	72.7	70.9	69.4	69.3
Men	70.3	69.6	69.2	67.1	64.9	64.4
15 – 19	27.5	22.0	19.0	16.6	11.1	8.6
20 – 24	82.8	78.8	78.0	71.5	67.0	64.5
25 – 29	93.2	93.3	93.8	90.5	91.1	90.4
30 – 34	90.4	94.2	95.1	91.2	92.3	92.2
35 – 39	94.0	94.3	93.4	89.3	92.8	93.1
40 – 44	96.1	93.1	96.2	91.8	89.6	92.2
45 – 49	91.0	93.4	89.4	89.1	87.2	88.3
50 – 54	87.2	88.3	90.6	86.1	82.1	83.9
55 – 59	80.9	81.1	84.6	75.9	77.9	78.4
60 – 64	36.5	36.4	37.9	39.3	39.6	40.3
65 – 69	11.8	14.6	12.8	16.0	12.2	13.2
70+	8.9	7.4	6.6	8.1	5.7	3.6
15 – 64	78.1	77.4	77.4	75.0	73.4	73.2
Women	53.9	54.9	55.7	54.8	53.0	52.4
15 – 19	15.1	13.5	13.3	7.9	6.1	4.9
20 – 24	58.9	59.9	60.2	56.0	52.1	51.7
25 – 29	77.4	84.7	85.4	86.3	82.9	82.8
30 – 34	84.0	86.8	90.2	84.9	85.2	86.0
35 – 39	89.1	90.5	93.9	88.0	90.6	88.1
40 – 44	93.3	95.5	94.1	90.9	91.7	90.7
45 – 49	96.1	93.5	94.0	89.2	87.9	87.8
50 – 54	81.3	85.0	89.8	87.8	84.1	83.3
55 – 59	41.3	44.4	45.3	52.5	53.7	57.3
60 – 64	16.7	15.2	17.4	18.1	14.2	17.5
65 – 69	7.5	7.1	7.4	10.8	9.9	8.2
70+	3.9	2.9	1.8	3.8	1.9	0.6
15 – 64	65.3	66.9	68.3	67.1	65.8	65.7

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employment rate by age and sex (%)

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	52.8	53.5	53.2	51.2	48.3	49.9
15 – 19	13.9	12.9	11.2	7.2	4.6	4.2
20 – 24	55.4	55.1	51.7	47.0	42.6	46.0
25 – 29	73.5	76.9	77.7	76.8	72.4	74.9
30 – 34	76.0	76.6	78.8	73.2	74.7	78.5
35 – 39	81.1	81.1	81.5	77.9	76.6	78.5
40 – 44	81.3	83.7	81.3	78.4	75.5	79.7
45 – 49	80.7	81.8	82.3	76.9	73.0	76.7

50 – 54	73.5	76.8	78.8	72.2	69.2	70.7
55 – 59	52.8	55.4	56.9	54.7	54.8	58.2
60 – 64	25.0	23.5	25.4	25.2	22.6	24.8
65 – 69	9.2	10.0	9.5	12.6	10.6	10.2
70+	5.5	4.3	3.3	5.0	3.1	1.5
15 – 64	61.2	62.3	62.3	59.8	57.2	59.6
Men	60.3	59.6	58.4	55.5	51.9	55.0
15 – 19	18.2	15.6	12.6	8.7	5.7	5.0
20 – 24	62.1	61.7	57.7	52.4	44.4	51.4
25 – 29	82.0	80.2	80.1	76.3	73.7	77.0
30 – 34	77.6	78.6	78.6	73.9	76.8	80.6
35 – 39	81.8	82.3	79.9	76.6	75.7	81.1
40 – 44	82.8	81.8	81.0	77.3	72.1	79.1
45 – 49	83.8	80.7	80.5	76.8	71.1	77.3
50 – 54	77.2	77.1	79.3	70.3	67.3	70.1
55 – 59	71.2	73.5	73.6	64.6	63.4	67.1
60 – 64	36.4	35.2	36.5	36.2	34.5	34.9
65 – 69	11.8	14.5	12.8	15.5	11.9	13.2
70+	8.9	7.4	6.6	7.5	5.7	3.6
15 – 64	66.8	66.2	65.2	61.9	58.5	62.3
Women	46.4	48.2	48.7	47.5	45.2	45.6
15 – 19	9.5	10.1	9.8	5.6	3.5	3.3
20 – 24	48.6	48.5	45.7	41.4	40.8	40.4
25 – 29	64.6	73.4	75.2	77.4	71.1	72.9
30 – 34	74.3	74.7	79.0	72.5	72.7	76.5
35 – 39	80.4	79.9	83.0	79.2	77.6	76.1
40 – 44	80.0	85.5	81.5	79.5	78.6	80.2
45 – 49	78.0	82.8	83.8	77.1	74.7	76.1
50 – 54	70.5	76.5	78.3	73.8	70.8	71.2
55 – 59	38.3	41.1	43.6	46.8	48.1	51.2
60 – 64	16.7	15.0	17.4	17.3	14.0	17.4
65 – 69	7.5	7.1	7.4	10.7	9.8	8.1
70+	3.9	2.9	1.8	3.8	1.9	0.6
15 – 64	56.0	58.6	59.6	57.9	55.9	57.1

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employed population by employment status and sex

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Thousands						
Total	1570,7	1597,6	1598,4	1517,9	1351,8	1405,9
Employers and self-employed	286,8	275,2	259,2	253,4	218,0	233,3
Employees	1226,4	1251,6	1265,8	1203,5	1090,9	1124,0
Assisting family members	56,9	67,2	68,4	55,4	42,9	48,6
Other	0,6	3,5	5,0	5,7	–	–
Men	828,7	823,3	812,0	759,8	664,5	707,8
Employers and self-employed	178,2	171,4	161,9	155,0	136,8	144,0
Employees	627,7	618,6	617,1	580,7	509,1	543,9
Assisting family members	22,1	31,4	30,8	21,5	18,6	19,9
Other	0,6	1,9	2,2	2,6	–	–

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Thousands						
Women	742,0	774,3	786,3	758,1	687,3	698,1
Employers and self-employed	108,6	103,9	97,2	98,2	81,2	89,2
Employees	598,8	633,0	648,6	622,8	581,8	580,0
Assisting family members	34,8	35,8	37,6	33,9	24,3	28,8
Other	-	1,7	2,8	3,1	-	-
%						
Total	100.0	100.0	100.0	100.0	100.0	100.0
Employers and self-employed	18.3	17.2	16.2	16.7	16.1	16.6
Employees	78.1	78.3	79.2	79.3	80.7	79.9
Assisting family members	3.6	4.2	4.3	3.6	3.2	3.5
Other	0.0	0.2	0.3	0.4	-	-
Men	100.0	100.0	100.0	100.0	100.0	100.0
Employers and self-employed	21.6	20.8	19.9	20.4	20.6	20.4
Employees	75.7	75.1	76.0	76.4	76.6	76.8
Assisting family members	2.7	3.8	3.8	2.8	2.8	2.8
Other	0.1	0.2	0.3	0.3	-	-
Women	100.0	100.0	100.0	100.0	100.0	100.0
Employers and self-employed	14.6	13.5	12.4	13.0	11.8	12.8
Employees	80.7	81.8	82.5	82.2	84.7	83.1
Assisting family members	4.7	4.6	4.8	4.5	3.5	4.1
Other	-	0.2	0.4	0.4	-	-

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Full time/part time employed

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Thousands						
Total	1570,7	1597,6	1598,4	1517,9	1351,8	1405,9
Men	828,7	823,3	812,0	759,8	664,5	707,8
Women	742,0	774,3	786,3	758,1	687,3	698,1
Full time	1413,7	1411,6	1487,8	1362,7	1218,1	1253,5
Men	757,2	737,8	756,3	688,7	609,8	641,0
Women	656,5	673,8	731,5	674,0	608,3	612,5
Part time	157,1	186,0	110,5	155,2	133,7	152,4
Men	71,5	85,5	55,7	71,1	54,6	66,8
Women	85,6	100,5	54,9	84,1	79,1	85,5
%						
Total	100.0	100.0	100.0	100.0	100.0	100.0
Men	52.8	51.5	50.8	50.1	49.2	50.3
Women	47.2	48.5	49.2	49.9	50.8	49.7
Full time	90.0	88.4	93.1	89.8	90.1	89.2
Men	53.6	52.3	50.8	50.5	50.1	51.1
Women	46.6	47.7	49.2	49.5	49.9	48.9

Part time	10.0	11.6	6.9	10.2	9.9	10.8
Men	45.5	46.0	50.4	45.8	40.8	43.9
Women	54.5	54.0	49.6	54.2	59.2	56.1

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employees by permanency of work

	1998 ¹	1999 ¹	2000 ¹	2001	2002
Thousands					
Total	1251.6	1265.8	1203.5	1090,9	1124,0
Permanent work	1183,1	1202,2	1142,4	1028,3	1042,3
Temporary, seasonal, occasional work	68,5	63,5	61,1	62,5	81,6
Men	618.6	617.1	580.7	509,1	543,9
Permanent work	575,7	574,3	542,3	470,9	490,7
Temporary, seasonal, occasional work	42,9	42,8	38,4	38,2	53,2
Women	633.0	648.6	622.8	581,8	580,0
Permanent work	607,4	627,9	600,1	557,5	551,6
Temporary, seasonal, occasional work	25,6	20,7	22,7	24,3	28,4
%					
Total	100.0	100.0	100.0	100.0	100.0
Permanent work	94.5	95.0	94.9	94.3	92.7
Temporary, seasonal, occasional work	5.5	5.0	5.1	5.7	7.3
Men	100.0	100.0	100.0	100.0	100,0
Permanent work	93.1	93.1	93.4	92.5	90.2
Temporary, seasonal, occasional work	6.9	6.9	6.6	7.5	9.8
Women	100.0	100.0	100.0	100.0	100,0
Permanent work	96.0	96.8	96.4	95.8	95.1
Temporary, seasonal, occasional work	4.0	3.2	3.6	4.2	4.9

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employed population by economic activity and sex (thousands)

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	1570,7	1597,6	1598,4	1517,9	1351,8	1405,9
Agriculture, hunting and forestry (A)	324,5	333,9	320,2	294,1	231,3	249,8
Fisheries (B)	...	2,1	2,6	3,7	2,6	0,8
Industry (C – E)	338,9	339,4	330,3	311,4	281,1	293,3

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Mining and quarrying (C)	...	3,4	3,4	3,1	2,8	4,3
Manufacturing industry (D)	294,4	298,0	287,0	272,3	243,2	260,6
Electricity, gas and water supply (E)	44,5	38,0	39,9	36,1	35,1	28,4
Construction (F)	109,1	102,1	99,2	88,2	84,8	93,2
Services (G – Q)	798,3	820,0	846,1	820,4	752,1	768,8
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	234,4	225,4	223,6	219,3	205,7	211,2
Hotels and restaurants (H)	26,0	25,9	29,7	30,0	25,8	28,0
Transport, storage and communication (I)	98,5	104,0	100,4	98,0	86,0	87,4
Financial intermediation (J)	14,5	19,6	16,5	15,6	10,9	14,0
Real estate, renting and business activities (K)	48,2	45,0	46,0	47,3	41,1	54,9
Public administration and defence; compulsory and social security (L)	73,7	77,2	85,5	81,3	71,9	81,3
Education (M)	134,3	150,6	162,8	169,5	155,0	138,9
Health and social work (N)	100,3	106,1	112,8	102,1	99,6	94,6
Other community, social and personal service activities (O)	66,7	64,2	64,2	55,8	51,9	53,8
Activity of private households employing staff (P)	1,7	2,1	4,0	1,5	4,2	4,8
Activity of international organisations and branches thereof (Q)	–	–	0,6	–	–	0,1
Men	828,7	823,3	812,0	759,8	664,5	707,8
Agriculture, hunting and forestry (A)	191,8	197,7	192,4	175,0	142,8	150,9
Fisheries (B)	...	1,8	2,3	3,2	2,5	0,8
Industry (C – E)	191,0	183,3	174,4	167,1	146,6	156,9
Mining and quarrying (C)	...	1,6	1,9	1,6	2,2	3,0
Manufacturing industry (D)	158,7	153,5	143,2	140,3	115,5	129,9
Electricity, gas and water supply (E)	32,3	28,1	29,3	25,2	28,9	24,0
Construction (F)	97,3	92,6	90,6	80,8	77,5	84,1
Services (G – Q)	348,5	347,9	352,3	333,6	295,0	315,1
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	112,8	110,9	113,7	101,1	100,6	103,7
Hotels and restaurants (H)	8,5	6,2	6,8	8,3	5,9	6,3
Transport, storage and communication (I)	66,0	69,1	69,6	67,7	59,9	63,4
Financial intermediation (J)	6,7	7,2	5,9	6,9	5,3	5,5
Real estate, lease and business activities (K)	24,5	23,2	24,3	25,3	21,1	26,8
Public administration and defence; and compulsory social insurance (L)	42,6	48,3	51,5	46,3	39,3	40,9
Education (M)	33,2	35,8	36,0	38,1	31,8	29,7

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Health and social work (N)	21,0	19,1	17,4	14,9	12,3	14,1
Other community, social and personal service activities (O)	32,8	27,5	26,5	25,0	16,4	22,4
Activity of private households employing staff (P)	0,5	0,7	0,6	0,2	2,5	2,4
Activity of international organisations and branches thereof (Q)	–	–	–	–	–	–
Women	742,0	774,3	786,3	758,1	687,3	698,1
Agriculture, hunting and forestry (A)	132,6	136,2	127,8	119,1	88,4	98,9
Fisheries (B)	...	0,3	0,3	0,6	0,1	–
Industry (C – E)	147,9	156,2	155,9	144,3	134,5	136,4
Mining and quarrying (C)	...	1,8	1,5	1,5	0,6	1,4
Manufacturing industry (D)	135,7	144,5	143,8	131,9	127,7	130,6
Electricity, gas and water supply (E)	12,2	9,9	10,6	10,9	6,2	4,4
Construction (F)	11,8	9,5	8,6	7,4	7,2	9,0
Services (G – Q)	449,7	472,1	493,8	486,8	457,0	453,7
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	121,6	114,5	109,8	118,2	105,1	107,4
Hotels and restaurants (H)	17,5	19,6	22,9	21,7	19,9	21,8
Transport, storage and communication (I)	32,5	34,9	30,8	30,3	26,1	24,0
Financial intermediation (J)	7,8	12,4	10,6	8,8	5,6	8,5
Real estate, lease and business activities (K)	23,7	21,8	21,7	22,0	20,0	28,1
Public administration and defence; and compulsory social insurance (L)	31,1	28,9	34,0	35,0	32,6	40,4
Education (M)	101,2	114,8	126,8	131,4	123,2	109,2
Health and social work (N)	79,2	87,0	95,3	87,3	87,3	80,5
Other community, social and personal service activities (O)	33,9	36,8	37,7	30,8	35,5	31,4
Activity of private households employing staff (P)	1,3	1,5	3,4	1,3	1,7	2,3
Activity of international organisations and branches thereof (Q)	–	–	0,6	–	–	0,1

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employed population by economic activity and sex (%)

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	100.0	100.0	100.0	100.0	100.0	100.0
Agriculture, hunting and forestry (A)	20.7	20.9	20.0	19.4	17.1	17.8
Ficheries (B)	...	0.1	0.2	0.2	0.2	0.1
Industry (C – E)	21.6	21.2	20.7	20.5	20.8	20.9
Mining and quarrying (C)	...	0.2	0.2	0.2	0.2	0.3
Manufacturing industry (D)	18.7	18.7	18.0	17.9	18.0	18.5

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Electricity, gas and water supply (E)	2.8	2.4	2.5	2.4	2.6	2.0
Construction (F)	6.9	6.4	6.2	5.8	6.3	6.6
Services (G – Q)	50.8	51.3	52.9	54.1	55.6	54.7
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	14.9	14.1	14.0	14.4	15.2	15.0
Hotels and restaurants (H)	1.7	1.6	1.9	2.0	1.9	2.0
Transport, storage and communication (I)	6.3	6.5	6.3	6.5	6.4	6.2
Financial intermediation (J)	0.9	1.2	1.0	1.0	0.8	1.0
Real estate, renting and business activities (K)	3.1	2.8	2.9	3.1	3.0	3.9
Public administration and defence; compulsory and social security (L)	4.7	4.8	5.3	5.4	5.3	5.8
Education (M)	8.6	9.4	10.2	11.2	11.5	9.9
Health care and social work (N)	6.4	6.6	7.1	6.7	7.4	6.7
Other community, social and personal service activities (O)	4.2	4.0	4.0	3.7	3.8	3.8
Activity of private households employing staff (P)	0.1	0.1	0.3	0.1	0.3	0.3
Activity of international organisations and branches thereof (Q)	–	–	0.0	–	–	0.0
Men	100.0	100.0	100.0	100.0	100.0	100.0
Agriculture, hunting and forestry (A)	23.1	24.0	23.7	23.0	21.5	21.3
Ficheries (B)	...	0.2	0.3	0.4	0.4	0.1
Industry (C – E)	23.1	22.3	21.5	22.0	22.1	22.2
Mining and quarrying (C)	...	0.2	0.2	0.2	0.3	0.4
Manufacturing industry (D)	19.2	18.6	17.6	18.5	17.4	18.4
Electricity, gas and water supply (E)	3.9	3.4	3.6	3.3	4.3	3.4
Construction (F)	11.7	11.2	11.2	10.6	11.7	11.9
Services (G – Q)	42.1	42.3	43.4	43.9	44.4	44.5
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	13.6	13.5	14.0	13.3	15.1	14.7
Hotels and restaurants (H)	1.0	0.8	0.8	1.1	0.9	0.9
Transport, storage and communication (I)	8.0	8.4	8.6	8.9	9.0	9.0
Financial intermediation (J)	0.8	0.9	0.7	0.9	0.8	0.8
Real estate, renting and business activities (K)	3.0	2.8	3.0	3.3	3.2	3.8
Public administration and defence; compulsory and social security (L)	5.1	5.9	6.3	6.1	5.9	5.8
Education (M)	4.0	4.3	4.4	5.0	4.8	4.2
Health care and social work (N)	2.5	2.3	2.1	2.0	1.9	2.0
Other community, social and personal service activities (O)	4.0	3.3	3.3	3.3	2.5	3.2
Activity of private households employing staff (P)	0.1	0.1	0.1	0.0	0.4	0.3
Activity of international organisations and branches thereof (Q)	–	–	–	–	–	–

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Women	100.0	100.0	100.0	100.0	100.0	100.0
Agriculture, hunting and forestry (A)	17.9	17.6	16.3	15.7	12.9	14.2
Ficheries (B)	...	0.0	0.0	0.1	0.0	0.0
Industry (C – E)	19.9	20.2	19.8	19.0	19.6	19.5
Mining and quarrying (C)	...	0.2	0.2	0.2	0.1	0.2
Manufacturing industry (D)	18.3	18.7	18.3	17.4	18.6	18.7
Electricity, gas and water supply (E)	1.6	1.3	1.3	1.4	0.9	0.6
Construction (F)	1.6	1.2	1.1	1.0	1.1	1.3
Services (G – Q)	60.6	61.0	62.8	64.2	66.5	65.0
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	16.4	14.8	14.0	15.6	15.3	15.4
Hotels and restaurants (H)	2.4	2.5	2.9	2.9	2.9	3.1
Transport, storage and communication (I)	4.4	4.5	3.9	4.0	3.8	3.4
Financial intermediation (J)	1.1	1.6	1.3	1.2	0.8	1.2
Real estate, renting and business activities (K)	3.2	2.8	2.8	2.9	2.9	4.0
Public administration and defence; compulsory and social security (L)	4.2	3.7	4.3	4.6	4.7	5.8
Education (M)	13.6	14.8	16.1	17.3	17.9	15.6
Health care and social work (N)	10.7	11.2	12.1	11.5	12.7	11.5
Other community, social and personal service activities (O)	4.6	4.8	4.8	4.1	5.2	4.5
Activity of private households employing staff (P)	0.2	0.2	0.4	0.2	0.2	0.3
Activity of international organisations and branches thereof (Q)	–	–	0.1	–	–	0.0

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employees by economic activity and sex (thousands)

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	1226,4	1251,6	1265,8	1203,5	1090,9	1124,0
Agriculture, hunting and forestry (A)	115,0	101,3	86,4	68,9	48,6	54,9
Ficheries (B)	...	2,0	1,8	2,8	2,4	0,8
Industry (C – E)	319,7	320,3	320,0	299,9	272,5	284,4
Mining and quarrying (C)	...	2,6	3,3	3,1	2,8	4,3
Manufacturing industry (D)	277,1	280,3	276,8	260,7	234,6	251,7
Electricity, gas and water supply (E)	42,6	37,5	39,9	36,1	35,1	28,4
Construction (F)	95,2	94,8	88,1	81,9	80,9	87,7
Services (G – Q)	696,4	733,1	769,5	750,1	686,5	696,2
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	161,8	172,2	170,8	171,7	159,3	164,3
Hotels and restaurants (H)	24,0	22,5	27,9	28,6	24,6	24,9
Transport, storage and communication (I)	93,5	97,9	96,1	93,7	82,8	82,9
Financial intermediation (J)	14,0	19,3	15,9	15,6	10,5	13,9

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Real estate, renting and business activities (K)	41,4	37,2	41,9	42,8	35,8	49,1
Public administration and defence; compulsory and social security (L)	72,4	75,0	84,4	81,0	71,8	81,0
Education (M)	131,5	148,9	161,2	168,1	154,7	138,1
Health care and social work (N)	97,1	102,9	108,8	99,8	97,8	92,3
Other community, social and personal service activities (O)	60,7	57,2	62,5	47,4	45,5	45,1
Activity of private households employing staff (P)	–	–	–	1,2	3,9	4,5
Activity of international organisations and branches thereof (Q)	–	–	–	–	–	0,1
Men	627,7	618,6	617,1	580,7	509,1	543,9
Agriculture, hunting and forestry (A)	82,6	68,5	60,5	47,2	31,9	38,2
Ficheries (B)	...	1,7	1,7	2,5	2,4	0,8
Industry (C – E)	177,8	171,2	167,2	158,6	140,0	151,4
Mining and quarrying (C)	...	1,6	1,9	1,6	2,2	3,0
Manufacturing industry (D)	146,8	141,7	136,0	131,8	108,9	124,4
Electricity, gas and water supply (E)	31,0	27,8	29,3	25,2	28,9	24,0
Construction (F)	83,4	85,4	80,3	74,7	73,8	78,8
Services (G – Q)	283,8	291,9	307,4	297,7	261,0	274,8
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	65,4	75,0	80,7	75,6	74,8	75,5
Hotels and restaurants (H)	7,8	5,3	5,8	7,7	5,6	4,8
Transport, storage and communication (I)	61,2	63,4	66,1	64,2	56,9	59,4
Financial intermediation (J)	6,7	7,1	5,5	6,9	5,2	5,5
Real estate, renting and business activities (K)	19,3	17,4	22,3	23,3	18,7	23,6
Public administration and defence; compulsory and social security (L)	41,9	46,8	50,4	46,0	39,2	40,7
Education (M)	32,3	35,0	35,6	37,7	31,5	29,3
Health care and social work (N)	19,3	17,5	15,8	13,9	11,2	13,3
Other community, social and personal service activities (O)	29,9	24,4	25,1	22,5	15,4	20,4
Activity of private households employing staff (P)	–	–	–	–	2,5	2,4
Activity of international organisations and branches thereof (Q)	–	–	–	–	–	–
Women	598,8	633,0	648,6	622,8	581,8	580,0
Agriculture, hunting and forestry (A)	32,4	32,8	26,0	21,7	16,6	16,7
Ficheries (B)	...	0,3	0,1	0,3	–	–
Industry (C – E)	142,0	149,2	152,8	141,3	132,5	133,0

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Mining and quarrying (C)	...	0,9	1,3	1,5	0,6	1,4
Manufacturing industry (D)	130,3	138,6	140,8	128,9	125,6	127,3
Electricity, gas and water supply (E)	11,7	9,6	10,6	10,9	6,2	4,4
Construction (F)	11,8	9,5	7,7	7,2	7,1	8,9
Services (G – Q)	412,6	441,2	462,1	452,4	425,6	421,4
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	96,4	97,2	90,0	96,1	84,4	88,8
Hotels and restaurants (H)	16,1	17,3	22,0	20,9	19,0	20,1
Transport, storage and communication (I)	32,3	34,4	30,0	29,5	25,9	23,5
Financial intermediation (J)	7,4	12,2	10,4	8,8	5,3	8,4
Real estate, renting and business activities (K)	22,1	19,8	19,6	19,6	17,1	25,5
Public administration and defence; compulsory and social security (L)	30,5	28,2	34,0	35,0	32,6	40,3
Education (M)	99,2	113,9	125,5	130,5	123,2	108,9
Health care and social work (N)	77,8	85,4	93,0	85,9	86,6	79,0
Other community, social and personal service activities (O)	30,8	32,8	37,4	24,9	30,1	24,7
Activity of private households employing staff (P)	–	–	–	1,2	1,4	2,2
Activity of international organisations and branches thereof (Q)	–	–	–	–	–	0,1

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employees by economic activity and sex (%)

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	100,0	100,0	100,0	100,0	100,0	100,0
Agriculture, hunting and forestry (A)	9,4	8,1	6,8	5,7	4,5	4,9
Ficheries (B)	...	0,2	0,1	0,2	0,2	0,1
Industry (C – E)	26,1	25,6	25,3	24,9	25,0	25,3
Mining and quarrying (C)	...	0,2	0,3	0,3	0,3	0,4
Manufacturing industry (D)	22,6	22,4	21,9	21,7	21,5	22,4
Electricity, gas and water supply (E)	3,5	3,0	3,2	3,0	3,2	2,5
Construction (F)	7,7	7,6	7,0	6,8	7,4	7,8
Services (G – Q)	56,8	58,6	60,8	62,3	62,9	61,9
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	13,2	13,8	13,5	14,3	14,6	14,6
Hotels and restaurants (H)	2,0	1,8	2,2	2,4	2,3	2,2
Transport, storage and communication (I)	7,6	7,8	7,6	7,8	7,6	7,4
Financial intermediation (J)	1,1	1,5	1,3	1,3	1,0	1,2
Real estate, renting and business activities (K)	3,4	3,0	3,3	3,6	3,3	4,4

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Public administration and defence; compulsory and social security (L)	5,9	6,0	6,7	6,7	6,6	7,2
Education (M)	10,7	11,9	12,7	14,0	14,2	12,3
Health care and social work (N)	7,9	8,2	8,6	8,3	9,0	8,2
Other community, social and personal service activities (O)	4,9	4,6	4,9	3,9	4,2	4,0
Activity of private households employing staff (P)	–	–	–	0,1	0,4	0,4
Activity of international organisations and branches thereof (Q)	–	–	–	–	–	0,0
Men	100,0	100,0	100,0	100,0	100,0	100,0
Agriculture, hunting and forestry (A)	13,2	11,1	9,8	8,1	6,3	7,0
Ficheries (B)	...	0,3	0,3	0,4	0,5	0,1
Industry (C – E)	28,3	27,7	27,1	27,3	27,5	27,8
Mining and quarrying (C)	...	0,3	0,3	0,3	0,4	0,5
Manufacturing industry (D)	23,4	22,9	22,0	22,7	21,4	22,9
Electricity, gas and water supply (E)	4,9	4,5	4,7	4,3	5,7	4,4
Construction (F)	13,3	13,8	13,0	12,9	14,5	14,5
Services (G – Q)	45,2	47,2	49,8	51,3	51,3	50,5
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	10,4	12,1	13,1	13,0	14,7	13,9
Hotels and restaurants (H)	1,2	0,9	0,9	1,3	1,1	0,9
Transport, storage and communication (I)	9,7	10,2	10,7	11,1	11,2	10,9
Financial intermediation (J)	1,1	1,1	0,9	1,2	1,0	1,0
Real estate, renting and business activities (K)	3,1	2,8	3,6	4,0	3,7	4,3
Public administration and defence; compulsory and social security (L)	6,7	7,6	8,2	7,9	7,7	7,5
Education (M)	5,1	5,7	5,8	6,5	6,2	5,4
Health care and social work (N)	3,1	2,8	2,6	2,4	2,2	2,5
Other community, social and personal service activities (O)	4,8	3,9	4,1	3,9	3,0	3,8
Activity of private households employing staff (P)	–	–	–	–	0,5	0,4
Activity of international organisations and branches thereof (Q)	–	–	–	–	–	–
Women	100,0	100,0	100,0	100,0	100,0	100,0
Agriculture, hunting and forestry (A)	5,4	5,2	4,0	3,5	2,9	2,9
Ficheries (B)	...	0,1	0,0	0,0	–	–
Industry (C – E)	23,7	23,6	23,6	22,7	22,8	22,9
Mining and quarrying (C)	...	0,1	0,2	0,2	0,1	0,2
Manufacturing industry (D)	21,8	21,9	21,7	20,7	21,6	21,9
Electricity, gas and water supply	2,0	1,5	1,6	1,7	1,1	0,8

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
(E)						
Construction (F)	2,0	1,5	1,2	1,1	1,2	1,5
Services (G – Q)	68,9	69,7	71,2	72,6	73,1	72,6
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	16,1	15,4	13,9	15,4	14,5	15,3
Hotels and restaurants (H)	2,7	2,7	3,4	3,4	3,3	3,5
Transport, storage and communication (I)	5,4	5,4	4,6	4,7	4,5	4,1
Financial intermediation (J)	1,2	1,9	1,6	1,4	0,9	1,5
Real estate, renting and business activities (K)	3,7	3,1	3,0	3,1	2,9	4,4
Public administration and defence; compulsory and social security (L)	5,1	4,5	5,2	5,6	5,6	6,9
Education (M)	16,6	18,0	19,3	20,9	21,2	18,8
Health care and social work (N)	13,0	13,5	14,3	13,8	14,9	13,6
Other community, social and personal service activities (O)	5,1	5,2	5,8	4,0	5,2	4,3
Activity of private households employing staff (P)	–	–	–	0,2	0,2	0,4
Activity of international organisations and branches thereof (Q)	–	–	–	–	–	0,0

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

COUNTIES

Labour force activity rate by sex (%)

Counties	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	61,5	61,7	61,9	60,4	58,4	57,9
Alytus	63,0	63,2	58,6	52,9	57,4	51,5
Kaunas	61,3	59,6	61,2	58,9	58,4	58,1
Klaipėda	61,2	63,0	64,6	62,1	60,4	58,1
Marijampolė	62,7	62,8	63,0	59,9	54,2	58,2
Panevėžys	60,7	60,0	58,3	61,6	58,1	59,7
Šiauliai	61,5	63,7	64,0	61,8	57,7	56,0
Tauragė	54,1	57,7	59,6	62,8	55,7	57,1
Telšiai	61,1	57,0	59,5	62,1	56,6	58,3
Utena	61,0	62,1	57,2	51,8	56,9	54,9
Vilnius	62,7	63,4	64,1	63,1	60,1	60,0
Men	70,3	69,6	69,2	67,1	64,9	64,4
Alytus	72,7	68,3	62,9	59,3	61,1	55,8
Kaunas	70,4	68,1	69,1	65,0	64,4	65,1
Klaipėda	69,6	70,0	70,8	67,3	66,5	65,9
Marijampolė	70,2	68,0	72,8	67,4	60,3	64,6
Panevėžys	72,0	69,7	68,1	69,4	63,9	65,1
Šiauliai	69,7	72,5	71,4	69,6	68,4	63,1
Tauragė	57,8	66,9	68,3	66,7	60,7	62,8
Telšiai	70,0	64,3	68,0	66,7	65,5	65,3
Utena	69,7	73,3	63,3	59,7	60,3	61,1

Vilnius	71,6	70,5	70,5	70,1	67,0	66,2
Women	53,9	54,9	55,7	54,8	53,0	52,4
Alytus	54,7	58,9	54,9	47,5	54,2	47,8
Kauas	53,7	52,5	54,7	53,8	53,7	52,0
Klaipėda	53,8	56,8	59,1	57,4	55,2	51,6
Marijampolė	56,2	58,2	54,4	53,4	48,3	52,6
Panevėžys	51,3	51,8	50,1	55,0	53,3	55,2
Šiauliai	54,5	56,2	57,7	55,1	49,5	50,0
Tauragė	50,8	49,7	51,9	59,4	51,3	51,9
Telšiai	53,2	50,6	52,0	58,1	49,0	52,3
Utena	53,6	52,5	51,9	45,1	53,7	49,5
Vilnius	54,8	57,1	58,6	56,9	54,3	54,8

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Labour force activity rate of population aged 15 – 64 by sex (%)

Counties	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	72,0	72,7	70,9	69,4	69,3
Alytus	75,2	71,1	64,1	68,5	63,9
Kaunas	69,4	71,5	69,4	70,1	69,5
Klaipėda	71,8	74,0	71,6	71,5	69,5
Marijampolė	75,0	75,0	71,6	67,1	69,3
Panevėžys	71,7	70,3	74,3	69,2	70,2
Šiauliai	74,2	75,0	72,3	69,0	67,5
Tauragė	69,6	72,9	75,2	69,3	70,5
Telšiai	67,5	69,3	70,6	67,9	71,5
Utena	74,7	69,8	64,3	68,9	68,4
Vilnius	72,7	74,2	72,4	69,4	70,1
Men	77,4	77,4	75,0	73,4	73,2
Alytus	77,4	72,5	67,9	69,9	65,8
Kaunas	75,4	76,9	73,0	74,4	74,0
Klaipėda	77,2	78,0	74,8	74,1	73,2
Marijampolė	77,8	81,7	78,1	70,0	73,9
Panevėžys	78,5	77,4	78,8	70,2	72,6
Šiauliai	80,7	80,0	77,8	77,3	72,4
Tauragė	77,0	79,3	76,6	71,5	71,1
Telšiai	72,8	76,3	73,7	74,3	73,6
Utena	83,0	73,0	69,7	70,5	73,0
Vilnius	77,2	77,6	76,4	74,1	74,5
Women	66,9	68,3	67,1	65,8	65,7
Alytus	73,1	69,8	60,5	67,1	62,1
Kaunas	64,0	66,6	66,2	66,4	65,2
Klaipėda	66,8	70,2	68,6	68,9	66,0
Marijampolė	72,4	68,6	65,3	63,9	65,0
Panevėžys	65,4	63,7	70,1	68,2	68,1
Šiauliai	68,2	70,3	67,1	61,8	63,1
Tauragė	62,6	66,7	73,9	67,1	69,8
Telšiai	62,5	62,8	67,6	62,0	69,3
Utena	66,6	66,8	59,1	67,2	63,9
Vilnius	68,4	70,9	68,5	65,1	66,3

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employment rate by sex (%)

Counties	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	52,8	53,5	53,2	51,2	48,3	49,9
Alytus	54,5	51,4	46,2	44,3	44,5	43,1
Kaunas	52,5	52,7	52,9	50,0	48,1	50,0
Klaipėda	53,1	56,2	54,9	53,1	50,2	50,9
Marijampolė	58,2	55,4	54,5	50,6	44,2	52,1
Panevėžys	53,1	51,5	51,1	52,6	49,6	51,8
Šiauliai	53,3	54,4	53,3	50,4	46,5	47,7
Tauragė	43,1	51,5	52,0	54,1	46,5	52,2
Telšiai	53,9	51,3	53,2	53,4	46,1	49,3
Utena	51,8	53,5	50,8	44,8	47,5	47,1
Vilnius	52,6	54,0	55,2	53,2	50,5	51,3
Men	60,3	59,6	58,4	55,5	51,9	55,0
Alytus	61,5	52,8	46,8	46,9	42,6	45,4
Kaunas	60,2	59,9	58,6	53,9	50,4	54,9
Klaipėda	61,8	63,2	58,1	56,3	54,5	56,9
Marijampolė	63,6	58,9	60,9	54,7	48,7	58,2
Panevėžys	60,7	56,5	57,3	57,8	52,3	55,2
Šiauliai	60,0	62,2	60,3	54,5	53,9	53,5
Tauragė	46,8	59,1	57,3	57,2	48,5	57,3
Telšiai	61,3	57,8	60,5	55,7	53,6	54,8
Utena	61,5	61,0	57,0	51,4	49,8	53,8
Vilnius	60,2	59,5	60,1	58,6	54,6	56,3
Women	46,4	48,2	48,7	47,5	45,2	45,6
Alytus	48,6	50,1	45,8	42,1	46,1	41,2
Kaunas	46,1	46,7	48,3	46,9	46,2	45,7
Klaipėda	45,3	50,0	52,1	50,3	46,4	45,9
Marijampolė	53,4	52,3	48,9	47,0	39,8	46,8
Panevėžys	46,7	47,3	45,8	48,1	47,4	48,9
Šiauliai	47,7	47,6	47,3	47,0	40,7	42,9
Tauragė	39,9	44,8	47,4	51,5	44,8	47,5
Telšiai	47,4	45,7	46,9	51,5	39,7	44,7
Utena	43,4	47,0	45,5	39,1	45,2	41,2
Vilnius	45,9	49,1	50,9	48,5	47,0	47,2

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employment rate of population aged 15 – 64 by sex (%)

Counties	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	62,3	62,3	59,8	57,2	59,6
Alytus	60,8	56,1	53,5	52,8	53,3
Kaunas	61,3	61,7	58,9	57,4	59,6
Klaipėda	63,9	62,7	61,1	59,2	60,9
Marijampolė	66,0	64,6	60,1	54,4	62,0
Panevėžys	61,5	61,5	63,2	59,0	60,9
Šiauliai	63,1	62,1	58,5	55,2	57,4
Tauragė	62,0	63,7	64,6	57,7	64,3

Telšiai	60,8	61,9	60,1	55,2	60,1
Utena	64,0	62,0	55,5	57,4	58,5
Vilnius	61,8	63,8	60,9	58,1	59,9
Men	66,2	65,2	61,9	58,5	62,3
Alytus	59,6	53,9	53,6	48,6	53,3
Kaunas	66,1	65,0	60,4	58,0	62,2
Klaipėda	69,6	63,8	62,3	60,6	63,1
Marijampolė	67,2	67,8	63,2	56,2	66,5
Panevėžys	63,4	65,1	65,4	57,3	61,4
Šiauliai	69,1	67,3	60,4	60,6	61,2
Tauragė	68,0	66,5	65,6	56,8	64,7
Telšiai	65,4	67,7	61,0	60,4	61,4
Utena	68,7	65,7	60,0	58,3	64,2
Vilnius	65,0	66,0	63,7	60,2	63,2
Women	58,6	59,6	57,9	55,9	57,1
Alytus	62,0	58,1	53,5	56,9	53,3
Kaunas	57,0	58,6	57,6	56,9	57,2
Klaipėda	58,6	61,7	59,9	57,8	58,7
Marijampolė	64,8	61,6	57,1	52,5	57,7
Panevėžys	59,7	58,3	61,2	60,5	60,3
Šiauliai	57,5	57,2	56,8	50,5	54,0
Tauragė	56,3	60,9	63,6	58,5	63,8
Telšiai	56,5	56,4	59,3	50,3	58,8
Utena	59,5	58,4	51,2	56,5	53,1
Vilnius	58,7	61,6	58,3	56,2	57,0

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Population employed in agriculture, hunting, forestry and fisheries by sex (in thousand)

Counties	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	324,5	336,1	322,8	297,8	233,9	250,6
Alytus	26,7	18,0	15,5	14,2	10,0	11,1
Kaunas	57,1	55,1	53,7	43,8	25,1	35,6
Klaipėda	24,7	33,3	33,8	26,5	23,1	22,8
Marijampolė	30,4	33,9	33,9	31,1	23,3	27,2
Panevėžys	46,8	42,4	36,8	34,7	26,9	28,3
Šiauliai	45,6	55,1	51,8	47,2	40,6	36,9
Tauragė	17,8	24,0	23,1	25,2	23,0	26,7
Telšiai	20,0	18,6	19,5	26,5	15,8	21,7
Utena	25,5	27,6	25,3	16,4	10,9	12,9
Vilnius	29,8	28,1	29,4	32,1	35,2	27,3
Men	191,8	199,5	194,7	178,2	145,3	151,7
Alytus	16,8	10,9	8,0	8,5	5,6	6,7
Kaunas	33,9	34,9	29,1	26,2	15,2	24,3
Klaipėda	17,2	20,8	21,2	18,2	15,1	13,0
Marijampolė	16,0	17,2	20,2	18,7	14,9	15,9
Panevėžys	27,8	24,6	21,9	19,5	16,6	17,3
Šiauliai	26,5	30,2	33,2	28,2	24,1	22,1
Tauragė	10,6	15,4	14,8	14,7	13,1	15,5
Telšiai	11,2	11,0	11,1	12,1	10,3	13,0
Utena	13,7	16,8	17,6	11,8	7,0	7,9
Vilnius	18,1	17,9	17,6	20,3	23,3	16,1

Women	132,6	136,6	128,1	119,6	88,5	98,9
Alytus	9,9	7,2	7,5	5,7	4,4	4,4
Kaunas	23,3	20,2	24,6	17,6	9,9	11,3
Klaipėda	7,5	12,5	12,6	8,3	8,0	9,8
Marijampolė	14,4	16,7	13,7	12,4	8,4	11,3
Panevėžys	19,0	17,8	14,9	15,3	10,3	10,9
Šiauliai	19,1	24,9	18,6	19,0	16,5	14,8
Tauragė	7,2	8,7	8,3	10,6	9,9	11,3
Telšiai	8,8	7,6	8,5	14,4	5,4	8,7
Utena	11,8	10,9	7,7	4,6	3,9	5,1
Vilnius	11,7	10,2	11,8	11,8	11,9	11,2

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Population employed in industry and construction by sex (in thousand)

Counties	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	448,0	441,5	429,5	399,6	365,9	386,5
Alytus	29,5	31,0	25,9	20,4	19,8	24,6
Kaunas	97,8	96,7	98,3	90,4	83,4	82,9
Klaipėda	45,9	53,3	50,2	45,2	39,4	40,8
Marijampolė	18,5	16,7	17,7	15,5	16,2	17,7
Panevėžys	32,3	29,1	31,0	37,6	33,4	34,9
Šiauliai	41,1	38,2	34,0	36,2	29,0	32,9
Tauragė	9,5	9,2	10,0	9,4	5,7	8,7
Telšiai	31,8	24,8	24,9	20,9	22,7	20,9
Utena	28,4	25,9	23,0	20,2	20,8	24,8
Vilnius	113,3	116,6	114,6	103,7	95,5	98,2
Men	288,4	275,9	265,0	248,0	224,1	241,1
Alytus	16,6	16,3	13,3	10,1	9,9	13,6
Kaunas	64,7	59,1	59,8	51,7	49,4	53,8
Klaipėda	31,9	36,8	32,3	28,1	25,9	29,1
Marijampolė	11,0	10,2	10,3	9,2	9,9	10,1
Panevėžys	18,0	17,2	18,3	25,5	20,0	20,4
Šiauliai	25,3	24,5	22,7	24,0	19,0	20,5
Tauragė	5,8	6,1	4,8	6,0	3,5	5,0
Telšiai	18,8	16,2	18,1	14,6	14,2	11,5
Utena	18,6	16,7	13,6	12,5	12,9	16,1
Vilnius	77,6	72,8	71,8	66,3	59,5	61,0
Women	159,7	165,6	164,5	151,6	141,7	145,4
Alytus	12,9	14,6	12,6	10,3	9,8	11,0
Kaunas	33,1	37,6	38,5	38,7	34,1	29,1
Klaipėda	14,0	16,5	18,0	17,1	13,5	11,8
Marijampolė	7,5	6,5	7,4	6,3	6,3	7,6
Panevėžys	14,3	11,9	12,6	12,2	13,4	14,5
Šiauliai	15,8	13,8	11,3	12,2	10,1	12,4
Tauragė	3,7	3,1	5,2	3,4	2,2	3,8
Telšiai	13,0	8,6	6,8	6,3	8,6	9,3
Utena	9,7	9,2	9,4	7,7	7,8	8,7
Vilnius	35,7	43,8	42,8	37,4	36,1	37,2

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Population employed in services by sex (in thousand)

Counties	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	798,3	820,0	846,1	820,4	752,1	768,8
Alytus	32,0	34,5	34,3	37,0	36,9	31,6
Kaunas	165,9	171,5	174,6	170,7	164,9	168,6
Klaipėda	104,3	100,0	99,8	103,9	92,3	96,0
Marijampolė	42,0	36,3	34,3	31,9	25,7	32,6
Panevėžys	58,2	62,1	65,0	62,2	58,6	56,4
Šiauliai	82,7	80,3	85,5	76,4	66,8	70,8
Tauragė	16,4	19,2	20,2	20,1	19,8	19,3
Telšiai	24,1	29,3	31,6	27,9	25,4	28,4
Utena	30,7	34,1	35,4	36,0	40,1	32,9
Vilnius	241,8	252,7	265,4	254,3	221,5	232,4
Men	348,5	347,9	352,3	333,6	295,0	315,1
Alytus	12,4	12,4	13,9	16,3	14,3	12,2
Kaunas	68,3	72,6	75,0	70,7	62,9	68,0
Klaipėda	46,5	41,0	37,8	40,9	37,4	38,8
Marijampolė	19,4	15,7	14,3	11,6	10,5	14,1
Panevėžys	25,6	25,0	27,7	22,5	19,4	20,2
Šiauliai	36,0	37,0	33,6	27,4	25,9	28,8
Tauragė	5,7	6,5	7,7	6,1	7,0	8,2
Telšiai	10,2	11,0	11,1	9,8	9,6	11,5
Utena	14,1	12,7	12,2	14,1	16,6	13,7
Vilnius	110,4	114,1	119,0	114,1	91,3	99,4
Women	449,7	472,1	493,8	486,8	457,0	453,7
Alytus	19,7	22,2	20,4	20,7	22,6	19,4
Kaunas	97,6	98,8	99,6	100,0	101,9	100,6
Klaipėda	57,8	59,0	62,0	63,1	54,8	57,1
Marijampolė	22,7	20,6	20,0	20,2	15,2	18,5
Panevėžys	32,6	37,1	37,3	39,7	39,2	36,1
Šiauliai	46,7	43,4	51,9	49,0	40,9	41,9
Tauragė	10,8	12,7	12,5	13,9	12,8	11,1
Telšiai	14,0	18,3	20,5	18,1	15,8	16,9
Utena	16,6	21,4	23,2	21,8	23,6	19,2
Vilnius	131,4	138,6	146,4	140,3	130,2	133,0

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Employment surveys conducted by the Department of Statistics under the Government of the Republic of Lithuania is one of the ways for obtaining reliable information about the situation in the labour market. These surveys are carried out in observance of the international standards of employment statistics. Labour Force Surveys facilitate in quantifying the employed, the unemployed and economically inactive population. Application of the definitions of “employment”, “unemployment” and “unemployed” as recommended by the International Labour Organisation, makes it possible to compare the survey data of different countries.

The rate of unemployment is announced by the Department of Statistics and the Lithuanian Labour Exchange. However, as a result of different definitions of the unemployed, the level of unemployment is different according to the data provided by the labour force surveys and the labour exchange.

Following the recommendations of the International Labour Organisation (ILO), the unemployed are persons of a given age who did not have a job on a given week, were ready to begin working within two weeks upon finding it, have been actively seeking for a paid job for

four weeks in various ways: applied to a state or private labour exchange; applied to employers directly; asked friends and relatives for help; while seeking for a job, attended construction sites, markets, unofficial labour exchanges; looked for premises and equipment for their business; attempted to obtain a patent, license or credit. Schoolchildren, students, housewives and other inactive population who were actively seeking a job and were ready to begin working within the nearest two weeks are also attributed to the unemployed⁷.

For the purposes of the Law on Support of the Unemployed which regulates the activities of the labour exchange, an unemployed is defined as a non-working person of working age, not studying during the daytime at an educational institution, who has registered, according to place of residence, in the National Labour Exchange as seeking a job and available for vocational training. Persons considered without sufficient subsistence funds have no insurable income and have not registered an enterprise or a farmer's holding.

Unemployment

Economic recession, restructuring of the economy, and the process of privatisation resulted in high and structurally unfavourable rates of unemployment: large numbers of jobless youth and long-term unemployed, distinct regional differences of unemployment. LFS data show that a considerable part of the labour force is incapable of adapting itself to market changes and its competence does not meet the employers' needs.

Unemployment rate

The economic recession, which started at the end of 1998, led to the growth of unemployment from 13,3 to 15,4 per cent in 2000. The male unemployment rate was estimated at 17,3 per cent, and the female – 13,3 per cent. A forecasted drop in the rates of unemployment in 2002 was justified – according to LFS data the unemployment rate reduced from 17,4 per cent in 2001 to 13,8 per cent in 2002. Particularly sharp fall in the rate of unemployment was observed in summer and autumn of 2002, which as a result of reduced seasonal works, again went up in the fourth quarter. While the overall unemployment rate keeps reducing, the LFS data show that the male unemployment rate remains relatively high. From 19,9 per cent in 2001 it dropped to 14,6 per cent in 2002. The female unemployment rate during the same period subtracted from 14,7 to 12,9 per cent.

Youth unemployment

As in other countries, youth unemployment rates outpace the general unemployment rates. According to LFS data, the youth unemployment rate noticeably reduced in 2002. A year ago the unemployment rate among those aged 15-24 stood at 31 per cent going down in the second quarter of 2002, also followed by the reduction in the average youth unemployment rate, which in 2002 stood at 23 per cent. The male unemployment rate of this age group was 23,1 per cent, and that of the female – 22,9 per cent. More than one third of these unemployed are without qualification.

Long-term unemployed

Long-term unemployed account for the majority of the unemployed. LFS data show that between 1998 and 2000 almost half of the jobless people were long term unemployed. In 2002 compared with 2001 the long-term unemployed numbers reduced by 44 thousand, however according to LFS data these numbers in 2002 remained high – 55 per cent (of which the bulk was represented by men - 54 per cent and the minor part, i.e. 46 per cent – by women). The highest long-term unemployment rate is recorded among persons aged over 50. This, on one

⁷ Labour Force, Employment and Unemployment (survey data) 1998-2001: Department of Statistics under the Government of the Republic of Lithuania – Vilnius, 2002, p.6.

hand, is caused by unwillingness and lack of ability of older people to change, and on the other hand – by the preference given by the employer to younger people.

Unemployment rate by age and sex (%)

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	14,1	13,3	14,1	15,4	17,4	13,8
15 – 19	34,9	27,4	30,9	43,0	46,5	38,4
20 – 24	21,8	20,6	25,2	26,4	28,6	20,9
25 – 29	14,1	13,7	13,3	13,1	16,8	13,5
30 – 34	12,9	15,4	15,0	17,0	15,8	11,9
35 – 39	11,4	12,2	13,0	12,1	16,4	13,3
40 – 44	14,1	11,2	14,5	14,1	16,8	12,8
45 – 49	13,9	12,4	10,4	13,7	16,7	12,9
50 – 54	12,4	11,2	12,6	17,0	16,8	15,4
55 – 59	10,1	8,6	9,2	13,0	14,8	12,6
60 – 64	0,2	2,5	2,3	6,6	9,1	8,5
65 – 69	–	0,5	–	2,5	1,7	0,3
70+	–	–	–	4,1	–	–
Men	14,2	14,3	15,6	17,3	19,9	14,6
15 – 19	33,7	28,8	33,8	47,8	48,5	41,8
20 – 24	25,0	21,7	26,1	26,7	33,8	20,2
25 – 29	12,1	14,1	14,6	15,7	19,1	14,9
30 – 34	14,2	16,6	17,4	19,0	16,8	12,6
35 – 39	13,0	12,8	14,5	14,1	18,4	12,9
40 – 44	13,9	12,1	15,8	15,8	19,6	14,1
45 – 49	7,9	13,5	10,0	13,8	18,5	12,5
50 – 54	11,5	12,7	12,5	18,3	18,0	16,5
55 – 59	12,0	9,4	13,0	14,8	18,5	14,4
60 – 64	0,4	3,2	3,8	7,8	12,8	13,4
65 – 69	–	0,8	–	3,7	3,0	–
70+	–	–	–	7,7	–	–
Women	13,9	12,2	12,6	13,3	14,7	12,9
15 – 19	37,2	25,0	26,5	29,5	42,6	32,2
20 – 24	17,4	19,0	24,0	26,0	21,7	21,9
25 – 29	16,6	13,3	11,9	10,2	14,2	11,9
30 – 34	11,5	14,0	12,3	14,7	14,7	11,1
35 – 39	9,8	11,7	11,6	10,1	14,4	13,6
40 – 44	14,3	10,5	13,3	12,5	14,3	11,5
45 – 49	18,9	11,4	10,8	13,6	15,1	13,3
50 – 54	13,3	10,0	12,8	15,9	15,9	14,5
55 – 59	7,2	7,5	3,7	10,8	10,4	10,8
60 – 64	–	1,1	–	4,6	1,7	0,4
65 – 69	–	–	–	1,5	0,7	0,6
70+	–	–	–	–	–	–

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Unemployed by age and sex (in thousand)

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	257,2	244,9	263,3	275,7	284,0	224,4
15 – 19	23,5	15,4	16,1	13,8	10,6	7,0
20 – 24	42,0	37,7	45,3	43,5	39,9	28,8

	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
25 – 29	33,9	34,7	33,9	32,6	35,3	27,5
30 – 34	33,4	40,1	39,3	41,7	35,8	27,0
35 – 39	30,5	34,0	37,2	32,5	41,1	31,9
40 – 44	31,9	25,8	34,6	34,0	40,2	32,0
45 – 49	28,1	25,8	21,9	28,0	31,8	25,2
50 – 54	21,6	19,4	21,9	28,5	27,1	25,8
55 – 59	12,2	10,7	12,0	16,6	17,7	15,1
60 – 64	0,1	1,1	1,1	3,4	4,2	4,2
65 – 69	–	0,1	–	0,5	0,3	–
70+	–	–	–	0,6	–	–
Men	137,1	137,2	150,3	159,0	165,6	121,1
15 – 19	14,8	10,2	10,6	10,8	7,2	5,0
20 – 24	28,3	22,8	26,6	24,8	26,8	15,6
25 – 29	16,3	19,1	19,8	20,5	21,0	15,8
30 – 34	19,2	22,9	23,8	24,6	19,6	14,6
35 – 39	17,5	17,9	20,4	19,0	23,0	15,8
40 – 44	15,4	13,2	18,5	18,6	22,3	17,1
45 – 49	7,3	13,2	9,6	13,3	16,6	11,6
50 – 54	9,4	10,1	9,9	13,9	13,1	12,7
55 – 59	8,7	6,9	10,1	10,2	11,9	8,9
60 – 64	0,1	1,0	1,1	2,5	3,9	4,1
65 – 69	–	0,1	–	0,4	0,2	–
70+	–	–	–	0,6	–	–
Women	120,1	107,7	113,0	116,7	118,4	103,3
15 – 19	8,7	5,3	5,6	3,0	3,4	2,1
20 – 24	13,7	14,9	18,7	18,7	13,1	13,2
25 – 29	17,6	15,7	14,1	12,1	14,3	11,6
30 – 34	14,2	17,2	15,4	17,1	16,2	12,4
35 – 39	13,0	16,1	16,8	13,5	18,1	16,2
40 – 44	16,5	12,6	16,2	15,4	18,0	14,9
45 – 49	20,8	12,6	12,3	14,7	15,2	13,6
50 – 54	12,1	9,2	12,0	14,6	14,0	13,1
55 – 59	3,4	3,8	1,9	6,5	5,9	6,2
60 – 64	–	0,2	–	0,9	0,3	0,1
65 – 69	–	–	–	0,2	0,1	–
70+	–	–	–	–	–	–

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Unemployed by unemployment duration and sex

	1998 ¹	1999 ¹	2000 ¹	2001	2002
Thousand					
Total	244,9	263,3	275,7	284,0	224,4
Up to one month	–	0,6	12,9	16,6	15,8
1 – 2 months	36,8	42,0	34,9	23,5	17,7
3 – 5 months	29,8	53,5	42,9	33,9	28,4
6 – 11 months	43,7	65,4	40,8	43,0	39,4
1 year and over	134,6	101,9	144,2	167,0	123,3
Men	137,2	150,3	159,0	165,6	121,1
Up to one month	–	0,5	7,8	9,2	9,0
1 – 2 months	22,2	23,7	20,1	13,5	9,8
3 – 5 months	17,9	29,9	22,4	20,5	16,4

6 – 11 months	23,2	34,4	22,4	21,8	19,0
1 year and over	74,0	61,8	86,3	100,6	66,9
Women	107,7	113,0	116,7	118,4	103,3
Up to one month	–	0,1	5,1	7,4	6,7
1 – 2 months	14,6	18,4	14,8	10,0	7,9
3 – 5 months	11,9	23,6	20,5	13,4	11,9
6 – 11 months	20,5	31,0	18,4	21,2	20,4
1 year and over	60,7	40,0	57,9	66,4	56,3
%					
Total	100,0	100,0	100,0	100,0	100,0
Up to one month	–	0,2	4,7	5,9	7,0
1 – 2 months	15,0	16,0	12,7	8,3	7,9
3 – 5 months	12,2	20,3	15,5	11,9	12,6
6 – 11 months	17,8	24,8	14,8	15,1	17,5
1 year and over	55,0	38,7	52,3	58,8	54,9
Men	100,0	100,0	100,0	100,0	100,0
Up to one month	–	0,3	4,9	5,6	7,5
1 – 2 months	16,2	15,7	12,7	8,1	8,1
3 – 5 months	13,0	19,9	14,1	12,4	13,6
6 – 11 months	16,9	22,9	14,1	13,2	15,7
1 year and over	53,9	41,1	54,3	60,8	55,2
Women	100,0	100,0	100,0	100,0	100,0
Up to one month	–	0,1	4,4	6,3	6,5
1 – 2 months	13,6	16,2	12,7	8,5	7,7
3 – 5 months	11,0	20,8	17,5	11,3	11,6
6 – 11 months	19,0	27,4	15,8	17,9	19,7
1 year and over	56,4	35,4	49,6	56,1	54,5

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Unemployed by sex (in thousand)

Counties	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	257,2	244,9	263,3	275,7	284,0	224,4
Alytus	13,7	19,3	20,2	13,9	19,5	13,0
Kaunas	53,5	42,1	51,0	53,9	59,1	46,7
Klaipėda	26,9	22,5	32,3	29,5	31,7	22,4
Marijampolė	7,1	11,6	13,4	14,4	14,8	9,1
Panevėžys	19,8	21,8	18,8	23,1	20,3	18,3
Šiauliai	25,9	29,8	34,5	36,0	33,1	24,3
Tauragė	11,2	6,3	7,7	8,7	9,5	5,1
Telšiai	10,1	8,0	8,9	12,3	14,6	12,9
Utena	15,1	14,1	10,4	11,4	14,3	11,8
Vilnius	73,9	69,2	66,1	72,4	67,1	60,7
Men	137,1	137,2	150,3	159,0	165,6	121,1
Alytus	8,3	11,6	12,1	9,2	13,0	7,5
Kaunas	28,3	22,9	29,4	30,7	35,3	27,2
Klaipėda	12,0	10,5	19,9	17,1	17,3	12,7
Marijampolė	4,8	6,6	8,7	9,2	8,4	4,4
Panevėžys	13,3	15,5	12,7	13,5	12,4	10,4
Šiauliai	14,2	15,0	16,5	22,1	18,5	12,9
Tauragė	5,2	3,7	5,2	4,5	5,9	2,7
Telšiai	5,7	4,3	5,0	7,2	7,6	6,9
Utena	6,2	9,3	4,8	6,2	7,7	5,1
Vilnius	39,0	37,8	36,0	39,4	39,4	31,3

Women	120,1	107,7	113,0	116,7	118,4	103,3
Alytus	5,4	7,7	8,1	4,8	6,5	5,6
Kaunas	25,2	19,2	21,7	23,2	23,7	19,5
Klaipėda	14,8	12,0	12,4	12,5	14,4	9,7
Marijampolė	2,3	5,0	4,6	5,3	6,4	4,6
Panevėžys	6,6	6,3	6,0	9,6	7,9	7,9
Šiauliai	11,7	14,8	18,1	13,9	14,6	11,5
Tauragė	5,9	2,7	2,5	4,3	3,6	2,4
Telšiai	4,4	3,7	4,0	5,0	6,9	6,0
Utena	9,0	4,8	5,6	5,2	6,7	6,7
Vilnius	34,9	31,4	30,1	33,0	27,7	29,5

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Unemployed aged 15 – 24 by sex (in thousand)

Counties	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	65,5	53,2	61,4	57,4	50,5	35,8
Alytus	3,2	3,3	4,0	3,8	3,9	2,5
Kaunas	12,7	9,2	9,9	12,6	8,5	6,3
Klaipėda	6,8	3,6	8,2	4,9	6,0	3,2
Marijampolė	2,0	3,1	2,1	1,7	2,4	1,4
Panevėžys	5,6	7,4	4,4	5,5	3,4	2,8
Šiauliai	8,7	6,7	7,8	7,8	5,1	5,0
Tauragė	4,0	2,1	4,1	3,5	1,5	0,7
Telšiai	3,5	2,4	3,3	1,2	1,9	2,1
Utena	3,5	2,5	1,7	3,0	3,4	1,2
Vilnius	15,6	12,9	15,9	13,4	14,4	10,6
Men	43,1	33,0	37,2	35,6	34,1	20,6
Alytus	2,3	2,1	3,4	3,2	3,1	1,7
Kaunas	7,9	6,1	5,8	6,5	5,6	3,6
Klaipėda	3,5	1,7	4,4	3,3	4,1	2,5
Marijampolė	1,4	2,0	1,3	1,4	1,5	0,9
Panevėžys	3,9	6,1	3,4	3,3	2,0	1,8
Šiauliai	4,8	4,0	4,9	5,6	3,3	2,8
Tauragė	1,9	1,1	3,2	1,7	0,4	0,2
Telšiai	2,3	0,5	1,4	0,9	1,4	0,9
Utena	3,2	1,5	0,6	1,6	2,3	0,6
Vilnius	12,0	7,9	9,0	8,2	10,3	5,6
Women	22,4	20,2	24,3	21,7	16,4	15,2
Alytus	0,8	1,2	0,7	0,6	0,9	0,9
Kaunas	4,8	3,2	4,1	6,1	2,9	2,7
Klaipėda	3,3	1,8	3,8	1,6	1,9	0,7
Marijampolė	0,6	1,1	0,8	0,2	0,8	0,5
Panevėžys	1,7	1,3	1,0	2,2	1,4	1,0
Šiauliai	3,9	2,7	3,0	2,1	1,8	2,2
Tauragė	2,1	1,0	0,9	1,9	1,1	0,4
Telšiai	1,2	1,9	2,0	0,3	0,5	1,2
Utena	0,4	1,0	1,1	1,4	1,1	0,6
Vilnius	3,6	5,0	6,9	5,2	4,1	5,0

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Unemployment rate by sex (%)

Counties	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	14,1	13,3	14,1	15,4	17,4	13,8
Alytus	13,4	18,8	21,1	16,3	22,6	16,2
Kaunas	14,3	11,5	13,5	15,0	17,8	14,0
Klaipėda	13,3	10,8	14,9	14,4	17,0	12,3
Marijampolė	7,2	11,8	13,5	15,5	18,5	10,5
Panevėžys	12,6	14,1	12,4	14,6	14,6	13,3
Šiauliai	13,3	14,7	16,8	18,4	19,5	14,8
Tauragė	20,3	10,8	12,6	13,7	16,4	8,6
Telšiai	11,8	9,9	10,5	14,0	18,6	15,4
Utena	15,2	13,9	11,1	13,6	16,6	14,3
Vilnius	16,1	14,8	13,9	15,7	16,0	14,5
Men	14,2	14,3	15,6	17,3	19,9	14,6
Alytus	15,4	22,6	25,6	20,8	30,2	18,6
Kaunas	14,5	12,1	15,2	17,1	21,7	15,7
Klaipėda	11,2	9,6	17,9	16,4	18,0	13,6
Marijampolė	9,4	13,4	16,3	18,8	19,2	10,0
Panevėžys	15,7	18,8	15,8	16,6	18,2	15,2
Šiauliai	14,0	14,1	15,5	21,7	21,2	15,3
Tauragė	19,2	11,6	16,1	14,2	20,1	8,7
Telšiai	12,5	10,1	11,0	16,6	18,3	16,1
Utena	11,7	16,8	9,9	14,0	17,4	12,0
Vilnius	15,9	15,6	14,7	16,4	18,5	15,1
Women	13,9	12,2	12,6	13,3	14,7	12,9
Alytus	11,2	14,9	16,6	11,5	15,0	13,8
Kaunas	14,1	10,9	11,8	12,9	14,0	12,2
Klaipėda	15,8	12,0	11,8	12,3	15,9	11,0
Marijampolė	4,9	10,2	10,1	12,0	17,6	11,0
Panevėžys	9,1	8,7	8,5	12,5	11,1	11,4
Šiauliai	12,5	15,3	18,1	14,8	17,8	14,2
Tauragė	21,5	9,9	8,7	13,2	12,6	8,4
Telšiai	11,0	9,7	9,9	11,5	18,9	14,7
Utena	19,0	10,4	12,3	13,3	15,9	16,8
Vilnius	16,3	14,0	13,0	14,8	13,5	14,0

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Youth (aged 15 – 24) unemployment rate by sex (%)

Counties	1997 ¹	1998 ¹	1999 ¹	2000 ¹	2001	2002
Total	25.2	22.2	26.5	29.0	31.1	23.0
Alytus	21.3	22.6	32.2	39.1	40.0	36.2
Kaunas	23.2	21.5	23.0	33.8	27.3	22.4
Klaipėda	24.0	13.4	31.5	23.9	31.6	18.9
Marijampolė	15.1	20.3	18.5	20.3	26.7	15.0
Panevėžys	24.5	30.0	21.6	27.8	27.8	20.5
Šiauliai	27.3	23,4	27.3	32.9	36.6	27.3
Tauragė	45.3	23.9	33.4	40.9	29.3	13.6
Telšiai	25.5	19.7	32.5	13.1	25.7	22.9
Utena	29.4	21.3	14.2	30.5	48.0	17.1
Vilnius	26.2	23.6	28.5	26.0	30.1	25.8

Men	27.4	23.5	27.9	30.8	36.1	23.1
Alytus	25.4	24.8	47.8	48.2	50.6	34.9
Kaunas	23.7	22.8	22.4	29.9	30.2	23.2
Klaipėda	20.8	11.3	29.7	28.1	36.2	24.5
Marijampolė	18.8	22.2	20.8	27.6	29.3	18.2
Panevėžys	28.1	38.1	26.4	29.8	33.0	24.2
Šiauliai	25.6	24.3	28.3	38.4	44.9	27.7
Tauragė	41.8	19.5	45.9	37.8	20.3	7.6
Telšiai	30.5	8.2	20.6	14.2	25.5	15.0
Utena	33.9	18.3	9.1	26.4	48.5	16.3
Vilnius	32.7	27.6	30.3	28.5	37.8	23.7
Women	21.9	20.3	24.6	26.3	24.1	22.9
Alytus	14.7	19.7	11.9	18.7	22.9	38.9
Kaunas	22.5	19.3	23.8	39.2	23.0	21.4
Klaipėda	28.5	16.5	33.8	18.2	24.7	10.1
Marijampolė	10.0	17.6	15.5	8.2	23.0	11.6
Panevėžys	19.2	15.1	13.5	25.1	22.6	16.3
Šiauliai	29.6	22.3	25.9	22.6	27.2	26.8
Tauragė	48.9	31.4	17.2	44.4	35.2	22.8
Telšiai	19.6	30.6	54.6	11.8	26.3	38.2
Utena	13.7	28.4	19.9	39.7	47.2	17.9
Vilnius	15.7	19.2	26.4	22.9	19.9	28.7

¹ 1997 – 2000 data are not compared with the data of 2001 and 2002.

Unemployment registered with the Lithuanian Labour Exchange

Restoration of independence of Lithuania (on 11 March 1990) was followed by a slow growth of unemployment rate between 1992 and 1994, with the average annual rate remaining under 4,4 per cent, however covering more and more regions and social demographical population groups. The year 1995 is characterised by the continuous growth of the unemployment rate related with the development of economic reforms and liberalisation of economy. By the year-end the unemployment rate amounted to 7,3 per cent, whereas the average annual unemployment rate stood at 6,1 per cent. The unemployment rate reduction (by 6,2 per cent) at the end of 1996 was partly conditioned by new provisions of the Law on Support of the Unemployed enforced at the beginning of the year and targeted towards promotion of activity and initiative of the unemployed, as well as by more tight conditions applicable to the unemployed as regards their registration and payment of benefits. Since 1997 the growth of the unemployment rate was also stimulated by the Russian crisis the impact of which on Lithuania's economy and employment manifested itself in the fourth quarter of 1998. The average annual unemployment rate in 1999 reached 8,4 per cent.

Unemployment rate registered in 2000 went up by 2,6 per cent, whereas the average annual unemployment rate stood at 11,5 per cent. The largest growth of the unemployment rate was observed in the regions with the most rapid employment reduction rates – in Alytus, Šiauliai, and Utena counties. In these parts of Lithuania the numbers of employed people reduced in agriculture, industry and construction. The increasing employment in the services sector failed to set off the decline in jobs in the aforementioned activity spheres. Unemployment kept growing in all regions of the country, however its rates were different. The largest change in unemployment was registered in Druskininkai, Joniškis and Mažeikiai. Considerable gaps persisted in the sphere of territorial unemployment. The highest and the lowest rates of unemployment differed by 3 - 4 times.

High unemployment rate and structural labour market problems did not cease in 2001. Nevertheless, in 2001, the numbers of job-seeking unemployed, which kept growing for four consecutive years, diminished. Labour force demand is growing already for the second year. The

average annual unemployment rate registered by local labour exchanges accounted for 12,9 per cent, outpacing by 1 per cent the comparable figure of 2000. Increased unemployment was distinct in the regions with limited development of infrastructure. These are the former industrial or agricultural regions, rural settlements with small population numbers, where many jobs were lost as a result of restructuring of the economy. Low mobility of population reduced possibilities for increasing employment. Higher than average unemployment rate registered in the Lithuanian Labour Exchange and persisting for several years is in Marijampolė (16,9 per cent), Panevėžys (16,4 per cent), and Šiauliai (16,5 per cent) counties. The existing territorial unemployment differences remain considerable. The highest and the lowest unemployment rates existing in the territories differed by 3,7 times.

In 2002 the first reduction in the average annual unemployment rate since 1997 was observed in our country. According to the data of the Lithuanian Labour Exchange it accounted for 11,3 per cent and was by 1,2 percentage point lower than in 2001. A most noticeable change occurred in the youth unemployment rate which in 2002 went down by 5,3 percentage point. Nevertheless, the average annual youth unemployment rate of 14,9 per cent remained relatively high - 14,9 proc. (in 2001 - 15,3 per cent). Irrespective of the decline in the male and female unemployment rates, the male unemployment rate still outpaced the latter. The male unemployment rate went down by 2,7 percentage point per year, with the average annual figure standing at 11,4 per cent. The female unemployment rate subtracted by 1,2 percentage point over 2002, and their average annual unemployment rate amounted to 11,3 per cent. Improved economic situation and more stable financial standing of businesses enabled the country's employers to create more permanent jobs. Compared with 2001, the demand for labour force as regards permanent employment increased by 4,7 thousand, or by 5,4 per cent. The number of municipalities with average annual unemployment rate exceeding 20 per cent has reduced. In 2002 the average annual unemployment rate exceeding 20 per cent was registered in 7 municipalities of Lithuania (in 2001 – in 13 municipalities).

Unemployed (average annual number, in thousand)

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
DOMESTIC	24.1	81.1	65.7	109.0	124.5	104.5	113.7	148.7	204.9	223.5	198.4
Alytus county	1.2	4.2	4.1	7.4	8.0	6.6	7.7	8.9	12.3	14.0	12.6
Kaunas county	2.9	12.6	8.1	16.6	19.5	14.6	15.9	22.2	32.0	33.8	30.3
Klaipėda county	2.0	9.6	8.9	13.3	14.0	9.7	10.3	14.1	19.8	21.7	20.1
Marijampolė county	1.1	3.1	2.1	4.7	5.1	5.1	6.8	9.7	13.6	15.6	13.6
Panevėžys county	2.3	9.6	7.5	9.5	10.2	9.5	12.0	16.3	22.6	25.6	23.8
Šiauliai County	2.6	10.3	8.6	13.7	13.7	12.9	17.4	24.0	31.3	31.4	26.4
Tauragė County	1.9	6.8	5.7	7.5	7.2	4.8	5.1	6.3	9.4	10.8	10.1
Telšiai county	0.8	2.8	2.3	6.1	6.2	4.0	5.2	7.3	10.8	13.1	12.8
Utena county	2.5	5.9	4.3	6.1	6.7	6.4	6.7	7.8	10.0	11.1	10.1
Vilnius county	7.0	16.3	14.2	24.0	34.1	30.8	26.5	32.1	43.1	46.3	38.6

Average annual unemployment rate (as percentage of labour force)

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
DOMESTIC	4.4	3.8	6.1	7.1	5.9	6.4	8.4	11.5	12.5	11.3
Alytus county	4.4	4.6	8.5	9.0	7.2	8.6	9.8	13.7	15.8	14.2
Kaunas county	3.5	2.4	4.9	5.6	4.2	4.6	6.4	9.2	9.7	8.8
Klaipėda county	4.5	4.4	6.6	6.9	4.9	5.1	7.1	10.0	11.0	10.0
Marijampolė county	3.3	2.4	5.6	5.9	5.9	8.0	11.2	15.0	16.9	14.8
Panevėžys county	5.6	4.7	6.0	6.3	6.1	7.6	10.5	14.6	16.4	15.5
Šiauliai County	5.1	4.6	7.1	7.1	6.8	9.0	12.5	16.3	16.5	14.2
Tauragė County	10.7	9.7	12.6	12.0	8.3	8.8	10.9	15.1	16.2	14.6
Telšiai county	3.4	2.9	7.4	7.4	5.0	6.4	9.1	13.0	15.7	15.9
Utena county	5.9	4.4	6.4	6.9	6.7	7.0	8.2	10.7	12.0	11.0
Vilnius county	3.4	3.2	5.3	7.3	6.5	5.7	6.8	9.2	10.0	8.7

Unemployed women (average annual number, thousand)

	1994	1995	1996	1997	1998	1999	2000	2001	2002
DOMESTIC	34.5	59.6	67.5	55.6	58.1	71.9	93.3	104.3	98.6
Alytus county	1.9	3.5	3.5	2.8	3.1	3.5	4.7	5.6	5.6
Kaunas county	4.6	9.8	11.4	8.2	8.7	11.2	14.9	16.3	15.6
Klaipėda county	4.6	6.9	7.4	5.2	5.6	7.3	9.9	11.1	10.8
Marijampolė county	1.1	2.6	2.8	2.7	3.1	4.1	5.7	6.8	6.4
Panevėžys county	3.4	4.9	5.2	4.9	5.8	7.4	9.6	11.2	10.9
Šiauliai County	4.5	7.9	7.7	7.0	9.0	11.9	14.5	14.6	13.1
Tauragė County	2.2	3.3	3.3	2.2	2.4	2.8	3.9	4.6	4.6
Telšiai county	1.4	3.5	3.5	2.2	2.8	3.7	5.1	6.4	6.7
Utena county	2.1	3.1	3.3	3.2	3.3	3.5	4.3	5.0	4.9
Vilnius county	8.8	14.2	19.4	17.2	14.3	16.6	20.7	22.7	19.9

Unemployed men (average annual number, thousand)

	1994	1995	1996	1997	1998	1999	2000	2001	2002
DOMESTIC	31.2	49.4	57.0	48.9	55.6	76.7	111.6	119.2	99.8
Alytus county	2.1	3.9	4.5	3.8	4.6	5.5	7.7	8.3	7.0
Kaunas county	3.6	6.8	8.1	6.4	7.2	11.0	17.0	17.5	14.7
Klaipėda county	4.3	6.5	6.6	4.5	4.6	6.8	9.9	10.6	9.3
Marijampolė county	1.0	2.1	2.3	2.4	3.7	5.6	7.9	8.9	7.1
Panevėžys county	4.0	4.6	5.0	4.7	6.2	8.9	13.0	14.4	12.8
Šiauliai county	4.1	5.9	6.0	5.9	8.5	12.1	16.7	16.8	13.4
Tauragė county	3.5	4.2	3.9	2.5	2.7	3.5	5.6	6.2	5.4

Telšiai county	0.9	2.6	2.7	1.8	2.4	3.6	5.7	6.7	6.1
Utena county	2.2	3.0	3.3	3.1	3.5	4.3	5.7	6.2	5.2
Vilnius county	5.4	9.8	14.6	13.6	12.2	15.5	22.4	23.6	18.7

Unemployed youth under 25 (average annual number, thousand)

	1997	1998	1999	2000	2001	2002
DOMESTIC	20.4	20.9	27.0	33.1	31.1	24.1
Alytus county	1.4	1.4	1.6	2.1	1.9	1.6
Kaunas county	2.5	2.6	3.9	5.1	4.6	3.8
Klaipėda county	2.1	2.0	2.7	3.3	3.1	2.3
Marijampolė county	1.1	1.4	2.0	2.4	2.3	1.8
Panevėžys county	2.2	2.5	3.1	3.8	3.9	3.2
Šiauliai County	2.7	3.3	4.5	4.9	4.2	3.1
Tauragė County	1.0	1.0	1.1	1.5	1.5	1.2
Telšiai county	0.9	1.1	1.6	1.9	1.9	1.6
Utena county	1.3	1.2	1.4	1.6	1.5	1.2
Vilnius county	5.3	4.3	5.3	6.6	6.1	4.4

Long-term unemployed (average annual number, thousand)

	1997	1998	1999	2000	2001	2002
DOMESTIC	16.1	13.6	17.7	45.8	69.3	62.9
Alytus county	1.2	1.5	1.0	2.7	4.2	3.9
Kaunas county	2.2	1.4	2.3	6.4	9.9	9.1
Klaipėda county	1.1	0.9	1.3	3.9	5.8	5.7
Marijampolė county	0.8	0.8	1.2	3.5	5.6	4.7
Panevėžys county	1.1	1.1	2.4	6.3	10.2	10.9
Šiauliai County	1.2	1.9	3.5	8.9	11.8	9.9
Tauragė County	0.8	0.7	0.9	2.3	3.5	3.0
Telšiai county	0.5	0.5	0.9	2.5	4.3	4.9
Utena county	1.0	1.1	1.0	2.4	3.7	3.5
Vilnius county	6.2	3.8	3.1	7.0	10.2	7.3

Question C

Please indicate the trend in the number and nature of vacant jobs in your country.

Article 89 of the Labour Code of the Republic of Lithuania (Information on Job Vacancies) stipulates that employers who are in search of employees must inform the territorial labour exchanges about the job vacancies, work functions and nature of work, remuneration for work and other terms and conditions as well as well as qualifications requirements for the applicants. The territorial labour exchanges register job vacancies, make public announcements thereof and offer them to persons looking for work.

Article 11 of the Republic of Lithuania Law on Support of the Unemployed establishes that employers who are in search of employees must inform the territorial labour exchanges about the job vacancies, work functions and nature of work, remuneration for work and other terms and conditions as well as well as qualifications requirements for the applicants. The territorial labour exchanges shall register job vacancies, make public announcements thereof and

offer them to persons looking for work. The available jobs registration procedure shall be established by the Ministry of Social Security and Labour of the Republic of Lithuania.

Procedure of Registration of Job Vacancies with the Labour Exchange (Official Gazette), 2002, No. 43-1637) establishes the organisation of registration of job vacancies with the territorial labour exchange and of placement into such jobs.

Job vacancies registered with the Lithuanian Labour Exchange for permanent employment in economic activities (annually, in thousand)

	1997	1998	1999	2000	2001	2002
Total	65,5	74,0	66,0	74,4	87,0	91,7
Agriculture, hunting, forestry, and Fisheries (A+B)	4,3	5,0	4,6	3,8	3,2	3,6
Industry (C+D+E)	17,8	20,2	19,1	25,2	26,1	26,3
Construction (F)	8,9	9,6	7,9	8,6	10,2	11,0
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	11,3	17,0	15,7	16,0	21,9	20,7
Transport, storage and communications (I)	4,2	4,2	3,8	3,9	6,5	5,1
Real estate, leasing and business activities (K)	2,1	1,6	1,7	1,9	2,8	3,1
Public administration and defence; compulsory social insurance (L)	1,1	1,7	1,3	1,4	1,8	1,4
Education (M)	2,3	3,1	3,0	2,8	3,2	2,2
Health care and social work (N)	1,7	2,4	2,1	1,8	1,8	1,6
Other activities (H+J+O)	11,9	9,2	6,7	9,0	9,7	16,6

ARTICLE 1/ paragraph 2

“With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to protect effectively the right of the worker to earn his living in an occupation freely entered upon.

[The Appendix to the Charter stipulates that this provision shall not be interpreted as prohibiting or authorising any union security clause or practice.]

Elimination of all forms of discrimination in employment.

Question A

Please give information concerning legislative or other measures taken to ensure the elimination of all discrimination in employment which might be based on sex, social or national origin, political occupations, religion, race, colour or age, and to promote effectively equal opportunities in seeking employment and in taking up an occupation⁸.

⁸ The term “discrimination” in this form is to be understood in terms of ILO Convention No. 111 (“Discrimination, Employment, Occupations”), Article 1.

Please give information in this respect on existing sanctions and remedies in cases of discrimination in employment.

Item 4, Article 2 of the Republic of Lithuania Labour Code establishes that the principle equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities shall apply to labour relations regulated by the Code .

Article 1 of the Law of the Republic of Lithuania on Equal Opportunities prohibits all kinds of direct or indirect gender-based discrimination, and Article 5 of the same Law stipulates the employer's duty to implement equal rights for women and men at a workplace, establishing that the employer must apply equitable recruitment criteria; provide equal working conditions, opportunities to improve qualification and provide equal benefits; apply equal criteria in assessing the quality of work; provide equal pay for work of equal value; take appropriate means to prevent sexual harassment of the employees; take appropriate means to prevent persecution of an employee who has lodged a complaint on grounds of discrimination. Article 6 of the aforementioned Law defines discriminatory acts of the employer, when the latter applies to an employee less (more) favourable terms of employment or payment for work; in organising work, creates worse (better) working conditions for an employee; imposes a disciplinary penalty on an employee, changes working conditions, transfers him/her to another work or terminates the employment contract; persecutes an employee who has filed a complaint because of discrimination.

The purpose of the Draft Law on Equal Opportunities submitted to the Seimas of the Republic of Lithuania is to ensure implementation of equal rights of women and men guaranteed in the Constitution of the Republic of Lithuania and to prohibit all kinds of direct and indirect discrimination based on age, sexual orientation, disability, race or ethnical dependence, religion or opinions. Article 5 of the aforementioned Draft Law establishes the employer's duty to implement equal rights for women and men at a workplace, and Article 7 defines discriminatory acts of the employer with regard to the employees.

Article 18 of the Law of the Republic of Lithuania on Equal Opportunities promulgates that each natural and legal person shall have the right to file a complaint with the Equal Opportunities Ombudsman about the violation of equal rights. By virtue of Article 24 it is established that upon the completion of the investigation, the Equal Opportunities Ombudsman may take a decision: 1) to refer the material to investigative bodies if indications of an offence have been established; 2) to address an appropriate person or institution with a recommendation to discontinue the actions violating equal opportunities or to repeal a legal act relating to that; 3) to hear cases of administrative offences and impose administrative sanctions; 4) to dismiss the complaint if the violations mentioned in it have not been corroborated; 5) to discontinue the investigation if the complainant withdraws the complaint or in case of lacking evidence about the committed violation; 6) to warn about the committed violation; 7) to suspend the investigation, if the person whose complaint or actions being complained about are being investigated, is ill or away.

Subitem 5, item2, Article 36 "Protection of Labour Rights" of the Labour Code establishes that labour rights shall be protected by the court or any other dispute resolution body by making the person guilty of violation of labour rights repair the property or moral damage inflicted or, in the cases prescribed by law, also exacting from the above person penalty or default payment. Item 6 of this Article stipulates that a person whose right has been violated may claim recovery of damages unless otherwise established by labour laws. Article 246 of the Code specifies conditions of incurring liability, and item 4, Article 248 "Cases of Employer's Liability" establishes that the employer's liability shall be incurred where an employee sustains

non-property damage. Compensation of damage other than property damage is regulated by virtue of Article 250.

Par.1, Article 6.250 of the Civil Code defines the structure of non-property damage, whereas Par. 2 of the same Article provides for the non-property damage compensation instances.

Question B

Please, indicate any methods adopted:

- 1. to seek the cooperation of employers' and workers' organisations' and other appropriate bodies in promoting the acceptance and observance of the above policy of non-discrimination;*
 - 2. to ensure the acceptance and observance of the above policy through educational efforts.*
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The Programme of Increasing Employment of the Republic of Lithuania for 2001-2004 approved by the Republic of Lithuania Government Resolution No. 529 of 8 May 2001, establishes five main directions, of which the Fourth Direction (item 2.4) is Increasing equal opportunities in the labour market which comprises: forming equally accessible labour market, securing equal opportunities for men and women in the labour market, support of employment of the disabled persons. Each of these parts describes the current condition, identifies the problems, establishes the objectives and specifies the measures to achieve them.

Question C

Please indicate the guarantees, including applicable sanctions and remedies, which prevent any discrimination with regard to members of workers' organisations and the time of engagement, promotion or dismissal.

Prohibition of forced labour

Item 4, Par. 1, Article 2 of the Labour Code of the Republic of Lithuania establishes the principle of equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities. The aforementioned principle must be observed in all stages of labour relations, i.e. concluding an employment contract, throughout its implementation, i.e. having entered into labour relations and upon termination thereof.

It should be noted that additional guarantees enforced by the Labour Code apply only to the employee's representatives. Pursuant to Article 134 of the Code, the employees, who are elected to representative bodies of employees (both trade unions and labour councils), may not be dismissed from work without the prior consent of the body concerned during the period for which they have been elected. The representative body must take a decision as to whether to satisfy the employer's application for its consent to the dismissal of a representative of employees within 14 days from the receipt of the said application. The representative body of employees shall express its consent or refusal to give its consent to the dismissal of an employee in writing. If the representative body of employees fails to reply to the employer within this period, the employer shall be entitled to terminate the employment contract. The employer shall be entitled to contest the refusal of the representative body of employees to give its consent to the dismissal of the representative of employees in court. The court may reverse such a decision if the employer proves that this decision substantially violates his interests. The collective

agreement may provide that the aforementioned guarantee shall also apply to other employees. The consent of the representative body of employees shall be effective until the expiry of the terms of notice of the termination of an employment contract (2 or 4 months respectively). An employee, who has been dismissed from work in violation of the above requirements, must be reinstated in his former position by a decision of the labour dispute resolution body. Analogous guarantees are established under the applicable Law on Trade Unions, however their application is limited to the trade union members.

Article 135 of the Labour Code stipulates the provision that In the event of reduction in the number of employees on economic or technological grounds or due to the restructuring of the workplace, the right of priority to retain the job shall be enjoyed by those employees who are elected to the representative bodies of employees. This guarantee is applied to them irrespective of their qualification as compared to other employees.

Question D

Please indicate whether any form of forced or compulsory labour⁹ is authorised or tolerated.

In observance of Article 48 of the Constitution of the Republic of Lithuania every person may freely choose an occupation or business. This Article of the Constitution prohibits forced labour and establishes that military service or alternative service, as well as labour which is executed during war, natural calamity, epidemic, or other urgent circumstances, shall not be deemed as forced labour. Labour which is performed by convicts in places of confinement and which is regulated by law shall not be deemed as forced labour either.

The Republic of Lithuania has no legal acts regulating the forced labour and there are no evidence testifying to any cases of forced labour.

The Republic of Lithuania Law on Support of the Unemployed, together with other laws regulating labour relations, establishes state guarantees of the constitutional right of citizens of the Republic of Lithuania to work and choice of occupation. Citizens shall implement their right to work either by directly applying to employers or through the mediation of the labour exchange. In addition, the Labour Code and the Law on Employment Contract, which was in force before adoption of the Labour Code, provide that the employment contract shall be concluded on free agreement of the employee and the employer in the manner established by laws. Persons whose constitutional rights or freedoms are violated shall be entitled to apply with court.

Article 67 of the Republic of Lithuania Criminal Code provides, as one of criminal sanctions, from 20 to 100 hours unpaid works, however, pursuant to Article 70 of this Code, such works may be carried out only on person's agreement. If upon enactment of court judgement the aforementioned person disagrees to carry out unpaid works, the court shall, on proposal of the authority enforcing the criminal sanction, replace unpaid works by other criminal sanction. In observance of the provisions of the Criminal Code, unpaid works shall be carried out in health and welfare establishments, or in other public or private institutions and organisations.

⁹ The term "Forced or compulsory labour" in this form is to be understood in terms of ILO Convention No. 29 (Forced Labour), Article 2.

The Constitution of the Republic of Lithuania prohibits forced and compulsory labour in the Republic of Lithuania excluding from its scope military service or alternative service, as well as labour executed during war, natural calamity, epidemic, or other urgent circumstances, also the works performed by convicts in places of confinement.

The applicable legislation (Labour Code; Law on the Organisation of the National defence System and Military Service; Law on Civil Safety; Law on National Conscription) establish the right of citizens to apply with court if they consider that their rights have been violated.

Question E

If the above labour exists, please describe the nature and scope of any such labour and indicate the extent to which resource has been had thereto during the reference period.

Item 4, Par. 1, Article 158 of the Republic of Lithuania Code of Labour Laws, as one of the types of disciplinary penalties, provided for the transfer to less well-paid work for up to 3 months or to a lower post for the same period, however, the Supreme Council of the Republic of Lithuania passed the Resolution No. I-2050 of 28 11 1991 whereby the aforementioned item was declared null and void. The Code of Labour Laws was superseded by the enacted Labour Code of the Republic of Lithuania. The new Code does not provide for the aforementioned disciplinary penalties.

Question F

Please, indicate what measures are being taken to secure abolition of forced or compulsory labour, and the date by which these measures will be fully implemented.

Article 41³ of the Republic of Lithuania Code of Administrative Transgressions of Law establishes that illegal work, incurs on the employers or persons authorised thereby, the fine from three to ten thousand litas for each illegally employed individual. Whereas the same acts performed by a person who has been subjected to an administrative penalty for the offence provided for in Par. 1 of the same Article incurs on the employers, or persons authorised thereby, the fine from ten to twenty thousand litas.

At present, control over illegal work is exercised by the State Labour Inspectorate under the Ministry of Social Security and Labour, the State Social Insurance Fund Board, the State Tax inspectorate under the Ministry of Finance, the tax Police Department under the Ministry of Interior, and the Police Department under the Ministry of Interior. Officials of from all these authorities are entitled to draw a protocol of Administrative Transgressions of Law by virtue of Article 41³ of the Code of Administrative Transgressions of Law.

Question G

Please, give information concerning conditions under which work is carried out in prison establishments.

The work of convicts is regulated by the Republic of Lithuania Code of Enforcement of Penalties approved by the Republic of Lithuania Law No. IX-994 of 27 June 2002 (“*Valstybės*

žinios" ("Official gazette", 2002, No. 73-3084), establishing the processes of placement into work of the convicts, working conditions thereof, payment for work, etc.

Pursuant to Article 125 of the aforementioned Code "Placement of the Convicts into Work", each convict serving a sentence of imprisonment must go in for work offered by the penal institution administration which must ensure that the convicts are placed into work in consideration of their working capacity and, as far as possible, of their speciality.

The unpaid work performed by the convicts may comprise only the maintenance works of penitentiaries and adjacent territories, improvement of their cultural and living conditions, which are carried out by the convicts in turn after working hours. Such works may last no longer than two hours per day.

The convicts who are disabled, pensioners and of partial sanity may be placed into work only upon their written agreement and upon submission of a medical conclusion approving such placement and when there are job vacancies.

As rule the convicts are placed into work in penitentiaries and state enterprises established under their auspices, in consideration of duty and job vacancies. The placement of convicts into work in the establishments, other than penitentiaries and state enterprises shall be organised in observance of the convicts' sequestration and security requirements.

Production – business activities carried out in the penitentiaries and state enterprises established under their auspices must serve a single principal objective – teaching a convict how to achieve the goal of his life in legitimate ways and using legitimate measures.

Conditions of work of the convicts. A business day fixed for the convicts serving a sentence of imprisonment may not exceed 8 hours. In case of the convicts who serve a sentence of imprisonment in medical treatment – corrective establishments the length of a business day shall be fixed individually for each convict by the Medical Commission. The beginning and end of a daily work (shift) shall be established by the director of the penitentiary. Convicts have two rest days a week, they may not be assigned to work on holidays and rest days, with the exception of cases established under labour laws. Convicts placed into works on holidays and rest days shall have a rest on other days or these days shall be added to their holidays.

In continuously working enterprises, individual workshops, sections, in jobs where the working day (shift) is organised in sessions and in some jobs where, due to technological processes it is impossible to observe the duration of a working day or working week set for the convicts, summary recording of the working time may be introduced, having regard to the provisions of the Labour Code.

Time to work and to rest for the convicts serving a sentence of imprisonment in open-type colonies and penitentiaries for juvenile delinquents shall be established on general grounds in the manner established by the Republic of Lithuania laws.

Work of the convicts shall be organised in observance of legal acts regulating the safety and health of workers.

Remuneration for work of the convicts. The work of the convicts shall be remunerated in consideration of its quantity and quality in the manner approved by the Government of the Republic of Lithuania pursuant to the Republic of Lithuania Government Resolution No. 228 of 13 February 2002 on Approving the Procedure of Remuneration for Work of the Convicts Sentenced to Imprisonment (Official Gazette, 2002, No. 17-675).

At least 20 per cent of average monthly gross earnings, less all deductions, shall be credited to personal accounts of the convicts who diligently serve their sentence in a penitentiary under light and ordinary group imprisonment regime and in prisons under ordinary group imprisonment regime, whereas personal accounts of the convicts who are disabled of Groups I and II and of the convicts of partial sanity shall be credited with at least thirty per cent of their average monthly gross earnings, all deductions excluded.

Personal accounts of minors serving sentence in penitentiaries for juvenile delinquents shall be credited with at least fifty per cent of gross monthly earnings, all deductions excluded.

The convicts who serve a sentence in open-type colonies shall be paid at least fifty per cent of gross monthly earnings.

Employment and remuneration of the convicts

Year	Employed convicts (individuals).		Average monthly gross earnings of the convicts (Lt)	Total number of the convicts
	Total	Of which in production		
1998	2504	1680	164,64	11523
1999	2586	1767	153,22	11969
2000	2114	1392	150,25	8687
2001	2111	1434	149,74	8222
2002	2213	1503	150,70	9287
QI 2003	2132	1376	175,33	8572

At present over 8600 of the convicts are serving sentence in penitentiaries subordinate to the Department of Prisons, and 26,5 per cent of the convicts were employed. In eight of the aforementioned penitentiaries the Ministry of Justice has established state enterprises, four penitentiaries have production units maintained from special (non-budgetary) funds and employ 17,2 per cent of the convicts. According to the results of the assessment of occupational risk carried out in all workplaces 6,2 per cent of the convicts work in harmful environment. 9,2 per cent of the convicts in penitentiaries are engaged in maintenance works. Penitentiaries and state enterprises established under their auspices are structural subdivisions of the Department of Prisons.

Majority of the imprisoned are young and without profession. Their work productivity and quality is lower than individuals employed in free life working environment.

Deductions from the convicts' remunerations. The following deductions shall be made from the convicts' remuneration to the fund of social support for the convicts created in penitentiaries: in open-type colonies – twenty five per cent, in penitentiaries, medical treatment – penitentiary establishments and prisons – twenty five per cent, in juvenile delinquents' penitentiaries – twenty per cent of gross earnings. Deductions are not made from that part of earnings which is calculated for exceeding the output rates and premiums. The Government of the Republic of Lithuania establishes the procedure for creating the social support fund for the convicts and for utilising its resources.

In addition, with the exception of open-type colonies, five per cent of gross monthly earnings are deducted to the reserved part of the personal account of the convict which the latter has no right to use. In exceptional cases on permission of the head of the penitentiary, during the period of imprisonment a convict is permitted to use the money held in the reserved part of the personal account. The amount of money which remains in the personal account is paid out to the convict only at the time of release from the penitentiary.

Provision of convicts with pensions and benefits. Pensions, benefits and all other income of the convicts are credited to personal accounts of the convicts serving a sentence of imprisonment, with the exception of cases of the termination of payment of pensions due to the convicts established under pension laws of the Republic of Lithuania.

The convicts of pensionable age who have lost their ability to work while serving a sentence of imprisonment are entitled to a pension in the manner and cases established under the Republic of Lithuania pension laws.

The convicts of pensionable age who have lost their ability to work while serving a sentence of imprisonment are entitled to receive compensation for inflicted damage in the manner and cases established under the Republic of Lithuania pension laws.

Issues relative to state social insurance of the convicts and state social insurance period thereof. Convicts serving a sentence of imprisonment are not eligible to state social insurance cover with the exception of insurance against accidents at work and occupational diseases established under the laws of the Republic of Lithuania. Convicts are entitled to voluntary state social insurance cover in the established manner or they may enter into pension contracts with a pension fund, to participate in a pension scheme pursuant to the procedure and conditions established under the Law on Pension Funds. The time of work performed by the convicts when serving a sentence is excluded from state social insurance period, save as in cases referred to above.

Specialisation and perspectives of state enterprises established under the auspices of correctional labour colonies. A state enterprise established under *Panevėžys* ordinary-regime penitentiary specialises in needlework and baking (for the convicts' needs), provides miscellaneous sewing services to legal and natural persons. The enterprise envisages providing sewing services to foreign enterprises and – having obtained investments - modernising the sewing section, finalising the completion of sewing technological process with the facilities necessary for mastering the process of sewing suit jackets.

A state enterprise established under *Pravieniškės* corrective labour colony of ordinary control specialises in the production of furniture, needlework, baking (for the convicts' needs), timber articles, renders miscellaneous sewing and timber processing services to legal and natural persons. Having obtained investments, the enterprise is planning to complete timber-processing section with the necessary facilities in order to be able to manufacture furniture from timber blocks, and to modernise furniture and baker's ware production sections.

A state enterprise established at *Pravieniškės* second corrective labour colony of strict regime specialises in metal and timber processing, production of metal and timber articles, sewing and knitwear, delivers various sewing, knitting and timber processing services to legal and natural persons. The enterprise envisages extending the volumes of services of dyeing with powder colours, expanding the range of steel plate articles, and – upon obtaining investments - modernising metal preparation section and dyeing with powder colours.

A state enterprise under *Pravieniškės* second correctional labour colony of strict regime specialises in timber processing, manufacture of furniture, sewing and timber articles, provides timber processing and laundry services to legal and natural persons. The enterprise envisages rendering services to enterprises manufacturing furniture (in Vilnius), and having obtained investments – to complete reconstruction of timber drying chambers for effecting the orders of initial timber processing (sawing and drying); to reconstruct boiler-room for production of technological steam; to replace gang saws with band saws; to complete the section of veneering presses for manufacturing of furniture veneered with natural plywood; to finish completion of timber processing section equipping it with the remaining facilities necessary for manufacture of furniture from timber blocks, and also to modernise the sewing section.

A state enterprise under *Vilnius* correctional labour colony of strict regime specialises in the production of timber and metal articles, furniture, repairs of motorcar bodies, renders miscellaneous sewing services to legal and natural persons. The enterprise is planning to develop services of interior finishing works of furniture and railway wagons, and, having obtained investments – to modernise the sections of motorcar repairs, furniture, sewing and mechanical processing.

A state enterprise under *Alytus* correctional labour colony of strict regime specialises in metal and plastic processing, production of wiring, metal, concrete, and sewing articles, provides to legal and natural persons various sewing plastic and metal processing services. The enterprise envisages engaging in manufacture of home furniture with metal frames, country tourism inventory, different articles from metal strips (for baths, chiffoniers, etc.), using galvanic coverings. When the enterprise receives financing it is planning to replace the obsolete facilities of plastic moulding section by modern and more efficient facilities (repairs of the existing low-capacity facilities are very expensive) for the manufacture of wiring and other plastic articles; to

acquire band saws and to erect a timber drier necessary for manufacturing of furniture from timber blocks and for executing other timber articles manufacturing orders; to install a powder dying line for metal article coating works; to complete the sewing section, and to modernise furniture and wiring sections.

A state enterprise under *Marijampolė* correctional labour colony of strict regime specialises in metal processing and coating, production of construction hardware, cast iron and metal articles, sewing articles, provides miscellaneous iron casting, metal processing and sewing services to legal and natural persons. Pending investments will be used to erect the furniture manufacturing section, an automatic shape casting line, powder dying line intended for metal article coating works, and also for renovation of treatment facilities.

A state enterprise under *Vilnius* second correctional labour colony of strict regime specialises in the production of work and other footwear, electric engineering, plastic, timber and metal articles, bread and pasta making (for the convicts' needs), also in sewing, metal processing works, casting of non-ferrous metals, provides legal and natural persons with different services in sewing, timber, plastic and metal processing, and casting of non-ferrous metals. The enterprise is planning to renovate (in view of the needs of the Russian market) PKE control starters; to begin producing electric cable terminations; to expand the range of leather articles and non-ferrous metal castings. Future investments will be used to complete the timber processing section equipping it with necessary facilities, to erect the section of galvanic coverings, to master the processing of foodstuffs packaging materials, to modernise the footwear production section and casting of non-ferrous metals, to reconstruct the compresses-air station.

ARTICLE 1/ paragraph 3

“With a view to ensuring the effective exercise of the right to work, the Parties undertake:

5. *to establish or maintain free employment services for all workers.*“

The Lithuanian Labour Exchange under the Ministry of Social Security and Labour established by the Republic of Lithuania Government Resolution No. 394 of 29 December 1990 on the Establishment of the Lithuanian Labour Exchange under the Ministry of Social Security and Labour and on the Approval of Normative Acts Regulating the Employment (*“Valstybės žinios”* (Official Gazette), 1991, No.3-89; 1991, No.28-770). The Lithuanian Labour Exchange Regulations were also approved by the aforementioned Resolution.

On 22 February 1991 the Ministry of Social Security and Labour issued Order No. 30 on the Structure of the Lithuanian Labour Exchange and Maintenance Costs Thereof for 1H 1991 whereby the structure of the Lithuanian Labour Exchange was approved. Order No. 60 of 7 May 1991 of the Ministry of Social Security and Labour on Granting a Legal Status to the Territorial (City, District) Labour Exchanges assigned the status of the legal person to the territorial labour exchanges and approved typical regulations thereof on the basis of which the National Labour Exchange developed and approved the regulations for each territorial labour exchange.

Since 2003 by virtue of amendments introduced to the Law on Support of the Unemployed (*“Valstybės žinios”* (Official Gazette), 2003, No. 32-1313) the labour exchange comprises the Lithuanian Labour Exchange under the Ministry of Social Security and Labour and territorial labour exchanges (territorial labour exchanges of the Lithuanian Labour Exchange under the Ministry of Social Security and Labour. The Labour Exchange under the Ministry of Social Security and Labour controls, coordinates and methodically manages the work of territorial labour exchanges.

Question A

Please describe the operation of free employment services available in your country, indicating age, sex and nature of the occupation of persons placed by them in employment and persons seeking employment.

Please indicate as far as possible the number of vacancies, the placement rate and the duration of unemployment of persons placed.

Article 21 of the Law on Support of the Unemployed establishes that services and support established under this Law and legal acts implementing it for the unemployed and jobseekers as well as employers looking for workers of required qualification shall be rendered by the Lithuanian Labour Exchange under the Ministry of Social Security and Labour and by its territorial labour exchanges.

Territorial labour exchanges, with a view to assisting the unemployed in finding a job, renders information, registration, counselling, mediation in getting employed, also applies active and passive labour market measures. The staff of Customer Servicing and Labour Market Programme Divisions of territorial labour exchanges directly deals with customers.

Registration services and counselling on registration matters are provided in the registration area. Since 2003 the registry office performs a new function, i.e. initial identification of customers to determine their motivation for work. This function has been implemented with a view to determining as early as possible whether a jobless person is applying in order to obtain a job or for any other (social, etc.) motives. A registered person is referred to counselling or mediation area in view of respective specialisation.

Counselling services are provided by labour market consultants who directly deal with persons who are considered as not “job-ready” in terms of specialisation. Counsellors help the unemployed to finding the ways how to increase their competitive opportunities (by acquiring an occupation, retraining, etc.) and in consideration of needs and financial possibilities of the labour exchange refers persons to labour market programmes or offers to participate in them. The aim of counsellors of labour exchanges is to help a person who is identified as not “job-ready” to prepare for the labour market, to reconcile his wishes and intentions with the labour market needs. An employment plan is drawn with each person outlining particular measures for attaining the ultimate objective – to increase the employability. A jobless person who acquires an occupation, a new qualification, etc. is referred to the job-broking area for active job search purposes.

In view of job-readiness of the unemployed (about 70 per cent of registered persons are not prepared for the labour market), labour exchanges employ three times more counsellors than job-brokers. The number of counsellors is being gradually increased in individual territorial labour exchanges where the rate of unemployment is high.

Job-broking services are rendered by labour exchange job-brokers who according to the respective specialisation directly deal with job-ready persons capable of competing in the labour market. These persons with the assistance of job-brokers carry out an independent job search using different ways and measures. With a view to attaining particular employment goals, an Employment Plan is prepared with each jobseeker.

Information services are provided to all persons seeking job or information, and to those enrolled with the labour exchange. Such services are available in Job, Information and Consultation Centres, as well as Youth Job Centres at the territorial labour exchanges. All customers have independent access to information services or measures. This issue is being addressed seriously – workshops, meetings, instructions and customer training are provided in the sphere of making use of the state-of-the-art information technologies. The Centres have been established as a preventive measure against unemployment and indirectly facilitate the balance of labour supply and demand, shorten the time necessary for a job search helping to avoid bureaucratic barriers and formalities.

The Lithuanian Labour Exchange provides free information services via Internet. These comprise the Electronic Internet Labour Exchange (DBI) and Talent Bank equipped with the system of search for jobs and workers based on different attributes. The Internet Labour Exchange provides the jobseekers with the possibility to log in the database after completion of an electronic form.

Customers without PC are offered the possibility of using the Internet computers available in all territorial labour exchanges. Self Information Service (SIS) terminals are also intended for job search purposes. Vocational Information Centres (VIC) are intended for persons who are willing to acquire an occupation or to undergo retraining. In these Centres people also receive more information about training possibilities, get familiarised with the descriptions of occupations and are shown introductory films.

Use of information technologies to provide customers with free open information and employment services:

1) the system of Self Information Service (SIS) and Vocational Information centres (VIC).

In 1997 on the basis of DBIRZA-I information system and internet technologies the system of Self-information Service (SIS) was developed in Vilnius (“Get information by yourself”). During 1997-2000 SIS was implemented in all territorial labour exchanges and in some public places. At present territorial labour exchanges offer 124 workstations providing information services. Establishment of 11 more workstations of such type is pending in 2003.

This System provides customers with the possibility to:

- independently seek information about job vacancies in different occupations;
- avail themselves of comprehensive information about services provided by the labour exchange;
- obtain the principal legal information relative to the labour market and employment;
- get advice how to communicate with the employer.

In 1998 in concert with the German Federal Employment Service a Vocational Information Centre (VIC) was developed in Vilnius. Between 1998 and 2002 VIC System was implemented in all labour exchanges.

Vocational information system provides customers with the possibility to:

- get familiarised with a particular occupation according to its description;
- watch a film about the routine work of the selected occupation;
- undergo tests in the sphere of occupational requirements;
- find advice how to select a suitable occupation.

Integration of SIS + VIC software into a single unit extended the sphere of utilisation of computers, and facilitated concentration of the information necessary for customers. SIS + VIC software is adapted for computers with sensor-based monitors.

2) Internet Labour Exchange

Internet website of the Lithuanian Labour Exchange was developed in 1997. The Internet Labour Exchange (ILE) and a newly created website of “Questions and Answers” intended for interactive communication between the labour market specialists and clients welcomed visitors in 2001. Territorial labour exchanges’ internet pages were also created in the same year.

Now all labour exchanges are equipped with internet computers with the help of which the unemployed can carry out a free search for information about job vacancies, work and training opportunities.

The following information is provided in the Internet:

- labour market situation;
- tendencies, forecasts;
- recommendations for jobseekers and employers;
- legal information related with labour market;

- labour exchange news and events;
- publications about labour market;
- heading of Questions and Answers;
- Internet Labour Exchange (ILE).

In developing the Internet Labour Market the registered unemployed will be provided with the possibility to review in the Internet active employment measures applicable to them as well as amounts of unemployment and training benefits due to them.

EURES-LIETUVA Internet website which is being developed now will be linked to other EU Internet websites. EURES-LIETUVA will be integrated into a single European database covering information of all countries of Europe about employment opportunities, also about work and social security conditions. EURES-LIETUVA will apply the classifiers and information submission standards typical of the EU countries.

The principal users of EURES-LIETUVA and Internet Labour Exchange will comprise:

- foreign nationals willing and able to work in Lithuania,
- citizens of Lithuania willing and able to work in the countries of Europe,
- employers of the countries of Europe who are looking for candidates to job vacancies within their enterprise or organisation,
- Lithuanian employers in search for specialists in the countries of Europe for work in Lithuania,
- eurocounsellors, eurocoordinators who use EURES-LIETUVA website and the Central EURES system.

In addition to other functions, the Lithuanian Labour Exchange also arranges employment in Lithuania and abroad. It is a public institution rendering free services.

Unemployed enrolled with the Lithuanian Labour Exchange (annually, in thousand)

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Enrolled unemployed	55,5	124,7	154,9	132,5	213,5	183,6	193,5	204,3	244,7	258,0	249,7	243,8
Of which women	...	...	67,8	63,7	105,3	86,7	91,5	94,5	108,4	111,3	111,8	112,1
Men	...	...	87,1	68,8	108,2	96,9	102,0	109,8	136,3	146,7	137,9	131,7
Youth	...	...	...	...	...	...	48,9	51,0	60,1	62,6	58,8	54,9

Unemployed

The first unemployed were enrolled with labour exchanges at the beginning of 1991. Almost 50 per cent of all unemployed population of the country were registered in Vilnius. Initially unemployment was conditioned by structural changes of economy and it was rather localised. Between 1991 and 1993 situation in the labour market slightly changed. Unemployment rate kept moderately growing still remaining within the limits of 5,0 - 5,5 per cent, however, it expanded in geographical terms covering more and more regions and involving new social and demographic population groups.

At the turn from 1993 to 1994 the number of officially enrolled unemployed diminished. This was conditioned by: 1) intensive growth of the private sector, 2) development of informal employment relations. Large number, i.e. 213,5 thousand, of unemployed registered by labour exchanges in the country in 1995 reduced to 183,6 thousand in 1996. Respective numbers of the unemployed population enrolled with labour exchanges in 1997 amounted to 193,5 thousand. The reason of such change is cold season during which more people who previously have not been active job-seekers begin applying with labour exchanges every year. This is concerned with health insurance and provision of different allowances (compensations for heating and hot water)

for low-income groups of individuals, including the unemployed. The numbers of unemployed population applying with labour exchanges kept growing between 1998 and 2000.

250 thousands of the unemployed were registered during 1999, i.e. by 40 thousands more than in 1998. About 20,4 thousand of the unemployed applied with labour exchanges per month in 1999 (in 1998 - 17 thousand, in – 1997 - 16,1 thousand). The number of the unemployed increased in all territories of the country, with the exception of Kupiškis. Particular growth unemployment was registered in Pasvalys, Skuodas, Lazdijai districts and in Marijampolė, Kaunas and Klaipėda cities. The unemployed registered in 2000 by 13,4 thousand exceeded those registered in 1999 and amounted to 258 thousands. Labour force supply between 2001 and 2002 went downwards.

Since 1993 women account for less than half of the total unemployment flow, i.e. the numbers of unemployed women enrolled with labour exchanges on a yearly basis are smaller than those of men, and their development is illustrated by the following figures: 44 per cent – in 1993, 49 per cent – in 1995, 47 per cent - in 1996-1998, 43 per cent – in 2000. Nevertheless, the share of women enrolled with labour exchanges exceeded men. This might be explained by the fact that women are less active job-seekers compared with men. Female integration into the labour market is more complicated because their vocational training is inadequate and because employers often prefer male workers.

The first long-term unemployed were registered in 1993. Their share kept growing until by the end of 1996 it amounted to 16,3 per cent of all unemployed. However, in 1997 their number was successfully reduced to 12,6 per cent. The bulk of long-term unemployed comprised older people with health disorders preventing them from undertaking certain jobs, also persons with personal problems, or those avoiding work in general. At the beginning of 1999 long-term unemployed made up 12,4 per cent of all registered unemployed, and at the end of December this indicator reached 14,5 per cent. Their number during a year increased by two thirds and amounted to 26 thousand. The largest numbers of unemployed (every fourth individual unemployed) were in Ignalina, Akmenė, Druskininkai, Tauragė, Šiauliai, Pasvalys and Joniškis. The largest growth of unemployment was observed in 2000, when the number of unemployed went up by a factor of 2,4. By the year-end the share of these unemployed reached 27 per cent. Unemployment among older people and those of limited job motivation kept increasing.

The structure of unemployed by age changed inconsiderably between 1993 and 2002. According to the data of the Labour Exchange the bulk of the unemployed comprises individuals aged 30- 49 with highest working capacity whose numbers during the period under consideration grew from 50 per cent at the end of 1993 to 55 per cent at the end of 2002. Unemployed youth under 25 years of age reduced from 20 per cent at the end of 1993 to 9,1 per cent at the end of 2002. Nevertheless, the youth unemployment rate remains higher than the overall unemployment rate of the country. The unemployed under 19 years of age and pre-pensioners make up a relatively small share of the unemployed, however they are most socially vulnerable. The unemployed youth aged under 19 reduced from 4 per cent at the end of 1993 to 2,3 per cent at the end of 2002. The share of unemployed individuals older than 50 years went upwards. The latter face the greatest risk of permanent unemployment because labour market integration of individuals of this age group of particularly difficult, likewise of youth. The largest growth of unemployment rates was observed among people aged 50-54 and pre-pensioners (55-59 years). By the end of 1993 the latter age groups accounted for about 9 and 3 per cent respectively of all unemployed, whereas by the end of 2002 – for 15 and 9 per cent respectively.

Between 1991 and 1993 the unemployed willing to change their work on their own, or on the employer's initiative, accounted for the largest share (over 65 per cent) amongst those enrolled with the labour exchange, since 1994, as a result of the overall decline of the living standards, those individuals who have been jobless for a longer time period and who have lost their qualifications and links with labour market, or who have never worked before, started more actively applying with labour exchanges (women growing children, young people who have left off their studies and without qualifications). Some of them were not ready for the labour market

in occupational and psychological terms, therefore, when registering with the labour exchange they were looking for the possibility of getting benefits or other compensations, rather than for a job. The share of such individuals who were not prepared for the labour market, i.e., who have been out of work for a lengthy period, and whose professions were out of demand in the labour market registered in 1995 accounted for 40 per cent, in 1996 - 57 per cent, and in 1997 – already for 85 per cent of all unemployed. Likewise in earlier years, the period of unemployment of every third person among those unprepared for the labour market and enrolled with labour exchanges exceeded 1 year. Every second – third person among those mentioned above had an occupation or business practice, which was out of demand in the labour market, and every third of them had no profession at all. The share of unemployed who have lost their work during the last year increased in the overall structure of unemployment in 1999 and accounted for about 60 per cent of all unemployed. The number of unemployed who have never worked before changed inconsiderably. By the end of 1999 this group of unemployed made up 7,3 per cent of total unemployed (in 1998 – 7,2 per cent). In 2000 individuals who have recently lost their work (unemployed for less than 1 year) accounted for 56 per cent of the unemployed.

The average unemployment duration in different periods fluctuated from 3,6 months (at the beginning of 1993) to 5,7 months (at the end of 1996). During 1997 the average unemployment duration reduced to 5,5 months. Since 1998 the average term of unemployment started growing and in 2001 reached 7,4 months.

The year 2000

In 2000 258,0 thousand of the unemployed applied with labour exchanges (in 1999 - 244,7 thousand). Of which women accounted for the smaller part, i.e. 43 per cent. About 21,5 thousand of the unemployed were registered every month (in 1999 and 1998 – 20,4 and 17,0 thousand, respectively). Unemployment went upwards throughout the country, except for Anykščiai and Trakai.

In 2000 the share of unemployed men increased in the structure of unemployment (+1,2 percentage point), whereas the share of female unemployment reduced. The share of unemployed youth also diminished (- 2,3 percentage point), however, the share of young people seeking jobs for the first time, the majority of whom were graduates, grew from 30,5 per cent at the beginning of the year to 36,6 per cent at the year-end.

The share of long-term unemployed experienced a considerable increase (+13,1 percentage point). At the beginning of 2000 the long-term unemployed made up 14,5 per cent of all registered unemployed and by the year-end reached 27,6 per cent. Their numbers grew by a factor of 2,4 during a year. Long-term unemployment increased among older people, and those without qualifications and of limited motivation. The share of pre-pensioners grew from 7,9 per cent at the beginning of the year to 8,4 per cent at the year-end, almost every third of them was without qualification and unemployed for longer than 1 year.

By 25,3 thousand more of rural unemployed were registered in 2000, their share in the structure of total unemployment went up from 35 per cent at the beginning of the year to 39 per cent at the end of the year. Majority of these unemployed have only secondary or basic education and professional qualifications that are out of demand.

Youth remains amongst those who are most vulnerable to unemployment. Out of 62,6 thousand (or 24,3 per cent) of unemployed youth (aged under 25) registered in 2000, 18 year old youth accounted for 5,3 per cent. Every fourth unemployed who applied with labour exchanges was aged under 25. Youth unemployment rate which is higher than in other groups of the unemployed, given social and economic factors and reduced demand for work, is conditioned by the level of their general education and vocational training. A considerable share (about 42 per cent) of unemployed youth registered with territorial labour exchanges are without vocational qualification. Majority of them (60 per cent) are boys. Two tendencies are observed among youth selecting the sphere of activity: firstly, more and more youth who graduate from the basic school, continue with studies at secondary schools and seek college and university education.

Many of them work and study at the same time, acquire working experience and find the employer. University graduates among unemployed youth aged under 25 account for mere 3-4 per cent. Secondly, due to worsening social and economic conditions many young people aged under 16 do not attend schools of general education, failing to acquire at least the basic education. A considerably small part - about 30 per cent- of basic school graduates study in vocational establishments. More and more young people are making efforts to find a job as quickly as possible or to use the privileges or social guarantees and benefits provided to them and to employers by laws. This is also the aim of secondary school graduates who fail during entrance examinations to universities and colleges. Due to different reasons the share of the latter youth is increased by young people who have not finished their studies in vocational establishments or the graduates of said establishments, who have acquired occupations that are out of demand in the labour market.

The year 2001

In 2001 territorial labour exchanges have registered 249,7 thousand of the unemployed, of which 46 per cent comprised women. However, the numbers of registered unemployed were smaller by 8,3 thousand or by 3,2 per cent than the comparable figures of 2000. By the end of 2001 the share of unemployed reduced by 2 thousand compared with the beginning of the year. The growth of unemployment rate, given the smaller number of the unemployed, was conditioned by the reduction in workforce indicator – workforce declined nearly by 53 thousands.

The unemployed registered by the year end stood at 224,0 thousand. During 2001 the female share in the structure of unemployment went up (by 2 percentage points) reaching 47,5 per cent by the year-end, followed by a respective subtraction in the male unemployment share which made up 52,5 per cent at the end of the year. Almost every fourth unemployed who applied with labour exchanges was aged under 25. 58,8 thousand of unemployed youth were enrolled during 2001. Youth unemployment share fell from 15,2 to 12,8 per cent, and at the end of the year there were 28,7 thousand of unemployed young people in the country.

Long-term unemployed. The issue of long-term unemployment in the country is of great urgency. Majority of long-term unemployed have no professional qualifications and over three fourths of them are not prepared for participating in the labour market. The share of long-term unemployed in the structure of unemployment went up noticeably (by 5,7 percentage points) in 2001. The number of long-term unemployed registered by the year-end accounted for 75 thousand or for 30 per cent of all unemployed. This means that every third unemployed enrolled with labour exchange is looking for a job for longer than 1 year. Male unemployment (51 per cent) in total long-term unemployment slightly exceeds that of female. There are few unemployed men with university or college education and only a few more of them are secondary school graduates. 10 per cent of all long-term unemployed are without basic education and almost half of all long-term unemployed have no vocational education. Pre-pensioners make up 30 per cent, youth – 7 per cent, and persons unemployed for 2 years – 35 per cent of the total number of long-term unemployed.

The year 2002

Compared with 2001 the number of unemployed seeking services provided by labour exchanges reduced almost by 6 thousand or by 2,4 per cent. The unemployed who applied with labour exchanges per year amounted to 243,8 thousand, which makes about 20,3 thousand per month. Men comprised 54 per cent of the registered unemployed and the remaining 46 per cent were women. Unemployed youth aged under 25 enrolled with labour exchanges accounted for 55 thousand or for 22,5 per cent of all unemployed. The numbers of unemployed youth, compared with 2001, reduced by 7 per cent.

The bigger part or almost 78 per cent of the unemployed, were not ready to participate in the labour market, about 11 per cent of them were first-time jobseekers, over 38 per cent had no

qualifications at all. Likewise in the previous year, over 12 thousand or 5 per cent of the enrolled unemployed comprised graduates. Only about 31 per cent of the unemployed were seeking the national labour exchange services for the first time. Every sixth unemployed registered repeatedly within one-year period.

Long-term unemployment declined. The largest reduction of total enrolled unemployed was observed among the long-term unemployed - from 74,6 to 58,3 thousand. This reduction became particularly visible from February 2002. Long-term unemployed numbers declined by 22 per cent.

Labour exchanges also registered smaller numbers of unemployed youth – 55 thousand – which is by 7 per cent less than in 2001. Almost every second youth (26,3 thousand) was without qualification, and every tenth (6,4 thousand) – had no basic education. As a year before, labour exchanges enrolled over 12 thousand of graduates, which makes 28 per cent of all pupils who received school-leaving certificates that year.

The numbers of unqualified unemployed seeking labour exchange services also experienced an increase. 96,9 thousand of the unemployed enrolled in 2002 had no qualification. This number by one third exceeds the comparable figure of 2001. Unemployed without qualification made up more than 38 per cent of the total unemployed.

Unemployed by occupation groups (per year, in thousand)

	2002
Total	243,8
Legislators, senior officials and managers	7,5
Specialists	7,7
Junior specialists and technicians	11,0
Junior employees	6,6
Employees in service and trade spheres	27,6
Qualified agricultural and fisheries workers	4,0
Qualified workers and craftsmen	46,5
Equipment and machinery operators and assemblers	22,8
Unqualified workers	75,8
Armed forces	4,8
Previously unemployed	29,5

Unemployed by sex and age (year-end, in thousand)

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Total	65,5	78,0	127,7	109,4	120,2	122,8	177,4	225,9	224,0	191,2
Of which: women	32,0	41,2	70,4	59,6	61,9	61,1	82,8	102,8	106,4	96,1
Men	33,5	36,7	57,4	49,8	58,3	61,6	94,6	123,1	117,7	95,0
16 – 19	2,6	2,8	3,3	2,7	2,8	5,6	5,9	6,1	4,2	4,4
Of which: women	1,3	1,4	1,5	1,2	1,0	2,3	2,3	2,3	1,6	1,9
men	1,2	1,5	1,8	1,5	1,8	3,3	3,6	3,9	2,6	2,5
20 – 24	12,8	14,6	20,6	17,9	19,9	17,5	25,2	28,2	24,5	17,3
Of which: women	6,4	7,6	10,6	8,8	9,2	8,0	10,8	11,5	10,7	8,2
men	6,4	7,0	10,0	9,1	10,7	9,5	14,4	16,7	13,8	9,1
25 – 29	9,7	9,8	16,5	13,4	13,8	14,0	19,5	23,1	21,2	17,0
Of which: women	4,5	5,0	9,5	7,7	7,4	7,4	9,2	10,3	10,0	8,5
men	5,2	4,8	7,0	5,7	6,4	6,6	10,3	12,8	11,2	8,5

30 – 49	32,6	40,9	69,6	59,5	64,6	65,1	95,7	121,8	121,5	104,3
Of which: women	16,5	22,7	40,5	34,3	35,4	34,2	47,4	58,1	59,8	53,8
men	16,1	18,2	29,1	25,1	29,1	30,9	48,4	63,7	61,7	50,5
50 – 54	6,0	7,4	12,6	10,7	11,8	12,5	18,6	27,4	29,5	28,7
Of which: women	3,1	4,6	7,8	6,6	6,9	7,2	9,8	15,0	16,4	16,8
men	2,9	2,8	4,9	4,1	4,9	5,3	8,8	12,5	13,0	11,9
55 – 59	1,8	2,4	4,9	5,1	6,9	7,4	11,3	16,8	19,3	17,3
Of which: women	0,2	0,1	0,5	1,1	2,0	2,1	3,3	5,6	7,8	6,9
Men	1,6	2,3	4,4	4,0	4,9	5,3	8,0	11,1	11,5	10,4
Aged 60 and over	0,1	0,0	0,1	0,2	0,4	0,6	1,2	2,5	3,8	2,1
Of which: women	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Men	0,0	0,0	0,1	0,2	0,4	0,6	1,2	2,5	3,8	2,1
In per cent										
Total	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0
16 – 19	3,9	3,6	2,6	2,5	2,3	4,6	3,3	2,7	1,9	2,3
Of which: women	4,2	3,3	2,2	2,0	1,6	3,7	2,8	2,2	1,5	2,0
Men	3,7	4,0	3,2	3,1	3,1	5,4	3,8	3,1	2,2	2,6
20 – 24	19,5	18,7	16,2	16,4	16,5	14,2	14,2	12,5	10,9	9,1
Of which: women	19,9	18,3	15,1	14,7	14,9	13,0	13,1	11,2	10,1	8,5
Men	19,1	19,1	17,5	18,3	18,3	15,4	15,2	13,6	11,7	9,6
25 – 29	14,8	12,6	12,9	12,2	11,5	11,4	11,0	10,2	9,5	8,9
Of which: women	14,2	12,0	13,4	12,9	11,9	12,1	11,1	10,0	9,4	8,8
Men	15,5	13,2	12,3	11,4	11,1	10,8	10,9	10,4	9,5	9,0
30 – 49	49,8	52,5	54,5	54,4	53,7	53,0	54,0	53,9	54,2	54,6
Of which: women	51,5	55,1	57,5	57,6	57,2	55,9	57,2	56,5	56,2	56,0
Men	48,1	49,6	50,8	50,5	50,0	50,2	51,1	51,7	52,5	53,2
50 – 54	9,1	9,5	9,9	9,8	9,8	10,2	10,5	12,1	13,2	15,0
Of which: women	9,6	11,1	11,0	11,0	11,2	11,9	11,8	14,6	15,5	17,5
Men	8,7	7,6	8,5	8,3	8,4	8,5	9,3	10,1	11,1	12,5
55 – 59	2,7	3,1	3,8	4,6	5,8	6,1	6,3	7,4	8,6	9,1
Of which: women	0,6	0,1	0,7	1,8	3,2	3,4	4,0	5,5	7,3	7,2
Men	4,8	6,3	7,7	8,1	8,5	8,7	8,4	9,0	9,8	10,9
Aged 60 and over	0,1	0,1	0,1	0,2	0,3	0,5	0,7	1,1	1,7	1,1
Of which: women	0,1	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Men	0,1	0,1	0,2	0,4	0,7	1,0	1,2	2,0	3,2	2,2

Unemployed by unemployment duration (year-end, in thousand)

	1997		1998		1999		2000		2001		2002	
	in figures	%	in figures	%	in figures	%	in figures	%	in figures	%	in figures	%
Total enrolled	120,2	100	122,8	100	177,4	100	225,9	100	224,0	100	191,2	100
Of which: women	61,9	51,5	61,1	49,8	82,8	46,7	102,8	45,5	106,4	47,5	96,1	50,3

Men	58,3	48,5	61,6	50,2	94,6	53,3	123,1	54,5	117,7	52,5	95,0	49,7
By unemployment duration												
<i>Up to 6 months</i>	79,3	66,0	79,5	64,8	100,7	56,8	96,9	42,9	90,8	40,5	...	...
Of which: women	38,7	62,6	37,9	61,9	44,3	53,4	43,1	42,0	41,4	39,0	...	...
Men	40,6	69,6	41,6	67,6	56,5	59,7	53,8	43,7	49,3	41,9	...	...
<i>6-12 months</i>	25,7	21,4	28,0	22,8	51,0	28,7	66,6	29,5	58,7	26,2	...	...
Of which: women	13,8	22,3	14,5	23,7	24,3	29,4	29,1	28,3	28,4	26,7	...	...
Men	11,9	20,4	13,6	22,0	26,6	28,2	37,5	30,5	30,3	25,8	...	...
<i>12 months and more</i>	15,2	12,6	15,2	12,4	25,7	14,5	62,4	27,6	74,5	33,3	...	...
Of which: women	9,3	15,1	8,8	14,4	14,2	17,2	30,5	29,7	36,5	34,3	...	...
Men	5,8	10,0	6,4	10,4	11,5	12,2	31,8	25,9	38,0	32,3	...	...
<i>up to 12 months</i>	...	...	...	...	...	...	...	...	...	...	132,8	69,5
Of which: women	...	...	...	...	...	...	...	...	...	...	65,1	67,7
Men	...	...	...	...	...	...	...	...	...	...	67,7	71,3
<i>from 12 to 24 months</i>	...	...	...	...	...	...	...	...	...	...	34,9	18,3
Of which: women	...	...	...	...	...	...	...	...	...	...	18,4	19,1
Men	...	...	...	...	...	...	...	...	...	...	16,5	17,4
<i>24 months and more</i>	...	...	...	...	...	...	...	...	...	...	23,4	12,3
Of which: women	...	...	...	...	...	...	...	...	...	...	12,6	13,1
Men	...	...	...	...	...	...	...	...	...	...	10,8	11,4

Unemployed by vocational training (year-end, in thousand)

	In figures					In per cent				
	Total	University	College	Vocational	Unqualified	Total	University	College	Vocational	Unqualified
1992										
Total	66,5	8,0	12,0	31,9	14,6	100,0	12,0	18,0	48,0	22,0
Women	...	...	...	...	...	...	...	...	...	...
Men	...	...	...	...	...	...	...	...	...	...
1993										
Total	65,5	5,3	11,8	31,7	16,8	100,0	8,0	18,0	48,4	25,6
Women	32,2	3,3	7,2	11,3	10,4	100,0	10,3	22,4	35,0	32,3
Men	33,3	2,0	4,6	20,4	6,4	100,0	5,9	13,7	61,3	19,1
1994										
Total	78,0	5,8	14,8	35,6	21,7	100,0	7,4	19,0	45,7	27,9
Women	41,2	3,7	9,6	13,5	14,4	100,0	9,1	23,3	32,7	35,0
Men	36,7	2,1	5,2	22,2	7,3	100,0	5,6	14,1	60,3	19,9
1995										
Total	127,7	8,5	24,3	61,2	33,8	100,0	6,7	19,0	47,9	26,4
Women	70,4	5,8	16,5	25,8	22,2	100,0	8,3	23,4	36,7	31,6
Men	57,4	2,7	7,8	35,4	11,5	100,0	4,7	13,6	61,6	20,1
1996										
Total	0,0	0,0	0,0	0,0	0,0	100,0	7,0	19,5	44,7	28,7
Women	78,0	5,8	14,8	35,6	21,7	100,0	8,6	24,4	35,4	31,5
Men	41,2	3,7	9,6	13,5	14,4	100,0	5,1	13,7	55,9	25,3
1997										
Total	0,0	0,0	0,0	0,0	0,0	100,0	6,9	17,8	37,7	37,5
Women	127,7	8,5	24,3	61,2	33,8	100,0	8,2	23,0	31,7	37,1
Men	70,4	5,8	16,5	25,8	22,2	100,0	5,6	12,3	44,1	38,0
1998										

Total	122,8	7,0	20,7	41,7	53,3	100,0	5,7	16,8	34,0	43,5
Women	61,1	4,6	13,4	16,5	26,6	100,0	7,5	22,0	27,1	43,5
Men	61,6	2,5	7,3	25,1	26,8	100,0	4,0	11,8	40,8	43,4
1999										
Total	177,4	8,1	28,8	80,0	60,5	100,0	4,6	16,2	45,1	34,1
Women	82,8	4,8	17,5	30,6	29,9	100,0	5,8	21,1	37,0	36,1
Men	94,6	3,3	11,4	49,4	30,6	100,0	3,4	12,0	52,2	32,3
2000										
Total	225,9	10,2	36,2	103,3	76,2	100,0	4,5	16,0	45,7	33,7
Women	102,8	6,1	22,1	38,2	36,4	100,0	5,9	21,5	37,2	35,4
Men	123,1	4,1	14,1	65,1	39,8	100,0	3,3	11,5	52,9	32,3
2001										
Total	224,0	10,3	37,0	108,7	68,1	100,0	4,6	16,5	48,5	30,4
Women	106,4	6,4	23,6	40,7	35,6	100,0	6,1	22,2	38,2	33,5
Men	117,7	3,8	13,4	68,0	32,5	100,0	3,3	11,4	57,8	27,6
2002										
Total	191,2	9,3	32,8	70,1	78,9	100,0	4,9	17,2	36,7	41,3
Women	96,1	5,9	21,6	27,7	40,9	100,0	6,1	22,5	28,8	42,6
Men	95,0	3,4	11,2	42,4	38,0	100,0	3,6	11,8	44,6	40,0

Unemployed by previously undertaken activity (year-end, in thousand)

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
In thousand										
Total	65,5	78,0	127,7	109,4	120,2	122,8	177,4	225,9	224,0	191,2
Agriculture, hunting and fisheries (A+B)	9,3	11,3	21,0	12,5	21,6	21,4	27,1	30,8	29,3	25,6
Industry (C+D+E)	15,5	16,8	31,2	27,7	25,5	30,8	39,4	53,6	54,6	46,8
Construction (F)	6,8	6,0	9,8	8,7	8,7	9,4	18,0	16,0	17,9	13,0
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	6,9	7,2	17,0	16,4	15,7	18,0	30,3	36,8	39,8	26,2
Transport, storage and communications (I)	4,3	3,1	5,2	5,4	5,0	5,6	11,0	10,0	12,2	8,2
Real estate, lease and business activities (K)	0,7	0,9	1,6	1,3	2,2	1,7	2,5	5,6	4,5	5,8
Public administration and defence; and compulsory social insurance (L)	1,8	1,8	3,3	3,0	2,9	3,5	4,0	5,7	5,9	5,7
Education (M)	3,6	2,8	5,2	4,3	4,3	4,5	5,8	6,4	7,0	4,6
Health care and social work (N)	1,7	1,5	3,0	2,6	2,8	3,1	3,7	4,5	5,5	3,7
Other activities (H+J+O)	9,2	16,3	17,7	16,0	19,3	12,6	19,0	37,6	30,5	33,4
Previously unemployed	5,6	10,2	12,8	11,4	12,2	12,3	16,7	18,9	16,9	18,0
In per cent										
Total	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0
Agriculture, hunting and fisheries (A+B)	14,2	14,5	16,4	11,4	18,0	17,4	15,3	13,6	13,1	13,4

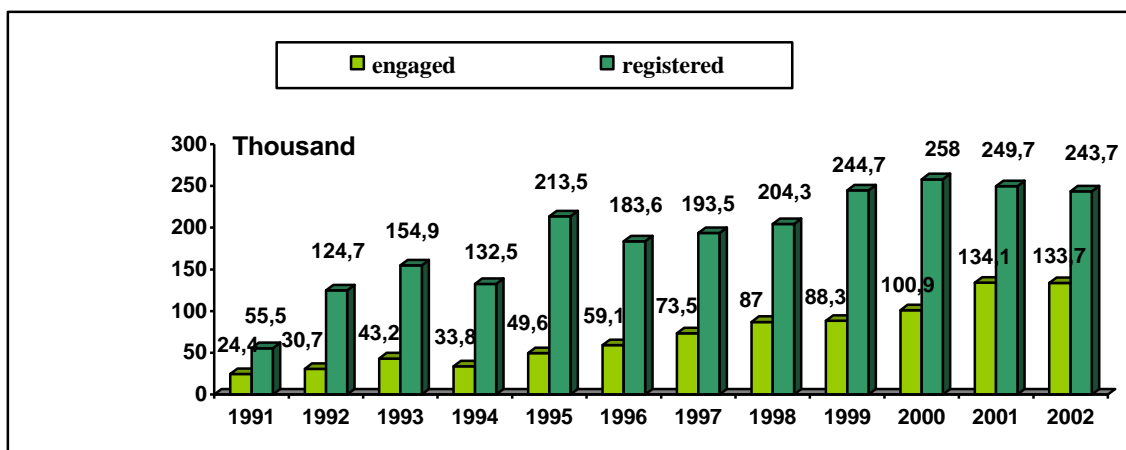
Industry (C+D+E)	23,6	21,6	24,4	25,3	21,2	25,1	22,2	23,7	24,4	24,5
Construction (F)	10,4	7,7	7,7	8,0	7,2	7,7	10,1	7,1	8,0	6,8
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods (G)	10,6	9,2	13,3	15,0	13,0	14,6	17,1	16,3	17,8	13,7
Transport, storage and communications (I)	6,6	4,0	4,1	5,0	4,1	4,6	6,2	4,4	5,4	4,3
Real estate, lease and business activities (K)	1,0	1,1	1,2	1,2	1,9	1,4	1,4	2,5	2,0	3,0
Public administration and defence; and compulsory social insurance (L)	2,8	2,3	2,6	2,7	2,4	2,8	2,3	2,5	2,6	3,0
Education (M)	5,5	3,5	4,0	3,9	3,6	3,6	3,2	2,8	3,1	2,4
Health care and social work (N)	2,6	2,0	2,4	2,4	2,3	2,5	2,1	2,0	2,5	1,9
Other activities (H+J+O)	14,0	21,0	13,9	14,7	16,0	10,2	10,7	16,7	13,6	17,5
Previously unemployed	8,6	13,1	10,0	10,4	10,2	10,0	9,4	8,4	7,5	9,4

Employment

The year 2000

The number of job vacancies registered in the labour exchange was several times smaller than numbers of jobseekers. 107,5 thousand of job vacancies were registered in 2000. Of which 74,4 thousand accounted for new jobs, i.e. by 8,4 more than in 1999. The structure of demand for work did not change by sectors of economy: 51 per cent remained in services sector, 12 per cent – in construction, 32 per cent – in industry (increased by 3 per cent compared with 1999), 5 per cent – in agriculture (reduced by 2 percentage points compared with 1999). More than half of job vacancies were designated for workers with special qualifications, 8 per cent – for specialists with university education and 8 per cent for those with college education, every fourth job vacancy – for unqualified work. Upon reduction of job vacancies for permanent work more persons were employed under fixed term employment contracts. Employment according to fixed-term employment contracts increased by three fourths as compared with 1999. In 2000 the demand for specialists qualified in social, psychological and computer sciences, teachers, also for those qualified in the spheres of business administration, industry, trade and business management, mechanical engineering, services and qualified health care, transport and communications workers increased by two thirds compared with 1999. The decline was observed in the demand for qualified agriculture, forestry, law, humanitarian and natural sciences specialists, servicing sphere workers, workers qualified in crafts and production, performers and artists occupations.

In 2000 labour exchanges placed into work more than 100 thousands of the first-time employed. This is the largest number of individuals reintegrated into the working sphere during the entire decade of operation of the Lithuanian Labour Exchange. During the tenth year of its operation, the Lithuanian Labour Exchange placed into jobs more people than during the first 1991, 1992 and 1993 years taken together. The unemployed provided with jobs in 2000 exceeded by 3,0 per cent those employed in 1999. The shares of employed women and men are commensurate to those of enrolled unemployed.



The year 2001

The growth of demand for the workforce in 2001 should be distinguished as a positive tendency which resulted in employment of 134 thousands of individuals. The highest demand persisted in the sectors of services (52 per cent), industry (30 per cent.), construction (12 per cent), and only 5 per cent in agriculture.

Job vacancies registered in 2001 stood at 135 thousands, of which 65 per cent accounted for permanent work, 35 per cent – for work according to fixed-term employment contracts up to 1 year. Compared with 2000, the permanent work supply grew by 17 per cent, and that of fixed – term went up by 44 per cent.

Speaking about acquired qualifications 58 per cent of jobs were occupied by qualified individuals, 26 per cent – by individuals without qualification, and 16 per cent – by those with university and college education. In 2001, the demand for specialists with university diplomas increased almost by 1 percentage point, and the demand for specialists with college education and qualifications grew by 2 percentage points, whereas the demand for unqualified specialists declined by 5 percentage points. The largest number of jobs were registered for teachers of trade, business management and administration; accounting, audit, finance and banking; technical sciences; foreign languages; primary education teachers; mathematicians and computer specialists, as well as for the following qualified workers: tailors, health care workers, joiners, food producers, welders, builders, decorators, cooks.

The year 2002

In 2002 133,7 thousand of the unemployed - or every second person who applied with labour exchanges - was placed into jobs. Such tendency of job-broking results persists for the second consecutive year. Job placements both in 2002 and 2001 in quantitative terms exceed those in 1996 – 1997. In 2001, 92,7 thousand of persons were placed into permanent jobs, which is by 6,3 thousand unemployed more than in the previous year. Almost the same reduction was observed in fixed-term employment. The unemployed registered for up to 12 months account for 80 per cent of all employed, whereas the long-term unemployed make up only 20 per cent, unemployed with university and college education respectively account for 17 per cent, individuals with basic (primary), secondary education and qualification – for 60 per cent, and those without qualification – for 23 per cent. 65,4 thousand of individuals were referred for employment to the services sector enterprises, of which the largest numbers were placed into work in wholesale and retail trade, road transport, education. Individuals referred for jobs to industry account for 42,4 thousand, of which the majority were employed by sewing, food and timber production enterprises; 18,6 thousand were referred to construction sector and 7,3 thousand – to agriculture.

With a view to identifying the need for services, labour market specialists paid 31 thousand of visits to enterprises; one sixth of these visits comprised visits to new employers. Labour exchanges organised over 1 thousand of meetings-workshops and conferences, and over

1,1 thousands of labour fairs. To determine the quality of services provided to employers and to ensure more flexible response to their needs, a new enterprise card was introduced and the database of more than 21 thousand of enterprises was generated.

Employment according to fixed-term and non-term employment contracts (per year, in thousand)

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Total employed individuals	24,4	30,7	43,6	34,0	50,1	59,8	73,5	86,9	88,3	100,9	134,1	133,6
of which: women	...	...	...	...	...	...	37,2	43,6	43,6	47,6	61,6	60,2
Men	...	...	...	...	...	...	36,3	43,3	44,7	53,3	72,5	73,4
Youth	...	...	...	...	...	...	...	...	...	...	...	26,3
employed according to the non-term employment contract	24,0	28,3	36,9	29,3	39,0	48,7	63,1	72,7	69,4	67,8	86,5	92,7
of which: women	...	...	16,6	13,3	18,2	24,3	31,9	36,9	35,0	32,8	39,8	41,9
Men	...	...	20,3	16,0	20,8	24,4	31,2	35,8	34,4	35,0	46,7	50,8
Youth	...	...	...	...	...	...	...	...	...	...	...	19,9
employed according to the fixed-term employment contract	0,4	2,4	6,7	4,7	11,1	11,1	10,4	14,2	18,9	33,1	47,6	40,9
of which: women	...	...	...	...	...	...	5,3	6,7	8,6	14,8	21,8	18,3
Men	...	...	...	...	...	...	5,1	7,5	10,3	18,3	25,8	22,6
Youth	...	...	...	...	...	...	...	...	...	...	...	6,4

Employment abroad was commenced in 1993, however a noticeable increase in the annual numbers of employed individuals was observed only during the past several years.

The following agreements on mutual employment of citizens or exchange of probationers are in force now:

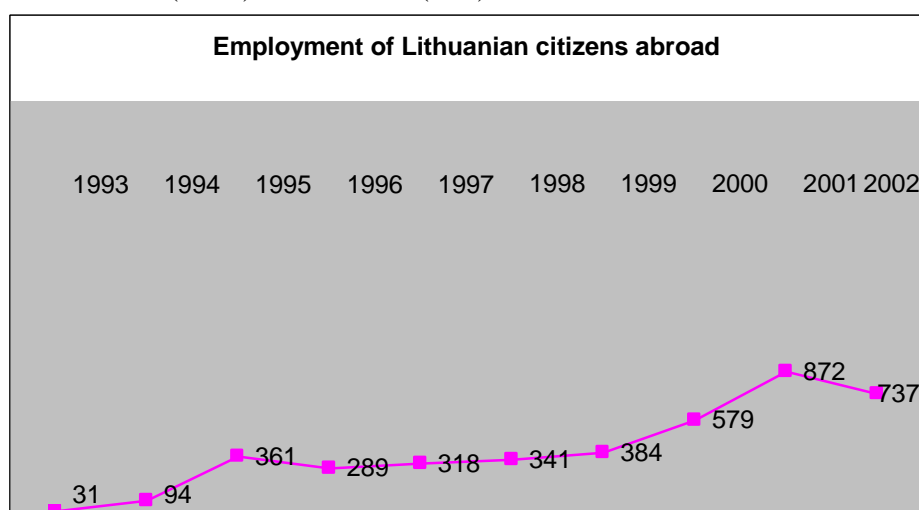
1. Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany on employment of probationers to upgrade their occupational and language skills. The Agreement was signed and enacted on 20 August 1993, in Vilnius. Par. 1, Clause 5 of the Agreement established the annual employment quota of 100 people which on 4 February 1994 was increased to 200 people.
2. Agreement between the Government of the Republic of Lithuania and the Government of the Kingdom of Sweden on employment of probationers to upgrade their occupational and language skills. The Agreement was signed on 5 May 1994 in Stockholm. Clause 3 of this Agreement establishes the annual employment quota of 300 people.
3. Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland on mutual employment of individuals was signed on 26 September 1994 in Vilnius and enacted on 21 September 1995. This Agreement did not establish the employment quota.
4. Agreement between the Government of the Republic of Lithuania and the Government of the Ukraine on mutual employment of individuals was signed on 28 March 1995 in Kiev and enacted on 11 August 1995. This Agreement did not establish the employment quota.
5. Agreement between the Government of the Republic of Lithuania and the Government of the Russian Federation on temporary work of individuals signed on 29 June 1999 and enacted on 5 January 2000. The employment quota is being agreed now.
6. Agreement between the Government of the Republic of Lithuania and the Government of the Czech Republic on probationers exchange signed on 31 March 2000 in Vilnius. The

Agreement was enacted on 29 September 2000. Par. 1, Clause 3 of this Agreement establishes the employment quota of 200 persons.

The Agreement signed between the Government of the Republic of Lithuania and the Government of the Russian Federation on temporary work of individuals was enacted on 5 January 2000. The Agreement signed between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on temporary work of individuals signed on 12 July 1996 has not been enacted yet, because as a result of change of the economic and social situation in Belarus it was not urgent to Lithuania.

Social security agreements concluded with Latvia, Estonia, Belarus, the Ukraine, and Poland are in force.

In 1999 the Lithuanian Labour Exchange mediated in employing 384, in 2000 – 579, in 2001 – 872, and in 2002 – 737 individuals. From the beginning of this year until 19 May 2003, 237 and during the last 5 years – 2913 individuals were employed abroad with mediation of the Lithuanian Labour Exchange. Most of them participated in the probationer programmes in the Kingdom of Sweden (1189) and in FRG (500).



Nurses, hotel and restaurant specialists, builders, agricultural workers and workers of other occupations were employed abroad. Majority of employed individuals are aged under 40. Employment of the citizens of the Republic of Lithuania abroad is limited by too few bilateral employment contracts in force.

The Lithuanian Labour Exchange is responsible for the issuance of work permits to aliens. In implementing the Republic of Lithuania Law on the Legal Status of Aliens, the Republic of Lithuania Government Resolution of 15 December 2000 on Approving the List of Objects Subject to State Fees and Charges, Their Amounts and Payment and Reimbursement Procedure, the Republic of Lithuania Government Resolution No. 144 of 31 January 2002 on Approving the Employment Quota for Aliens in the Republic of Lithuania for 2002 and the Social Security and Labour Ministry's Order on Approving the Procedure of Employment of Aliens in the Republic of Lithuania according to the Employment Contract, in 2002 the Lithuanian Labour Exchange received 499 applications for employment of aliens and issued 477 work permits. Pursuant to the Law of 12 June 2001 on Amending and Supplementing the Republic of Lithuania Law on the Legal Status of Aliens (*“Valstybės žinios”* (Official Gazette), 2001, No. 55-1944), as from 1 January 2002 the citizens of the European Union Member States and family members thereof intending to work in the Republic of Lithuania according to the employment contract are not required to obtain a work permit.

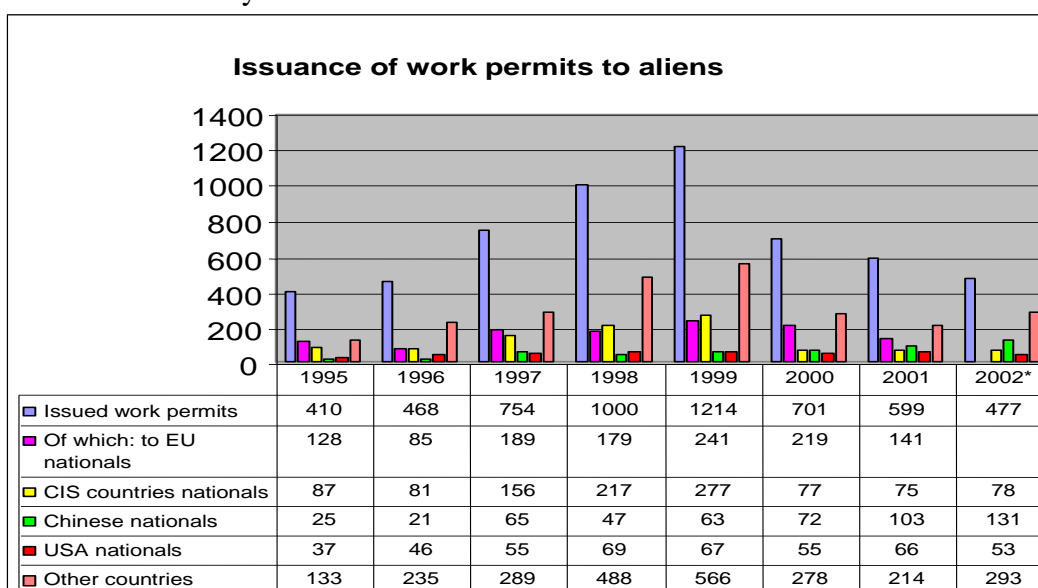
Temporary work permits are issued in view of the needs of the internal labour market and in observance of the annual quota fixed for employment of aliens in the Republic of Lithuania. The quota of annual employment of aliens fixed for 2001 is 1,3 thousand of individuals, for 2002 – 1 thousand and for 2003 – 800 of individuals.

In 1995-1998 welders and assemblers of the bodies of vessels, foreign language teachers and lecturers, and also managers were in great demand in Lithuanian enterprises. At present this demand has declined considerably. The largest number of work permits in 2002 was issued to oil processing, aviation and telecommunication engineers, cooks, bakers and pedagogues. Demand was also observed for pipeline planners and vessel painting-conservation experts. Most of the employed aliens fall within 25 –34 and 35 –44 age groups. In 2001 the National Labour Exchange issued to aliens 599 permits of temporary work in Lithuania. 428 work permits were issued in 2002.

In 2002 the Project on Integration of the Lithuania Labour Exchange into the Network of European Employment Services (EURES) was developed. Lithuania's integration into the EURES network will guarantee free movement of individuals and will provide the citizens of the Republic of Lithuania with wider options for employment abroad. The EU nationals seeking jobs in Lithuania will also have easier access to the information on labour market, living and working conditions in Lithuania, and will speed up the process of employment of foreigners for the employers.

At present the Lithuanian Labour Exchange is improving its information system, EURES offices are being established in labour exchanges of 8 counties. These offices are aimed at ensuring the link between the equivalent national authorities and the European Commission, to accumulate and provide information and counselling to jobseekers about job vacancies, living and working conditions in the EU countries, and to the Lithuanian employers who are in search for foreign workers. The manager of EURES has been appointed, and selected 8 eurocounsellors are undergoing training.

Training of the European Social Fund counsellors to be appointed to the territorial labour exchanges is also under way.



Information about job vacancies offered by the aforementioned services, likeliness of employment through them and unemployment record of employed persons was described in the answer to Question C, paragraph 1, Article 1 and in the first part of the Answer to Question A, paragraph 3, Article 1.

Question B

Please, describe the organisation of public employment services in your country, indicating the accompanying measures for the unemployed, and, where appropriate, the steps taken to revise the geographical distribution of

Article 21 of the Law on Support of the Unemployed regulates the organisation of management of the Lithuanian Labour Exchange.

The Lithuanian Labour Exchange is established by the Government of the Republic of Lithuania.

The Government of the Republic of Lithuania or its authorised institution shall approve the Regulations of the Lithuanian Labour Exchange. The Lithuanian Labour Exchange and territorial labour exchanges thereof are public institutions. They have the status of the legal person, bank accounts, seals and common insignia.

The Lithuanian Labour Exchange coordinates, controls and methodically manages the work of territorial labour exchanges.

Activities of the Lithuanian Labour Exchange are run by the Director. The Director is appointed and dismissed by the Minister of Social Security and Labour in the manner established under the Law on Public Service. Lithuanian Labour Exchange Director reports to the Minister of Social Security and Labour.

Territorial labour exchanges are established and their regulations approved by the Lithuanian Labour Exchange.

The Lithuanian Labour Exchange and its territorial labour exchanges are financed from the Employment Fund and provide free services.

Secondary legislation concerned with amendments to the Law on Support of the Unemployed (*“Valstybės žinios”* (Official gazette), 2003, No. 32-1313), including new Regulations of the Lithuanian Labour Exchange are being developed now.

The Lithuanian Labour Exchange succeeded in developing the effectively functioning system during the years of its operation.

The year 1991 covered the period of establishment, during which the task of the Lithuanian Labour Exchange was to ensure social protection of individuals, to help them to change and be self-confident in looking for new job options. 1996 - 2000 was a period of further development of the organisation and of modernisation of its activities. Mediation and counselling services were separated in labour exchanges. Expansion of open information and direct services provided customers with the possibility of independently using the information about the situation in the labour market, and to make the job search shorter. Job, Self Information Service, Vocational Information and Youth Job Centres were established. Information and consulting centres were set up in all labour exchanges. All functions of the labour market specialists were computerised using state-of-the-art information technologies. The Internet Labour Exchange was developed ensuring new customer servicing and management quality, possibility to exchange information with other information systems of the country, and to integrate into the European Union information area.

During the recent years labour market offices were set up in the largest rural areas of the country.

Since 1998 the structure of the Lithuanian Labour Exchange did not undergo any changes.

The key principle of activities of the Lithuanian Labour Exchange is management by objectives. A consistently functioning labour market monitoring system was developed and provided the grounds for ensuring transparent changes in the labour market. To ensure the feedback from customers as regards services provided to them, the system of interviews and surveys of the unemployed and employers has been developed. A consistent social dialogue is continuously maintained at the national and local level. Well-developed international cooperation enables to share work experience and to flexibly introduce innovations of foreign countries. In view of gained experience, the Swedish International Cooperation Agency (SIDA)

invited the Lithuanian Labour Exchange to participate in the joint project on the provision of assistance to the Armenian Employment Service.

Since 2002 a new priority was distinguished – to improve organisation of activities of the territorial labour exchanges. For the purpose of realising this objective:

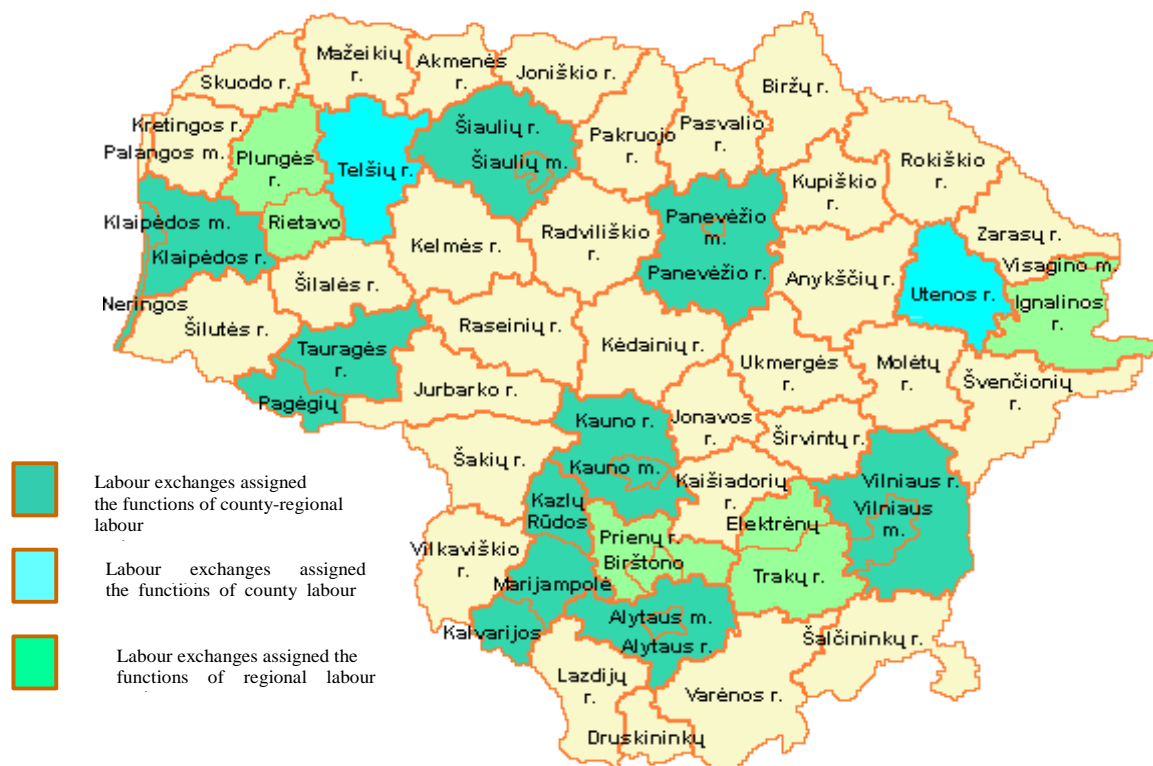
- the counselling and mediation standards were developed;
- new methods of preparation and application of employment plans were worked out.

The Lithuanian Labour Exchange under the Ministry of Social Security and Labour comprises:

- managing institution – the Lithuanian Labour Exchange;
- 46 territorial labour exchanges;
- 19 offices in the largest rural areas;
- publishing group “Labour Exchange News”.

Regional employment measures are being coordinated through implementation of the Programme of Increasing Employment of the Republic of Lithuania for 2001–2004. By the Lithuanian Labour Exchange Director’s Order No. 147 of 13 November 2001 on the Implementation of the Programme of Increasing Employment of the Republic of Lithuania for 2001–2004 certain labour exchanges were assigned the functions of county, county-regional and regional labour exchanges.

FUNCTIONS ASSIGNED TO THE LITHUANIAN LABOUR EXCHANGE INSTITUTIONS IN IMPLEMENTING THE PROGRAMME OF INCREASING EMPLOYMENT IN THE



In 2002 the Government of the Republic of Lithuania divided all public institutions carrying out the functions of public administration (Republic of Lithuania Government Resolution No. 684 of 20 May 2002 on Approving the Standard List of Positions for Public

Servants of Political (Personal) Confidence of the Prime Minister, Government Institutions and Offices under Ministries) into the following groups:

- Group III: the National Labour Exchange;
- Group IV: labour exchanges of Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys, Marijampolė, Alytus, Utena, Tauragė, Telšiai and Mažeikiai;
- Group V: labour exchanges of Akmenė, Anykščiai, Druskininkai, Ignalina, Jonava, Joniškis, Jurbarkas, Kėdainiai, Kelmė, Lazdijai, Pakruojis, Pasvalys, Plungė, Radviliškis, Raseiniai, Rokiškis, Šakiai, Šalčininkai, Šilutė, Švenčionys, Trakai, Ukmergė and Vilkaviškis;
- Group IV: labour exchanges of Biržai, Kaišiadorys, Kretinga, Kupiškis, Molėtai, Palanga, Prienai, Skuodas, Širvintos, Šilalė, Varėna and Zarasai.

All labour exchanges assigned the functions of county and county-regional labour exchanges were classified to Group IV of public administration institutions. Two regional labour exchanges were allocated to Group V and one – to Group VI.

Organisational chart of the Lithuanian (National) Labour Exchange:

- management – Director and two Deputy Directors,
- Labour Market Policy Realisation Division,
- Labour Supply and Demand Division,
- Information System Organisation Division,
- Foreign Relations Division,
- Employment Fund Accounting Division,
- Personnel and Maintenance Division.

A Tripartite Commission is set up at the Lithuanian Labour Exchange.

In organising the activities of the territorial labour exchanges the Lithuanian (National) Labour Exchange shall:

1) Implement the state labour market policy by organising and methodically managing the activities of territorial labour exchanges. Draft normative acts on employment matters, administrative, organisational and information documents, recommendations and methodical material for clients and staff.

2) Implement measures provided for in the Programme of Increasing Employment in the Republic of Lithuania for 2001-2004 (Official Gazette, 2001, No. 40-1404) on the Lithuanian Labour Exchange Director's Order No. 147 of 13 November 2001 on the Implementation of the Programme of Increasing Employment of the Republic of Lithuania for 2001–2004.

3) Carry out supervision and financial control of the projects relating to local employment initiatives.

4) Assess the impact of the situation of changes of economy and social – demographical environment on the rate of unemployment in the country and territories, and provides for the actions to increase employment. Carry out labour market monitoring and develop its annual and medium –term forecasts. Organise and support scientific research work in the sphere of employment of population. Prepare national and in concert with municipalities – territorial employment programmes, help to implement them.

5) Establish the objectives and goals for their implementation. Organise the work of territorial labour exchanges ensuring the principle of management according to the objectives.

6) Ensure equal employment opportunities for individuals who have lost their jobs. Organise active labour market programmes, carry out monitoring of the programmes and examine their effectiveness, provide for and implement measures aimed at increasing it.

7) Prepare the draft programme budget of the Employment Fund in consideration of the developments in the rate of unemployment and labour market policy priorities.

8) Having regard to labour market policy priorities strategic provisions and situation in different territories allocate financial resources to territorial labour exchanges in observance of the methods of financing according to the programme principle.

9) Analyse the efficiency of utilisation of the Employment Fund's resources, provide proposals on reasonable use and preparation of the Employment Fund budget.

10) Initiate and generalise the surveys of the labour market vocational training needs and render proposals as to the implementation of new curricula and forms of education. Guarantee the implementation of the competitive system of vocational training services to the unemployed and to the employees who have been given a notice of dismissal.

11) Develop temporary employment options organising public works in concert with the municipalities; coordinate realisation of the programme of supported works through increasing opportunities for young people to integrate into the labour market. Ensure support for the unemployed entitled to additional guarantees in the labour market through cooperation with employers, and placement of the unemployed of this category into jobs established by quotas and into the subsidised jobs.

12) In view of the situation in the labour market of the country improve labour organisation, internal management structure, implement new forms of work ensuring high quality services to the customers to satisfy their needs. Implement the uniform customer servicing system through rendering professional counselling and job-broking services strengthening occupational motivation of customers and increasing their competitive capabilities.

13) Set up and continuously improve the uniform system of staff recruitment, training, assessment of qualifications and development of human resources by preparing territorial labour exchanges' staff to provide services of good quality and oriented towards satisfying the needs of customers.

14) Render particular methodical assistance to the territorial labour exchanges in generalising and implementing the advanced experience of the staff of local and foreign employment services necessary in view of pending integration in the EU.

15) Provide for the strategy and tactics of cooperation with employers in consideration of the situation in the labour market. Develop in concert with the employers and employees' organisations unemployment prevention programmes and ensure implementation thereof in the country. Coordinate cooperation between territorial labour exchanges, social partners and non-governmental organisations in addressing the issues of employment. Develop links with business support organisations, initiate measures for improving business environment and creation of conditions for its development. Initiate and conduct surveys of efficiency of labour exchange services delivered to customers and labour market partners and provide for actions to improve performance of territorial labour exchanges.

16) Advise social partners about the existing and forecasted need for qualifications, labour market vocational training and summarise their proposals.

17) Generalise and disseminate experience of activities of territorial labour exchanges.

18) Compile, summarise, analyse and announce labour market statistics.

19) Implement new information technologies and adapt them for the development of labour market control opportunities. Carry out coordination, management and development of the computerised information system of the Lithuanian Labour Exchange at the country's level, providing services to the jobseekers throughout the period from their enrolment until placement into jobs.

20) Develop the uniform open information and direct servicing system, which ensures transparency of the labour market and labour supply and demand balance with the help of modern technological means; coordinate and prepare preconditions for its integration into the European Union labour market information area.

21) Analyse activities of foreign employment services and implement measures relative to the EU integration. Initiate and realise cooperation with foreign employment services in the field of employment policy shaping and implementation through takeover and exchange of good practice. Observe the European Union employment strategy, carry out its activities in line with the European Union employment policy standards. Analyse supply and demand in the labour

market abroad and organise employment of the citizens of the Republic of Lithuania abroad and employment of aliens in Lithuania.

22) Coordinate relations with the Lithuanian Labour Exchange with the public and labour market social partners, develop the institution’s image.

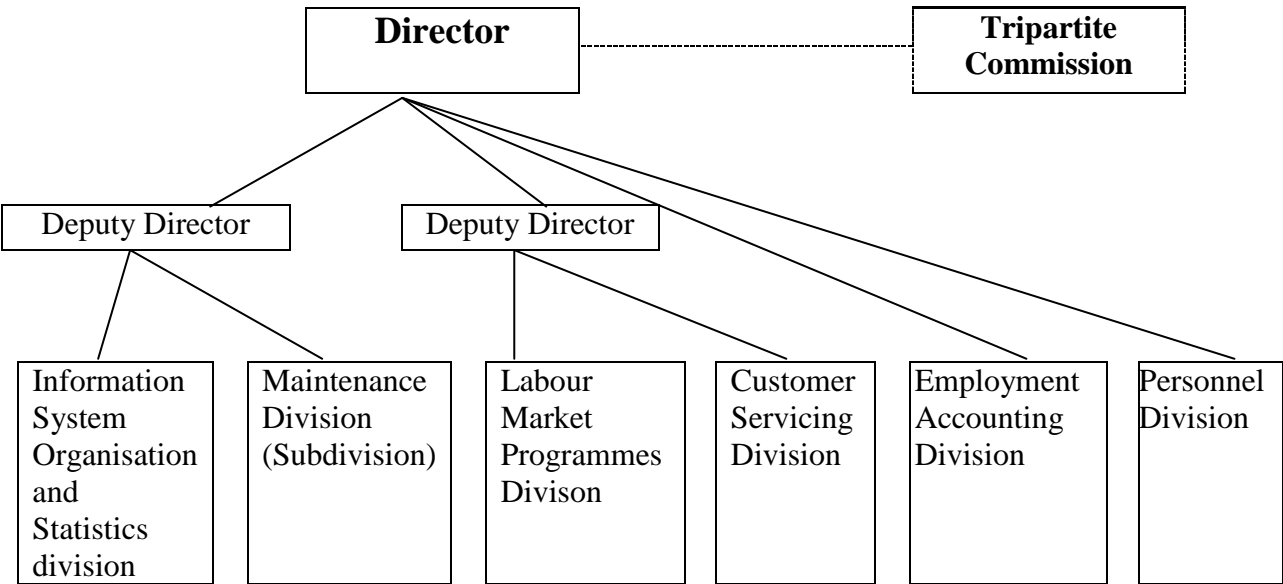
The Lithuanian Labour Exchange has 46 territorial labour exchanges subordinate to it.

The structure of each territorial labour exchange and its maintenance with the Employment Fund resources are defined by the Lithuanian (National) Labour Exchange.

A territorial labour exchange is headed by the Director appointed and dismissed by the Minister of Social Security and Labour upon coordination with the municipality. The territorial labour exchange director shall:

- organise the work of the labour exchange and assume liability for its performance;
- act on behalf of the labour exchange, represent it in other enterprises, institutions, organisations;
- handle the property of the labour exchange, enter into maintenance contracts;
- guarantee proper utilisation of the Employment Fund resources;
- appoint and dismiss the labour exchange staff, promote them and impose disciplinary penalties;
- allocate responsibilities among the inferior, issue orders, approve internal regulations which are binding upon the labour exchange staff;
- implement other powers vested by law.

Typical structure of the territorial labour exchange



With a view to assisting the unemployed in finding a job territorial labour exchanges provide information, registration, counselling, job-broking services and apply active and passive labour market measures.

In observance of typical organisational structures approved for three groups of territorial labour exchanges by Order No. 78 of 02 07 1999 on Implementing the Project of Improvement of Work Organisation in Territorial Labour Exchanges of the General Director of the Lithuanian Labour Exchange, the Customer Servicing and Labour Market Programme Divisions were

established. The Customer Servicing Division renders information, registration, counselling and mediation services. The Labour Market Programmes Division develops and realises active labour market programmes and measures, carries out monitoring and analysis of their efficiency. The staff of these both Divisions is directly involved in work with customers and with their referral to, and involvement in, active labour market programmes and measures.

Registration services and counselling on enrolment matters are provided in the registration area of territorial labour exchanges.

In implementing Order No. V-15 of 07 02 2000 on Work Organisation in Territorial Labour Exchanges issued by the General Director of the Lithuanian Labour Exchange, territorial labour exchanges are gradually implementing the electronic customer flow control system which helps to avoid large queues at the registry office. In smaller labour exchanges registration services are modernised through implementation of automatic customer registration. All territorial labour exchanges have been supplemented with additional functions – consulting customers on registration matters and assisting them upon registration. For customer convenience registration services in all territorial labour exchanges are provided throughout a business day without breaks. With a view to improving registration services, the registration standard was developed in 2002. In observance of the guidelines of the National Labour Exchange, since 2003 a new function is being implemented at the registry office – initial customer identification to determine their motivation for work. This was done with a view to identifying the purpose for which a jobless person is applying with the labour exchange: seeking a job or driven by other (social, etc.) motives.

A registered person is referred to the counselling and broking area according to the respective specialisation.

With a view to improving the servicing of customers in territorial labour exchanges, the counselling and broking standard was worked out in 2002 and approved by Order No. V-71 of 05 06 2002 on the Implementation of Broking and Counselling Standards in Territorial Labour Exchanges issued by the General Director of the Lithuanian Labour Exchange. In implementing this Order the servicing of broking and mediation standards was reorganised according to new requirements of mediation and counselling standards. In addition, in implementing the aforementioned Order and with a view to increasing the employability of customers and encouraging their activity, territorial labour exchanges started providing specialised counselling to customers in consideration of the needs of individuals not ready for jobs and local market needs.

Counselling services are provided by labour market consultants who according to the respective specialisation directly deal with individuals identified and not job-ready. Consultants help the unemployed to look for ways how to increase their competitive capabilities (through acquiring an occupation, undergoing re-training, etc.) and, in view of the customer needs and financial standing of labour exchanges, they place persons on labour market programmes or offer to participate in respective measures. Labour market consultants seek to help a person identified as not job-ready to bring his (her) needs and intentions in line with the needs of labour market.

Broking services are rendered by labour exchange job-brokers who on the basis of respective specialisation directly deal with individuals ready for participating, and capable of competing, in the labour market. With the help of consultants such individuals carry out an independent search for a job using different job search ways and methods. An employment plan is prepared with each jobseeker in view of particular employment goals.

Information services are provided to all job- and information – seekers, including those enrolled with a labour exchange. Provision of customers with open information services in territorial labour exchanges was commenced in 1997.

With a view to ensuring quality information services and developing a single open information and direct servicing system, an open information and direct servicing model covering the principal requirements for the establishment of Information and Consulting as well as Job Centres and for the provision of services was developed and approved by Order No. 116

on Open Information and Provision of Direct Services in Territorial Labour Exchanges issued by the General Director of the Lithuanian Labour Exchange in 1998. On 15 05 2000 the General Director of the Lithuanian Labour Exchange issued Order No. 80 on the Development of Information Centres and Services Provided. This Order approved guidelines for the development and standardization of information and counselling services: the principal requirements for the information material, a standard form for announcing a job vacancy and training courses; and a standard form of special briefings. For the information material improvement purposes the General Director of the Lithuanian Labour Exchange issued Order No. 172 of 30 10 2000 on Producing, Updating, Publishing and Disseminating the Information Material which facilitated in ensuring the effective functioning of the system of open information, coordination of publishing business and reasonable use of the Employment Fund resources.

At present open information and direct counselling services are provided in 6 Job Centres, 47 Information and Consultation Centres, and in 4 Youth Job Centres established under the umbrella of the territorial labour exchanges. Information Centres provide the following services:

- information,
- counselling,
- job-broking,
- advertising,
- psychological and other services.

All Customers are encouraged to independently avail themselves of open information services or measures. Information Centres are seeking to implement the following principles:

- self-service,
- urgency of information,
- availability of the information
- help yourself.

The main information areas within the Centres are organised in view of the needs of information users and principal target groups thereof. The said areas cover:

- information about job vacancies,
- information to employers,
- information about training opportunities,
- labour market services,
- labour market news, etc.

Considerable attention is paid to customer independence including organisation of workshops, meetings, instructions and training customers how to use the state-of-the-art information technologies. The Centres have been established as a preventive means against unemployment which indirectly facilitates the labour supply and demand balance and shortens the time of search for a job avoiding bureaucratic barriers and formalities. In view of the needs of customers the Centres work whole day without lunch break in observance of Order No. V-15 on Work Organisation in Territorial Labour Exchanges issued on 07 02 2002 by the General Director of the Lithuanian Labour Exchange.

With a view to providing for new ways of information, since 2000 the Centres offer a new service – provide information to customers by phone. In developing this service the General Director of the Lithuanian Labour Exchange on 17 07 2002 issued Order No. V-88 of on the Development of the Telephone Information Service. This Order obligated territorial labour exchanges to notify customers on a regular basis and using different ways of provision of information, about the opportunities to avail oneself of the phone information service. Information services provided by phone were supplemented with new subjects in view of customer needs.

Great attention is also paid to the staff working in the Centres in order to upgrade their qualifications and to develop communication skills. Depending upon the area being serviced and customer numbers the Centres employ from 1 to 5 staff. In addition to the Centres, many territorial labour exchanges also have registry offices thus providing their staff with the possibility to substitute each other when dealing with customers without lunch break.

Since 1993 the staff of the Lithuanian Labour Exchange is trained according to the Staff Information and Training Programme which is prepared on a yearly basis and approved by orders of the General Director of the Lithuanian Labour Exchange. The principal goals of this Programme shall be as follows:

- oriented and purposive formation of the Lithuanian Labour Exchange staff capable of successfully settling the tasks set for the labour exchange insuring continuous growth of competence;
- development of qualification and vocational capabilities preparing them for the implementation of customer servicing model in providing broking and counselling services; successful adaptation of the newly recruited staff;
- training the staff of the Lithuanian Labour Exchange in observance of the provisions of the Republic of Lithuania Law on Public Service;
- vocational training of the trainees of the Lithuanian Labour exchange and improvement of their activities;
- implementation of distance training forms upgrading skills of the territorial labour exchanges.

More than 60 per cent of the staff of the Lithuanian Labour Exchange upgrade their qualifications according to the Staff Development and Training Programmes.

On 25 February 1998 the General Director of the Lithuanian Labour Exchange issued Order No. 18 On Activities of the Methodical Council of the Lithuanian Labour Exchange whereby the Methodical Council was established and designated for upgrading skills of the staff and workers of the Lithuanian Labour Exchange through familiarising them with the accumulated advanced practices of the Lithuanian and foreign labour exchanges. The Methodical Council has accumulated and is regularly updating the material about activities of the Lithuanian and foreign employment services and 22 educational video programmes.

For Financing see part three, Question A, paragraph 1, Article 1.

Question C

If both public and private free employment services exist in your country, please, describe the steps taken to coordinate such services, and to determine the conditions governing the operation of private employment agencies.

Other operating private services render paid services related with employment.

Question D

Please indicate whether and how the participation of representatives of employers and workers in the organisation and operation of the employment services and in the development of employment services policy is provided for.

The principle of social partnership in the sphere of labour market policy was enforced by the Republic of Lithuania Law on Employment of the Population passed on 13 December 1990 (the present Law on Support of the Unemployed).

Until adoption of the Law on Support of the Unemployed in spring 2002, representatives of employers and employees participated in organising and carrying out the work of employment services and in shaping the policy of their activities representing their interests in the Employment Service under the Ministry of Social Security and Labour of the Republic of Lithuania and in the Tripartite Commission at the Lithuanian Labour Exchange.

Activities of the Employment Council under the Ministry of Social Security and Labour of the Republic of Lithuania and of Tripartite Commissions at the Lithuanian Labour Exchange are regulated by the Republic of Lithuania Government Resolution No. 618 of 24 May 1996 On Approving the Regulations of the Employment Council under the Ministry of Social Security and Labour of the Republic of Lithuania and of the Tripartite Commission at the Lithuanian Labour Exchange.

Employment Council under the Ministry of Social Security and Labour was a managerial body of the Employment Fund functioning on of equal tripartite partnership basis. The Council comprises 15 equal members who equally represent the organisations of the employees (trade unions, unions, associations, etc.), the employers (unions, associations, etc.), and public authorities.

The Council shall perform the following functions within the limits of its competence:

- analyse employment of population and factors influencing it, render proposals to the Ministry of Social Security and Labour with regard to employment, and labour market preventive measures for reducing unemployment and mitigating adverse social effects thereof;
- render proposals in the established manner with regard to the labour market priorities, financing of implementation measures, amounts of the rates of annual unemployment insurance contributions and of the deductions to the Employment Fund from the Republic of Lithuania State Social Insurance Fund budget;
- establish the procedure of formation and use of the Employment Fund, approve annual estimate and report thereof.

Since spring of 2002, upon enactment of Amendments to the Law on Support of the Unemployed (Official Gazette, 2003, No. 32-1313), the distribution of the Employment Fund resources and their utilisation for the financing of the labour market measures are deliberated by the Tripartite Council of the Republic of Lithuania.

Article 21 of the Law on Support of the Unemployed establishes that tripartite commissions functioning on a voluntary basis shall be set up at the Lithuanian Labour Exchange and territorial labour exchanges for the consideration of issues concerning labour market situation and implementation of labour market measures and services. The commissions shall consist of an equal number of equal members: representatives of the employees (trade unions, federations, associations, etc.), the employers (unions, associations, etc.), and representatives of public and municipal authorities.

The Regulations of the Lithuanian Labour Exchange and Standard Regulations of the Tripartite Commission at the territorial labour exchange are approved by the Minister of Social Security and Labour .

Pursuant to Article 23 of the Law on Support of the Unemployed tripartite commissions shall have the right to:

consider and give recommendations to the labour exchange on employment policy, labour market regulation, the priorities of social assistance offered to the unemployed, as well as greater viability of the system;

make recommendations on such matters as employment of the population, measures for limiting unemployment, job creation and setting of employment quotas for those who are not in the position to compete with other individuals under equal conditions in the labour market, also vocational counselling of the unemployed citizens and issues of their training and retraining;

regularly consider the activities of labour exchanges and the application of the Employment Fund resources and make appropriate recommendations.

Secondary legislation related with amendments to the Law on Support of the Unemployed are under preparation now. The presently applicable Regulations of the Tripartite Commissions at the Lithuanian Labour Exchange were approved by the Republic of Lithuania Government Resolution No. 618 of 24 May 1996.

On the basis of the aforementioned Regulations the Tripartite Commission has been established under the Lithuanian Labour Exchange and 46 tripartite commissions - at the territorial labour exchanges. A tripartite commission is formed from equal number of equal members: representatives of the employees (trade unions, unions, associations, etc.), the employers (unions, associations, etc.), and representatives of public authorities.

The Tripartite Commission under the Lithuanian Labour Exchange consists of 9 persons (tripartite commissions at the territorial labour exchanges – of 6 persons). Representatives of employees shall be delegated by the Lithuanian Trade Union Associations on mutual agreement (granting the right to delegate own representatives is also envisaged for private employment services), whereas representatives of employers are delegated by the Lithuanian employers' organisations on mutual agreement.

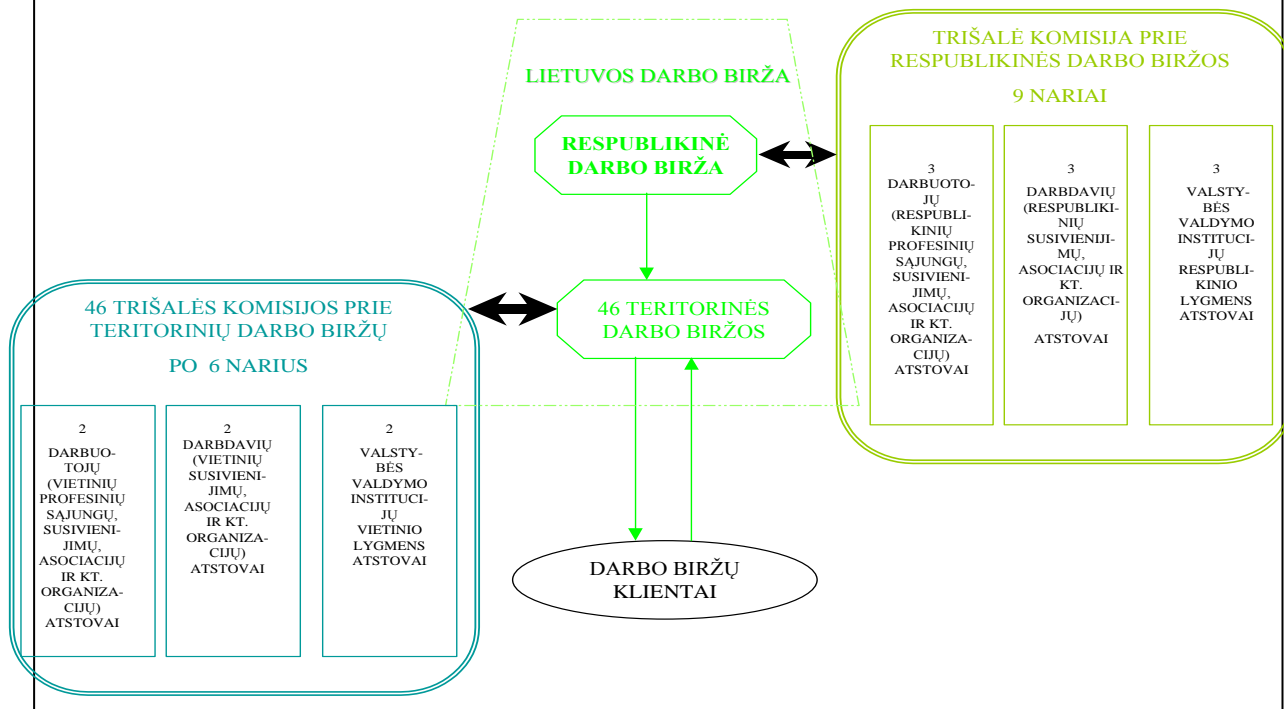
Representatives of public authorities to the Commission are appointed by the Government of the Republic of Lithuania and to tripartite commissions at the territorial labour exchanges – by municipality and council governors.

Commission members perform their functions on voluntary basis and report to organisations and institutions which delegate or appoint them to this Commission.

The Tripartite Commission under the Lithuanian Labour Exchange shall perform the following functions:

- render proposals on establishment and financing of the priority measures of the labour market policy in view of the envisaged labour market development tendencies and urban unemployment growth;
- prepare proposals to the Lithuanian Labour Exchange under the Ministry of Social Security and Labour on the implementation of labour market policy, improvement of social support to the unemployed and establishment of its priorities;
- provide proposals to the Lithuanian Labour Exchange under the Ministry of Social Security and Labour as regards the utilisation of the Employment Fund resources and allocation thereof to the territorial labour exchanges, preparation of population employment programmes, public works, organisation of works financed by the Employment Fund and of own business, vocational training; establish priority business development territories where there is a possibility to increase the amount of loans granted for business organisation purposes depending upon business type;
- deliberate the amount of the Unemployment Fund proceeds necessary for the Lithuanian Labour Exchange for the implementation of labour market policy measures and for the performance of its activities, and consider reports on the use of said proceeds;
- deliberate reports on activities of the Lithuanian Labour Exchange under the Ministry of Social Security and of the territorial labour exchanges and provide proposals on improvement of their activities;
- render proposals on carrying out of scientific research works in the sphere of labour market;
- consider the issues of projects relating to local employment initiatives.

TRIŠALIŲ KOMISIJŲ PRIE LIETUVOS DARBO BIRŽOS STRUKTŪRA IR SUDĖTIS



Lietuvos Respublikos teritorijose į Trišalių komisijų veiklą įtraukta 276 asmenys.
Structure and composition of tripartite commissions at the Lithuanian Labour Exchange

Iš viso Trišalėse komisijose prie Lietuvos darbo biržos dirba 285 nariai.
In total 285 members are involved in the activities of tripartite commissions at the Lithuanian Labour Exchange

46 Tripartite Commissions at Territorial Labour Exchanges			46 territorial labour exchanges		
2	2	2	2	2	2
Representatives of employees (national trade unions, federations, associations and other organisations)	Representatives of employers (national trade unions, associations and other organisations)	Representatives of public authorities of the national level	Representatives of employees (national trade unions, federations, associations and other organisations)	Representatives of employers (national trade unions, associations and other organisations)	Representatives of public authorities of the national level

The meetings of the National Commission are convened by the Director of the Lithuanian Labour Exchange, and those of the territorial commissions – by directors of territorial labour exchanges. Tripartite Commission meetings are organised as necessary, but at least once a quarter.

Decisions shall be adopted if approved by all of the three parties.

Decisions of the National and territorial commissions shall be of advisory nature.

Meetings of the Tripartite Commission at the National Labour Exchange shall deliberate the following key issues:

- improvement of active labour market policy programme and measures of its implementation;
- identifying priority business directions;
- establishing temporary employment quotas for foreign nationals;
- projects relating to local employment initiatives – new direction of the labour market policy;
- social value of public works, financing of public works and their organisation in the regions of highest unemployment rate;
- unemployment prevention in businesses employing not full number of workers and in insolvent businesses;
- implementation of purposive labour market programmes, programmes of integration into the labour market of the long-term unemployed and youth, and programmes of the first step in the labour market;
- strengthening mutual interest of liaison with the employers who have the greatest impact on the labour market and with the newly emerging employers;
- development of cooperation with small and medium businesses;
- improvement of the Lithuanian Labour Exchange Web page;
- improvement of the system of vocational training;
- proposals on amendments to the Republic of Lithuanian Law on Support of the Unemployed, and to the Procedure of Registration of the Unemployed and of the Allocation and Payment of Benefits Thereto;
- activity reports of the Lithuanian Labour Exchange;
- implementation of the programmes relating with local employment initiatives; concept of the development of these programmes and principal provisions of their implementation.

46 tripartite commissions at the territorial labour exchanges shall deliberate the following issues:

- development of public works;
- strengthening of cooperation with employers;
- creation of jobs for the disabled;
- granting interest-free loans for the establishment of own business;
- support of the unemployed and application of privileges to them in organising own business;
- increasing employment and prevention of unemployment in businesses employing not full number of workers;
- formation of the Employment Fund of territorial labour exchanges and utilisation of its resources.

Adoption of decisions on the majority of the key labour market issues is possible only in observance of the tripartite partnership principle.

A good example of cooperation between social partners is a Guide of Recommendations in the Cases of Collective Redundancies created in the Internet and aimed at improving the services provided in the event of collective redundancies. This is the first Guide of such type placed in the Internet in the countries of Europe and in the whole world. Its designation is to concentrate efforts of all partners – employers, labour exchanges, trade unions and municipalities – for joint settlement of problems which arise in case of collective redundancies, and to provide information to all interested parties in one place to make it easily accessible to all. The Guide includes recommendations for trade unions and employers' organisations that might facilitate in

settling the problems of re-training and employment. This Web page was developed in view of the proposals provided by the social partners – tripartite commission members.

Active involvement of the tripartite commissions and particular proposals rendered by them in 2001 resulted in considerable development of the programme of public works the social value of which was recognised by residents, employers and municipalities of the respective territories. For example, implementation of these programmes covered repairs of the primary health care centre in Skuodas, PE “Kelmės ligoninė” (Kelmė Hospital) succeeded in saving LTL 36 thousand aimed at repairs of its building, afforestation of more than 800 ha of new forest area was completed through public works, 3 thousand of unemployed individuals participated in afforestation and forest works. On proposal of the Tripartite Commission at Jonava Labour Exchange the project of public works “Development of the Recreational Area in Jonava” is being carried out for the first time in concert with foreign partners – the Ministry of Labour of Denmark.

Projects relating to local employment initiatives represent a new direction in the labour market policy pursued in active cooperation with social partners. As a result of this Programme 16 projects were implemented and 150 new jobs were created in the territories where the unemployment rate was highest (Druskininkai, Akmenė, Jonava, Jurbarkas, Pakruojis, Pasvalys, Šakiai, Šiauliai, Širvintos). One of the largest projects was the establishment of a clothing branch of the Public Company “Dobilas” in Neravų settlement, in which 54 former employees from Druskininkai and Viečiūnai settlement were trained and employed.

In settling the problem of youth unemployment, activities of Youth Job Centres were developed with involvement of social partners and the concept of the development of servicing was worked out.

Close cooperation between the Lithuanian Labour Exchange and the Tripartite Commission and regular appraisal of its members about the situation in the country’s labour market facilitates more successful development of social partnership in settling urgent issues of the labour market policy. Great attention to ensuring more active performance of tripartite commissions was paid since their establishment. Workshops were organised for members of all equal tripartite commissions during which the experts from the Federal Republic of Germany shared their accumulated work experience. The most active members of the tripartite commissions attended the workshop organised by the Danish International Training Centre SID “Energicentret”.

With a view to ensuring more active performance of tripartite commissions, their members are regularly provided with comprehensive information about the situation in the country’s and regional labour markets: information on “Labour Market of Lithuania”, the bulletin of “Labour Exchange News”, brochures and booklets on separate issues of activities of labour exchanges are prepared on a monthly basis. Rendering such information stimulates activity of commission members in expressing their opinions and providing proposals. To this end commission members are also invited to all most important events of the Lithuanian Labour Exchange and territorial labour exchanges, participate in the training workshops organised for the staff of territorial labour exchanges. For the purpose of certification of the Lithuanian Labour Exchange Staff, members of tripartite commissions were also included in the certification commissions. They also participate in tender commissions in selecting the staff for territorial labour exchanges.

Tripartite commission members also avail themselves of open information services provided by the territorial labour exchanges.

Development of social partnership. With a view to ensuring maximum efficiency of coordination of social partnership efforts, increasing the role of social partners in addressing the issues of employment of individuals deprived of work, the Lithuanian Labour Exchange has entered into cooperation agreements with 14 national organisations, of which 4 represent rural population, that is: the Chamber of Agriculture of Lithuania, the National Council of Lithuanian

Federation of Trade Unions Agricultural Workers, the Department of Forests and Preserved Territories under the Ministry of Environment and the National Council of the Trade Union of Forest and Forest Industry Workers, as well as the Association of Agricultural Companies.

Comprehensive information about the labour market, occupations that are in greatest demand, opportunity of re-training and undertaking own business is available to all in towns and regional centres, however, it is not the case as regards the population of more remote settlements and rural areas. Therefore, the Lithuanian Labour Exchange together with social partners initiates labour market days in such settlements for appraising residents about situation in the labour market, occupations that are in greatest demand, opportunities of re-training and getting a job in other territories and abroad, as well as services rendered by the labour exchange.

With a view to assisting the most socially vulnerable individuals in obtaining free comprehensive information and advice, in September 2000 the Lithuanian Labour Exchange signed the cooperation agreement with the Population Counsellors' Union of Lithuania and prepared the joint plan of action. Realisation of this Agreement facilitated in bringing the sources of information closer to an ordinary man, including the unemployed and a rural inhabitant, who is not capable of using modern information technologies. The Counsellor's Union has developed the Information System on the basis of legislation applicable in the country. This System covers series of blocks that are of importance to the country's population: social security (benefits, compensations, advise on taxes, insurance, claims for damage), health care, work, housing, human rights, legal assistance, education, business, family, leisure, etc. Since the Counsellor's Offices have been established in 9 towns and regions so far, the information accessibility problem of the remaining part of the population is addressed with the help of the staff of labour exchanges. To this end between 2001 and 2002 a group of territorial labour exchanges' staff was trained in using the Information System of the Counsellors' Union. They became the so-called trainers capable of rendering the acquired knowledge to the staff in other territorial labour exchanges. Therefore, labour exchanges are in the position to provide a new service – to supply the information or advice needed by a jobseeker not only as regards labour market or employment matters without referring him (her) to other authorities. This also helps to save the time of both the labour exchange customers and staff of other organisations.

On 13 December 2001 the Lithuanian Labour Exchange signed the Cooperation Agreement with Vilnius County Administration, which is the largest in Lithuania. This agreement is aimed at shaping by common efforts the regional employment policy, assisting people who have no possibility of competing in the labour market, mitigating social impact of unemployment. Every fifth individual who has lost the job in Lithuania is enrolled with territorial labour exchanges of Vilnius county. The labour market of this county is characterised by particularly distinct territorial differences. Unemployment level in Šalčininkai district almost by 20 per cent of by 3 times exceeds that in Vilnius, the situation is similar with regard to the centre of the county – in Vilnius and Švenčionys districts. This makes county authorities to concentrate their efforts to improve the employment situation as well as to prepare and implement unemployment reduction and business conditions improvement programmes.

On 14 March 2001 the Lithuanian Labour Exchange signed the Cooperation Agreement with the Law University of Lithuania. The Labour Exchange undertook to create conditions for the University students to do practical work and probation in territorial labour exchanges and to examine urgent labour market problems together with the University students studying for Master's degree. Practical assistance is provided to the University's Labour Market Needs Investigation Laboratory. The University undertook to implement the best practices of the country's and foreign employment services involving labour market experts in the process of studies and to train specialists in view of the labour market needs. Both institutions envisage to cooperate in preparing and issuing educational and methodical publications on the matters of improving labour market activities, preparing special labour market staff skills upgrading programmes and qualification improvement courses.

On 21 August 2001 the Lithuanian Labour Exchange signed the Cooperation Agreement with the Lithuanian Association of Builders which joins 125 organisations of science, design, construction and industry employing over 30 thousands of individuals. In realising this Agreement the Lithuanian Labour Exchange helps the Association to organise workshops for future executors of local employment initiatives and supplies methodical material necessary for this purpose. Concurrently methodical assistance is initiated and provided to local municipal authorities when territorial labour exchanges prepare purpose-oriented employment support programmes in the sphere of construction. Joint meetings take place on the matters of employment promotion and reduction of social impact of unemployment.

Cooperation with employers. Cooperation of the Lithuanian Labour Exchange with employers started in 1991, from the very outset of its activities. This work became particularly active since 1996, upon commencement of the implementation of active labour market policy measures.

According to the data of 1 January 2003 the number of employers actually operating in the country stood at about 77 thousand. 31,6 thousand of employers used services of the territorial labour exchanges. They account for 41 per cent of the actual employers' market of the country. On 1 January 2003 the serviced businesses engaged 79,1 thousand of employees.

During 2001-2002 employers were provided with two new services using opportunities offered by information technologies - Internet Labour Exchange and the Guide of Recommendations in the Cases of Collective Redundancies (places in the Internet Web page of the Lithuanian Labour Exchange (www.ldb.lt)). The Internet Labour Exchange which is one of the most effective tools provided the employers with the possibility of announcing job vacancies in the Internet as soon as they become known to the territorial labour exchange (in the section of "job vacancies") and to find the required workers (in the section of "Jobseekers"). For the purpose of improving services relative to the process of group redundancies and open information, the Guide of Recommendations in the Cases of Collective Redundancies was developed which provides for the actions of the employers, labour exchanges, trade unions and municipalities when a business dismisses a group of its employees.

From 1 July 2002 the Lithuanian Labour Exchange established the telephone number 8-700-55155, which is the same for the whole country and is used to inform employers about job vacancies in businesses and organisations. A single number is easier to remember and therefore more employers can use it.

The system of the Lithuanian Labour Exchange has developed cooperation with employers based on enter into voluntary cooperation agreements. The agreements are meant for improving job-broking services and attracting employers to participate in labour market measures in addressing the employment of the jobless. The strategy and tactics of cooperation is differentiated by plans of activities of businesses: creating or liquidating jobs, developing production and services, implementing new technologies or equipment. In 2002 territorial labour exchanges signed over 8 thousands cooperation agreements with employers. Most of the agreements were concluded with small and medium businesses (58 per cent) and with private enterprises (71 proc.).

To mitigate structural economic impact in cases of group redundancies territorial labour exchange specialists organise provisional labour exchange offices (mini- labour exchanges) for the purpose of informing the employees who have been given a notice of dismissal. In such a way the employees are prepared for the integration into the labour market and receive help in job search. In 2002 mini-labour exchanges were established in 19 businesses of the country and 1,5 thousand of individuals who have received notices of dismissal were personally consulted by experts in labour exchanges.

Question E

Please indicate what legislation or administrative guarantees are provided to ensure that these services are available to all.

Availability of employment services is guaranteed by relevant legislation:

Par. 8 of Article 21 of the Law on Support of the Unemployed contains the provision that services of the Lithuanian Labour Exchange and territorial labour exchanges shall be provided free of charge.

Free Labour Exchange services are guaranteed for all persons, including the unemployed, students and people employed.

Pursuant to Article 6 of the Law on Support of the Unemployed the State shall guarantee the citizens:

- free vocational guidance and counselling services, also provision of information about job vacancies;
- free labour exchange services for job-seekers and those going into jobs;
- free vocational training facilities in the event of unemployment;
- the possibility, in the event of unemployment, to perform public works and works financed from the Employment Fund; and
- unemployment benefit.

Services rendered by the Lithuanian Labour Exchange and their accessibility to all individuals are also governed by orders of the Minister of Social Security and Labour mentioned in paragraph 1, Article 1.

Description of free open information and employment services is provided in paragraph 3, Article 1, Question A.

ARTICLE 1/ paragraph 4

*“With a view to ensuring the effective exercise of the right to work, the Parties undertake:
6. to provide or promote appropriate vocational guidance, training and rehabilitation.”*

Please indicate, illustrating with relevant data as far as possible, what measures have been taken to provide or promote:

1. vocational guidance¹⁰;
2. vocational training¹¹;
3. vocational rehabilitation¹²;

with the aim of giving everyone the possibility of earning his living in an occupation freely entered upon.

Please indicate whether equal access is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled people.

See Chapter IV, R No.169 of the Report for 2003 prepared according to TDO Recommendation No.122.

¹⁰ If your country has accepted Article 9, it is not necessary to describe vocational guidance services here.

¹¹ If your country has accepted Article 10, it is not necessary to describe vocational training services here

¹² If your country has accepted Article 15, it is not necessary to describe rehabilitation services for physically or mentally handicapped persons.

The Lithuanian Labour Market Training Authority (LLMTA) was established in 1992. It is an independent body functioning under the Ministry of Social Security and Labour. The Lithuanian Labour Market Training Authority is tasked with the functions of organisation of labour market vocational training, vocational guidance, counselling, coordination, supervision and methodical management. The Lithuanian Labour Market Training Authority has 6 subordinate regional training organisation and counselling services providing vocational guidance and counselling services to adults and youngsters. In addition, the Authority regulates the activities of 14 labour market training centres now organises as special purpose private and public companies.

1. Vocational guidance and counselling

In the Lithuanian Labour Market Training Authority:

Number of people provided with counselling services in territorial labour market training and counselling services:

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	1993-2002
Counselling provided:	14918	15377	20613	29380	35228	42859	49807	49744	57799	65333	381058
Individual counselling	9936	10505	17380	22746	23392	28531	32716	26699	29578	32769	234252
Group work	4982	4872	3233	6634	11836	14328	17091	23045	28221	32564	615310
To adults	9435	9761	14711	21409	27696	32402	36996	37741	42649	50521	283321
Unemployed	No data		10020	17847	23551	27366	33472	34932	40896	48106	>236190
Students, their parents, teachers	5483	5616	5902	7971	7532	10457	12811	12003	15150	14812	97737

The main customers of vocational guidance and counselling services are the unemployed, pupils from secondary schools and employed people. Work is also being developed with socially excluded persons with special needs – long-term unemployed, the disabled, convicts in places of imprisonment, military men, women returning to work after a long period of unemployment, ethnic minorities (the Roma), (50+), immigrants, unqualified youth.

Changes in counselling techniques. For the purpose of work with groups of the unemployed and students, a set of *Active Job Search and Working Skills Development Programmes* has been worked out and is regularly updated which by the end of 2002 comprised 31 group work programme. These programmes have been developed in view of the general requirements for labour market training programmes: programme name, brief description, acquired skills, required training conditions, training plan, final examination and evaluation of knowledge and skills. The set of programmes also includes the Programme of Introductory Psychological Training for vocational teachers dealing with adults.

Standardisation of psycho diagnostic tests was commenced in 2002. This work is aimed at ensuring the application of adapted diagnostic methods based on statistical requirements in the practice of vocational counselling.

Territorial services are provided with methodical material for vocational counselling of students and adults and for their selection to labour market training programmes. Seeking to ensure the use of high quality, adapted and licensed psychological evaluation methods in the counselling practice, cooperation was commenced with the German Testzentrale Publishing House engaged in publishing of psychological tests as regards the acquisition and use of these publications. Two acquired tests, i.e., the test of Practical Technical Understanding (PTU) and the Test for Identifying Occupational Interests (T-O-I), will be used for the purposes of vocational counselling of pupils and adults and for the assessment of occupational fitness. New

Video Arts training programmes were acquired for the long-term unemployed and for individuals acquiring an occupation.

Numerous workshops were organised in 2002 in implementing the programme of upgrading skills of the consultants – psychologists, two of them were covered by the joint project of LLMTA and Baltic Partners for Change Management, finances with PHARE Access programme funds.

The joint project of Lithuania and the Kingdom of Netherlands “Support for the Long-term Unemployed in Developing Local Networks” is under way. The Project is supported by LLMTA and MATRA Programme (the Kingdom of Netherlands). The Employment Opportunities Programme has also been developed and implemented.

2. Vocational training

Labour market vocational training (within the Lithuanian Labour Market Training Authority)

Number of people trained in LMTC (14) subordinate to the Authority:

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	1992-2002
Individuals provided with training	14920	19976	23761	28770	27478	27261	27243	23519	16551	17121	18582	245182
of which the unemployed	310	2411	5343	8589	5845	7917	9820	8573	4293	6932	8222	68255
share in %	2.1	12.1	22.5	29.9	21.3	29.0	36	36.5	25.9	40.5	44.2	27.8
Vocational training, re-qualification	6041	7952	11121	13348	12990	12934	14643	14281	8415	9741	11146	122612
share in %	40.5	39.8	46.8	46.4	47.3	47.4	53.7	60.7	50.8	56.9	60.0	50.0
Skills upgrading	8879	12024	12640	15422	14488	14327	12600	9238	8136	7380	7436	122570
share in %	59.5	60.2	53.2	53.6	52.7	52.6	46.3	39.3	49.2	43.1	40.0	50.0

Majority of the trainees comprise the unemployed (about 40 per cent), persons referred by the employers (about 40 per cent), and every fifth trainee arrives on own initiative. More and more socially excluded persons with special needs - long-term unemployed, the disabled, convicts in places of imprisonment, women returning to work after a long period of unemployment, older people (50+), unqualified youth are placed to the labour market vocational training programmes.

The following measures are applied in improving labour market vocational training, its quality and accessibility:

Monitoring of the quality and efficiency of the labour market vocational training:

Licensing and supervision of the labour market vocational training establishments.

Territorial subdivisions (6 territorial labour market training and counselling services) carry out expert examinations of the documents and educational base of vocational establishments applying for licenses to engage in training under labour market vocational training programmes. By the end of 2002 such licenses were issued to almost 250 different establishments, organisations and enterprises. About 100 such expert examinations are carried out every year and the Ministry of Education and Science is provided with the license issuance recommendations. Vocational establishments are subjected to supervision throughout the entire period of license validity (5 years). These activities were commenced in 2001 with a view to ensuring the quality of training. In 2002 the process of organisation and implementation of training was examined in one third of licenses training establishments.

Employment monitoring. Employment surveys of individuals who have completed the labour market vocational training are carried out on a regular basis. Results of the survey conducted in 2002 revealed a gap in employment of the aforementioned individuals – 63.4 per

cent of individuals who have completed the labour market vocational training were employed (majority of them found jobs within 3 months of the completion of training) and 35,6 per cent of the unemployed who did not undergo any training (most of them were employed after longer than 6 months unemployment period). These results were obtained during the survey of the unemployed who have completed the courses in different training establishments. Analysis of the results of LMTC subordinate to the Training Authority revealed higher employment indicator – 75.8 per cent.

Assessment of labour market vocational training. Regular surveys are conducted in order to find out opinions of employers and individuals who have undergone training. According to the data of the survey carried out in 2002, 68 per cent of the employers were of the opinion that the training provided satisfies their needs, and 70 per cent of the trainees who have completed training evaluated it positively. The surveys highlight the gaps in the labour market vocational training, the needs of workers undergoing training and in view of the above provide for improving the training organisation and the contents of training programmes.

Adaptation of training programmes to the labour market needs

By the end of 2002 the Training Authority could offer 418 labour market vocational training programmes, of which 358 awarded vocational qualifications recognised by the State and 60 non-formal training programmes registered in the register of Non-formal Training Programmes. The training programmes being offered cover all types of economic activity and provide the trainees with the possibility of acquiring a vocational qualification, which is in demand in the market.

Rapid development of training programme modules was of particular urgency for vocational training of the unemployed, as an opportunity of flexible adaptation of a training programme to the available skills, and implementing training which is less money- and time-consuming. The modular structure was introduced into the larger part of the training programmes.

Development of distance (remote) vocational training

Three distance training programmes (“Modelling. PageMaker 6.5”, “Designer of Digital Technologies – Internet Web Pages” and “Basic Computer Skills”) have been developed and preparation of new training programmes deliberated.

Distance training elements are also included in the training programme of the Business Competence Centre established in Visaginas under PHARE 2000 programme. Two more projects under PHARE 2000 aimed at the distance training development were implemented:

Distance training system development in Utena region;

Distance training system development in Klaipėda – Tauragė region.

As a result of the projects a distance training centre is being established in LMTC of Klaipėda (final stage), and a distance training office in Utena LMTC.

In 2002 distance vocational training development works were carried out in realising measures covered by the National Distance Education Development Programme.

Transparency of vocational qualifications

Having harmonised the established vocational qualifications with the provisions of EU directives, a new list of the regulated vocational qualifications consistent with the requirements of the EU legislation and a new list of authorities carrying out the assessment and recognition of vocational qualifications was approved (Republic of Lithuania Government Resolution No. 1474 of 19 September 2002 (Official Gazette, 2002, No. 95 – 3988).

For the purpose of developing a system of acquisition of a vocational qualification which is transparent and independent from educational establishments the Chamber of Industry and Trade started organising qualification examinations. The procedure of taking examinations without attending lectures was implemented to formalise the knowledge and skills acquired in

non-formal manner. The developed labour market vocational training programmes are coordinated with the employers' organisations to ensure the conformity of the contents of training to the labour market needs.

The information system was developed in the internet www.darborinka.lt covering information about the labour market vocational training establishments, curricula, courses and the Classification of Occupations of Lithuania.

3. Vocational rehabilitation

Since 1998 the Lithuanian Labour Market Training Authority provided consultations and training to 2,7 thousands of the disabled (0,6 – 0,7 thousand per year on average), and in 2002 - 0,7 thousand of the disabled. Three international projects for the disabled were implemented in 2002:

PHARE 2000 "Training of the Disabled and Their Integration into the Labour Market";

PHARE Access "Reintegration into the Market of the Disabled Women and Women Taking Care after the Disabled";

Leonardo da Vinci exchange project "Together we will achieve more".

Implementation of the Projects resulted in the creation of training places and development of training programmes for the disabled in Panevėžys (Šermukšnių), Klaipėda and Vilnius Žirmūnų Labour Market Training Centres.

The following training programmes were adapted for the disabled: "Basic Computer Skills", "Designed of Digital Technologies – Internet Web Pages", "Modelling. PageMaker 6.5", "Information and Communication Technologies for Older People".

Since 2001 26 programmes for the disabled were developed, including 8 training programmes for the acquisition of stage II vocational qualification for mentally handicapped individuals.

In 2003 the Lithuanian Labour Market Training Authority will start organising training for vocational rehabilitation staff and labour market counsellors dealing with the disabled. This training will enable to provide more qualified employment support services to the handicapped individuals.

For the purpose of improving the servicing of the unemployed with disability, the Lithuanian Labour Exchange signed the Cooperation Agreement with the Disabled Rehabilitation Centre of Valakupiai. In 2002 this Centre prepared a group of trainers from among the consultants of territorial labour exchanges who render methodical assistance to the colleagues from other regions. The Centre will be involved in organising vocational training for the disabled with serious disability, assessing their need for jobs and monitoring vocational rehabilitation of the individual placed into job. The Centre envisages upgrading skills of labour market consultants who work with the disabled, concurrently preparing methodical material as regards reasonable employment of the disabled, their fitness for occupational activities in terms of health and ability to work, organising workshops on application of methods. The Labour Exchange is planning to supply the Centre with descriptions of occupations, to lease out educational films, to establish the centre of independent search for jobs.

Agreement signed with Valakupiai Rehabilitation Centre enabled organising vocational training of individuals suffering from serious motor dysfunction, to assess the fitness of jobs for them, to monitor vocational rehabilitation of the individual placed into job.

The Lithuanian Labour Exchange actively participates in the international projects on integration of the disabled into the labour market. They include the Project of Increasing Employment of the Disabled in Poland and Lithuania under the Baltic Sectoral Programme, preparations are under way for commencing the Project of Integration of the Disabled into the Labour Market in concert with the Swedish National Labour Market Service.

In implementing the Action Plan for the Year of the Disabled approved by the Government (03 02 2003, No.159), the Lithuanian Labour Exchange actively contributes to the activities of day employment centres, adaptation of different social objects used by the disabled and of their environment by refurbishing educational establishments, centres, boarding-houses for the disabled, accommodating to their needs the places of leisure and sports, and participates in other measures covered by the Plan and implemented by the Disabled Organisations.

ARTICLE 5: THE RIGHT TO ORGANISE

“With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Contracting Parties undertake that national law shall not be such as to impair, nor shall it be applied as to impair, this freedom. The extent to which the guarantees provided for in this Article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.”

Legislation of the Republic of Lithuania

1. Constitution of the Republic of Lithuania

Article 35 of the Constitution of the Republic of Lithuania warrants the right for citizens to freely form societies, political parties, and associations, i.e. guarantees the right of association in all social spheres. Article 50 of the Constitution elaborates on this right, establishes the particular type of association – trade unions and defines the scope of their activities. Pursuant to the Constitution of the Republic of Lithuania. trade unions shall be freely established and shall function independently defending the professional, economic, and social rights and interests of employees. The Republic of Lithuania Law on Trade Unions elaborates on the implementation of the aforementioned constitutional rights, enforces freedom of trade unions, regulates their establishment procedure, forms of activities, rights and responsibilities, and defines the system of guarantees provided to the trade unions and their members.

The rights of employers’ organisations, their status and activities are not separately established neither in the Constitution of the Republic of Lithuania, nor in other laws. The employers organisations are established and function in observance of Article 35 of the Constitution of the Republic of Lithuania, the Civil Code of the Republic of Lithuania, the Law on associations, other laws and their Articles of Association.

2. International legislation

In observance of Par. 3, Article 138 of the Constitution of the Republic of Lithuania, international agreements which are ratified by the Seimas of the Republic of Lithuania shall be the constituent part of the legal system of the Republic of Lithuania. On 22 June 1999 a new version of the Republic of Lithuania Law on the International Treaties was adopted. Par. 1, Article 11 of this Law establishes that “international treaties enforced in the Republic of Lithuania must be implemented.” Whereas Par.2 of the same Article stipulates the provision that “should the enforced ratified international treaty of the Republic of Lithuania establish the norms, other than those provided for under the Republic of Lithuania laws and other legal acts applicable at the time of entry into the given treaty or enforced after its enactment, the provisions of the international treaty of the Republic of Lithuania shall apply”. In addition, Par. 1, Article 8 of the Labour Code of the Republic of Lithuania establishes that where international agreements of the Republic of Lithuania establish rules other than those laid down by this Code and other

labour laws of the Republic of Lithuania, the rules of the international agreements of the Republic of Lithuania shall be applied. Pursuant to Par. 2 of the aforementioned Article “international agreements of the Republic of Lithuania shall be directly applied to labour relations, except in cases where international agreements establish that the application thereof requires a special regulatory act of the Republic of Lithuania”.

Therefore the constitutional principle of freedom of associations of trade unions and employers’ organisations should be interpreted in observance of both the national legislation of the Republic of Lithuania and international legal acts which contain the commitments of Lithuania.

The Republic of Lithuania Seimas by its Resolution No. I-507 of 23 June 1994 (Official Gazette, 1994, No. 49-913) approved the below-listed International Labour Organisation Conventions:

- ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise (1648) (Official Gazette, 1996, No. 27-653);
- ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (1949) (Official Gazette, 1996, No. 28-674);
- ILO Convention No.11 concerning the Rights of Association and Combination of Agricultural Workers (Official Gazette, 1994, No. 49-913).

Other international legal acts:

- Universal Declaration of Human Rights (1948);
- European Convention of Human Rights and Fundamental Freedoms (1950) (Par.1, Article 11) (Official Gazette, 1995. No. 40-987; 2000, No. 96-3016);
- United Nations International Covenant on Economic, Social and Cultural Rights (1966) (Official Gazette, 2002, No. 77-3290).

3. Laws

- Labour Code of the Republic of Lithuania (approved by Law No. IX-926 of 4 June 2002 (Official Gazette, 2002, No. 64-2569);
- Civil Code of the Republic of Lithuania (18 July 2000, No. VIII-1864 (Official Gazette, 2000, No. 74-2262; No. 77; No. 80; No. 82);
- Republic of Lithuania Law on Trade Unions (21 November 1991, No. I-2018 (Official Gazette, 1991, No. 34-933);
- Republic of Lithuania Law on Associations (14 March 1996, No. I-1231 (Official Gazette, 1996, No. 32-786);
- Republic of Lithuania Law on the International Treaties (22 June 1999, No. VIII-1248 (Official Gazette, 1999, No. 60-1948);
- Republic of Lithuania Law on Public Service (8 July 1999, No. VIII-1316; New Version of The Law No. IX-855 of 23 April 2002 (from 1 July 2002) (Official Gazette, 2002, 45-1708);
- Republic of Lithuania Law on the Internal Service Statute (approved by Law No. IX-1538 of 29 April 2003 (Official Gazette, 2003, No. 42-1927);
- Republic of Lithuania Law on the Organisation of the National Defence System and Military Service (5 May 1998, No. VIII-723 (Official Gazette, 1998, No. 49-1325).

4. Secondary legislation

- Regulations of the Tripartite Council of the Republic of Lithuania (approved by the tripartite Council Resolution of 19 November 1998 (Minutes No. 24)

(<http://www.socmin.lt/trisale/nuostatai.html>) – in observance of Par. 3, Article 45 of the Republic of Lithuania Labour Code Tripartite Council Regulations, their amendments and supplements will be announced in Official Gazette.

- Work Regulations of the Tripartite Council of the Republic of Lithuania (approved by the Republic of Lithuania Tripartite Council Decision of 24 April 2001 (<http://www.socmin.lt/trisale/reglamentas.html>)).

5. Collective contracts and agreements

- Agreement of the Republic of Lithuania, Trade Unions and Employers' Organisations on Tripartite Partnership (5 May 1995)
<http://www.socmin.lt/trisale/susitarimai/susit1.gif>
- Agreement of the Republic of Lithuania, Trade Unions and Employers' Organisations on Tripartite Cooperation (11 February 1999)
<http://www.socmin.lt/trisale/susitarimai/Susit2.html>
- Agreement of the Republic of Lithuania, Trade Unions and Employers' Organisations on Tripartite Cooperation in 2002 (29 May 2002)
<http://www.socmin.lt/trisale/susitarimai/metinis%20susit.%202002%2005%2029.htm>

Question A

1. Please indicate whether any, and if so what, categories of workers and employers are prohibited by law from forming organisations, or restricted in doing so?

Please indicate, inter alia:

1. the existence of legislation or special regulations applicable to the forming organisations by civil servants and other persons employed by the public authorities at central or local level;
 2. to what extent the rights provided for in this Article apply to members of the armed forces and of the police, explaining in particular the nature and functions of any staff associations which may be available to them;
 3. whether nationals of other Contracting Parties Lawfully resident or working regularly in the territory of your country may join or be a founding member of a trade union? Please indicate in particular whether they may hold positions in the administration or management of a trade union. Please indicate in particular whether they may hold positions in the administration or management of a trade union;
 4. the eligibility of workers, nationals of other Contracting Parties, for election to consultation bodies at the enterprise level such as works councils?
2. Please indicate any conditions of registration or otherwise with which the employers' and workers' organisations must comply when they are founded and the provisions with which they must comply in the course of their exercise?
 3. Please indicate the measures intended to guarantee the exercise of the freedom to organise and in particular those to protect workers' organisations from any interference by employers and by the state. Please indicate how such protection from outside interference applies to employers' organisations.
 4. Please indicate, where appropriate, any statutory provisions regarding the affiliation of employers' and workers' organisations with national federations of organisations and with international organisations of the same.
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The right of association established in Article 35 of the Constitution of the Republic of Lithuania may be limited only in one case – if the aims and activities of such organisations contradict the Constitution and laws.

The constitutional right under consideration covers: 1) the right to form organisations, to join them and to participate in their activities (the active right) and 2) the right to refuse being a member of such organisations and to leave them (the passive right). The passive right is reflected in Par. 2, Article 35 of the Constitution, which establishes that “no person may be forced to belong to any society, political party, or association.”

Article 50 of the Constitution further elaborates on this right provides that “trade unions shall be freely established and shall function independently”.

Pursuant to Article 1 of the Law on Trade Unions “citizens of the Republic of Lithuania, as well as other persons who are permanently residing in Lithuania, who are 14 years of age and over, and who are working under employment contract or on other grounds provided by laws shall have the right to freely join trade unions and take part in their activities”.

The aforementioned provision of the law limits:

1) the right to joint trade unions for foreigners or stateless persons lawfully employed in Lithuania who do not have a permanent place of residence in Lithuania. However, it does not limit the right of individuals permanently residing and working in the territory of the Republic of Lithuania to join trade unions or to be their founders.

2) Opportunities to join trade unions for young persons. As mentioned before, the Law establishes the minimum age requirement of 14 years for individuals who are willing to become trade union members. Notwithstanding the above, the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 on the Approval of the Procedure for Employing Individuals Aged under 18, Examining their Health and Determining Their Aptitude for a Particular Job, Working Time, and of the List of Prohibited Works and Factors Harmful and Dangerous for Health (Official Gazette, 2003, No. 13 – 502) passed and enacted pursuant to the Labour Code and the Law on Safety and Health, does not establish the minimum age limit for employed children. An individual aged under 14 may carry out easy works, however he no right to joint trade unions.

3) opportunities to be trade union members for individuals (pensioners, the unemployed, etc.), who are unemployed due to certain reasons.

It should be noted that at present trade unions are working on amendments to the Law on Trade Unions aimed at granting the right to form trade unions and to participate in their activities for all foreigners, including those who are temporarily but lawfully employed in the Republic of Lithuania.

Item 7, Par. 1, Article 16 of the Republic of Lithuania Law on Public Service provides for the public servant’s right to become trade union members. Their rights and duties related with the trade union membership and the basis of establishment and activities of trade unions are established under the Law on Trade Unions, Civil Code and trade union statutes (or regulations).

Article 1 of the Law on Trade Unions establishes that “the application of this Law to the organisations of national defence, police, state security, as well as to other organisations may be established by the laws regulating their activities.”

In observance of Article 8 of the Republic of Lithuania Law on Police (recognised as invalid from 1 May 2003, upon enactment of the Statute of Internal Service of the Republic of Lithuania (approved by Law No. IX-1538 of the Republic of Lithuania of 29 April 2003) and Article 7 of the Provisional Law on the Statute of Internal Service of the Republic of Lithuania (Chapters I, II, III, V and VI recognised as invalid, Article 7 invalidated upon enactment of the aforementioned Law No. IX-1538), police officers may establish societies, clubs, professional unions, and other associations in order to meet their professional, cultural, and social needs. The Republic of Lithuania Law on the Organisation of the National Defence System and Military Service provides that “servicemen may participate in the activities of public

organisations, associations, clubs and any other non-political association, as well as in any other non-political activity that develops moral, national, patriotic and civic democratic values, provided that such participation does not interfere with military duties“. However, Par. 8, Article 36 of the same Law prohibits professional military servicemen from being trade union members. Laws of the Republic of Lithuania do not provide for other restrictions of the right to join trade unions.

In observance of the data provided by the Ministry of National Defence, at present the interests of servicemen are represented by certain public organisations closely related with the armed forces, such as the Lithuanian Union of reserve Officers and the Association of Reserve Servicemen of the Lithuanian Armed Forces.

The data provided by the National Trade Union of the System of Interior of Lithuania functioning in the institutions subordinate to the Ministry of Interior show that it has 7 organisations under its umbrella comprising about 5000 members employed in the system of interior.

The National Trade Union of the System of Interior of Lithuania and the Ministry of Interior on 8 March 2001 entered into the agreement on cooperation. On the basis of this Agreement all participating national trade unions will sign collective agreements with their administrations. Alytus Trade Union of Policemen has already signed such agreement and has registered it with the Ministry of Justice.

The Labour Code of the Republic of Lithuania enacted on 1 January 2003 provides for the dual system of representation of employees, i.e. in labour relations the rights and interests of employees may be represented and protected by the trade unions. Where an enterprise, agency or organisation has no functioning trade union and if the staff meeting has not transferred the function of employee representation and protection to the trade union of the appropriate sector of economic activity, the employees shall be represented by the **labour council** (Par. 1, Article 19). The labour council members shall be elected by secret ballot at the general meeting of the staff. The status and formation procedure of the labour councils will be regulated by a separate law. The applicable Labour Code and the Draft Law on Labour Councils do not provide for any restrictions as regards the citizenship of the labour council members. In this respect Par. 2, Article 19 of the Labour Code enforced only one provision limiting the possibility of becoming a labour council member, i.e. “one and the same person may not represent and protect the interests of both the employees and the employers”.

Employers’ organisations shall be established in line with the requirements of the Law on Associations. Their activities shall be further regulated by the Law on Associations and the Statutes of the employees organisations prepared in observance of the Law. Pursuant to Par.1, Article 5 of the Law on Associations, an association may be established on the initiative of legal and natural persons. The minimum number of association members shall be 3.

Establishment of a trade union shall be related with legal facts upon existence whereof the State recognises an association formed by a group of individuals as a trade union which acquires certain rights concerned with the representation and protection of the employees’ rights and interests. Article 6 of the Law on Trade Union establishes that “a trade union may be established only if it has:

- 1) no less than 30 founders, or if there are no less than 30 founders in the enterprise, institution or organisation, or when the founders account for no less than 1/5 of all the employees, but no less than three employees;
- 2) the regulations (statute) approved at the meeting; and

3) an elected governing body.”

A trade union shall be considered to have been established from the day when all the mandatory conditions are met.

Article 8 of the Law on Trade Unions stipulates that trade unions or their associations shall acquire the rights of a legal person only upon registering their regulations (statute) according to the procedure established by the Law. Two stages are distinguished in the trade union activities and establishment thereof. Firstly, when a trade union is established and from the very moment of establishment it functions as a certain subject of legal labour relations – representing and protecting employees, and carrying out other legal acts in relations with the employer. Secondly, registration of the trade union statutes with public authorities concurrently acquiring the status of a legal person grants additional rights to a trade union (e.g., to participate on its behalf, in civil legal relations, to acquire property and non-property rights and to have duties).

Requirements for the establishment of trade unions are also provided for by the *Civil Code of the Republic of Lithuania* in force since 1 July 2001, Par. 2, Article 2.38 whereof stipulates that a trade union shall be established upon approval of its statutes and election of managerial bodies, whereas Par. 4 of the aforementioned Article provides, that trade unions shall be required to furnish the register of legal persons with the documents supporting the fulfilment of the aforementioned requirements. The latter provision, however is not considered an additional prerequisite for establishment of trade unions.

Given the irregularity contained in the applicable Law on Trade Unions as regards the moments of establishment and acquisition of rights of the legal person, as well as in view of the provisions and requirements established under the Civil Code for establishment of the trade union as of a legal person, the new version of the Law on Trade Unions envisages including the provision which stipulates that a trade union shall acquire the rights of a legal person as from the moment of its establishment.

Trade unions or their associations must approve their statutes according to which they carry out their activities and furnish them to the register of legal persons. Requirements for the trade union statutes are specified in Article 2.47 of the Civil Code and in Article 8 of the Law on Trade Unions. The trade union statutes must specify: 1) trade union name, legal form and residence address, 2) purposes of trade union activities, 3) trade union’s organisational structure, 4) managerial bodies of a trade union, their election and revocation procedure and powers, 5) time period of its activities, if such is fixed, and the procedure for terminating the activities; 6) the procedure for managing, disposition and utilisation of the property of the trade union.

In observance of the applicable Law on Trade Unions the following procedure of their registration has been established: The regulations (statute) of the trade unions the structural units whereof are located in the territory of one town or district shall be registered with a local executive authority. The regulations (statute) of the trade unions, and their associations, which by virtue of their statutes are functioning in the territory of more than one municipality and have their head office in the centre or another territory of the county – in a town or district – shall be registered with a county governor. The regulations (statute) of the trade unions and their associations the activities whereof cover the territory of more than one county shall be registered with the Ministry of Justice. Upon enactment of the Civil Code, the trade unions will be registered in the register of legal persons; however, not all secondary legislation necessary for this propose has not been adopted so far. Respective amendments will be introduced to certain provisions of the Law on Trade Unions.

With a view to promoting the establishment and activities of trade unions, Amendments to Articles 8, 13 and 21 of the Republic of Lithuania Law on Trade Unions were passed and

enforced in March 2001, which provide that the right to register trade union statutes with a local executive authority shall be enjoyed only by those trade unions the activities whereof cover the territory of one town or district and which do not form larger organisations of trade unions. This provision simplifies the procedure of registration of the statutes of organisations representing employees concurrently encouraging the process of their consolidation.

In observance of the applicable procedure of registration of trade unions provided for under the Law on Trade Unions, Regulations (Statute) of trade unions or their Associations shall be registered no later than within one month from the filing of the application for registration in pursuance of the Law, and upon submitting the regulations (statute) of a trade union and the minutes (or their extract) of a meeting (conference or congress) of a trade union or association. Refusal to register a trade union or association of trade unions may be appealed against with a district court. (Article 8 of the Law on Trade Unions).

Trade unions shall function in observance of the Constitution of the Republic of Lithuania, international treaties, Labour Code, Civil Code, Law on Trade Unions, their Statutes, other legal normative acts enforcing their rights and duties.

Article 20 of the Labour Code enforces the trade union status and the background for their activities. As mentioned before, the Law on Trade Unions establishes that trade unions shall be voluntary, free and independent organisations representing and protecting labour, economic and social rights and interests of employees. The purpose of trade unions shall be to protect the aforementioned rights and interests of employees. The Constitutional Court of the Republic of Lithuania in its Ruling of 14 January 1999 on the Compliance of Part 2 of the Preamble, Par. 4 of Article 10, Article 17, Par 1 of Article 18, Article 21 and Par. 2 of Article 23 of the Law on Trade Unions with the Constitution (“*Valstybės žinios*” (Official Gazette), 1999, No. 9-199) establishes a double purpose and functions of trade unions: 1) to represent and protect trade union members; 2) to protect all employees of a certain enterprise, institution or organisation in cases established by Law.

The Law grants certain rights to trade unions, likewise: to establish their own internal rules or statutes, to form federations and confederations with other trade unions and to join the international trade unions, to carry out their activities within and outside enterprises. Moreover, trade unions are also entitled to conduct collective bargaining, to declare a strike, to participate in the procedures of collective disputes. The Law guarantees for trade unions that their activities will not be terminated or that they will not be dissolved by decision of public authorities, save as by court judgement in case of serious breach of applicable laws.

Rights and freedoms of trade unions are established by laws. In terms of their legal nature, they may be classified into organisational (statutory), functional, exclusive, jurisdictional, parity, etc.

Organisational (statutory) rights of trade unions cover the right to draft the statutes and regulations of their activities, the right to free election of their representatives, to organise their body and activities, to shape the programme of their activities, to acquire property, to independently manage funds and assets. In implementing the objectives established under the statutes, trade unions shall have the right to engage in publishing, industrial – business activities, to establish charity and other foundations, to convene meetings, and to call gatherings, demonstrations and other mass events, etc. in the manner established by laws.

In protecting occupational, economic and social rights and interests of employees, trade union shall use different ways and means for realising their designation and objectives. For example, in bilateral or trilateral bargaining with governmental or employers’ representatives

they have the right to address economic and social matters not only of their members, but also of other employees. A trade union of an enterprise in consideration of the employees' interests is entitled to act for their benefit, seeking, for example, that fair remuneration is fixed to enterprise employees, that safe conditions of work are guaranteed, etc. As a rule, for the purpose of representing the interests of all employees collective or other agreements are entered into with employers.

In addition to the trade unions' rights relative to the representation and protection of their members' rights and interests, trade unions and their associations shall have the right to receive information from state bodies and organisations on labour, economic and social issues necessary for their activities; state bodies and organisations must furnish said information within the period established by law.

Articles 11 and 12 of the Law on Trade Unions establish and the Labour Code (previously the Republic of Lithuania Law on Collective Agreements and Contracts) specifies the right of trade unions to represent all employees of the enterprise. The fact of representation of all employees upon entry into collective contracts (agreements) with employers, organisations and associations thereof on employment and re-training of employees, work organisation and remuneration, improvement of working and living conditions and other matters is evidenced by the requirement that the draft contract must be approved by the employees of the enterprise and that signed collective contract is applicable to all employees of the given enterprise, regardless of their membership in the trade union which has signed it. The same could be said about the employees' right to go on a strike enforced under Article 51 of the Constitution. A strike shall be recognised as legitimate only if the trade union participates in the procedure of its declaration. Irrespective of Par. 2, Article 23 of the Law on Trade Unions, which provides that while defending the rights of their members, trade unions shall have the right to stage strikes according to the procedure established by law, the applicable Labour Code (previously the Republic of Lithuania Law No. I-2386 of 17 March 1992 on Collective Agreements and Contracts) stipulates that "a strike shall be declared if a corresponding decision is approved by the meeting or conference of employees of the enterprise.

In addition to exclusive rights, trade unions also enjoy other rights – to represent the interests of their own members as well as of other employees of the enterprise, institution or organisation. The jurisdictional trade unions' rights enforced under the Labour Code should also be mentioned here. Trade unions are entitled, and concurrently obligated, to represent their members in relations with the employer of an authorised representative thereof, if the employer violates the trade union member's rights or interests protected by law, to protect such member in the manner established by laws in the institutions investigating labour disputes. Therefore, trade unions have the right to enter into respective agreements, demand that the employer annuls his decisions which violate labour, economic, and social rights of their members provided by legislation and collective agreements. (Par 1, Article 18 of the Law on Trade Unions).

The so-called parity rights arising from implementation of social partnership also comprise an important group of trade unions' rights. Establishment of labour, social, economic conditions and settlement of related matters in bilateral, trilateral councils, committees and commissions formed from representatives of interested parties is one form of social partnership (Article 43 of the Labour Code). Social partnership creates conditions for representatives of employees, employers and public authorities to coordinate different interests and to reach, through agreements, a compromise on mutual rights and duties as regards the principal labour, social and economic matters. Trade unions have the right to participate in the activities of such bodies formed on the basis of parity principle from equal number of representatives of all the parties and to represent in such bodies the employees' rights and interests.

The Tripartite Council of the Republic of Lithuania was formed on 5 May 1995. On the same day the Republic of Lithuania Government, trade unions and employers' organisations signed their first agreement on tripartite partnership aimed at settling social, economic and labour problems on tripartite basis, and at cooperating in implementing social, economic and labour policy. The Tripartite Council comprises maximum 15 members: maximum 5 on the part of each social partner.

Permanent members to the Tripartite Council shall be delegated by:

- 1) **trade union organisations:** a) Labour Federation of Lithuania; b) Lithuanian Trade Union "Solidarity"; c) Confederation of Trade Unions of Lithuania;
- 2) **employers' organisations:** 1) Confederation of Industrialists of Lithuania; 2) Lithuanian Confederation of Business Employers;
- 3) **permanent Government representatives in the Council:** a) Ministry of Finance; b) Ministry of Economy; c) Ministry of Justice; d) Ministry of Social Security and Labour; e) Ministry of Agriculture.

In June 1998 the Tripartite Council Secretariat was established which mostly engages in the preparatory and organisational work related with the Tripartite Council meetings (for other agreements see the Annex to the Report). In 1999 for the purpose of developing its activities the Tripartite Council established four standing commissions for social and economic matters. These Commissions are: 1) Labour Relations; 2) Payment for Work; 3) Employment and Social Guarantees; 4) Tripartite Consultation for Implementation of International Labour Standards. Representatives of trade unions, employers' organisations and Government on parity basis participate in the meetings of these Commissions, as well as in the Tripartite Council.

In addition to the Tripartite Council, other specialised services, committees and commissions are also functioning in Lithuania. They are formed in the manner established by laws or collective agreements. That is:

- 1) *State Social Insurance Fund Council* (15 members) – established in 1991 in accordance with the Law on State Social Insurance);
- 2) *Employment Service under the Ministry of Social Security and Labour* (15 members) – established in 1996 in accordance of the Law on Support of the Unemployed;
- 3) *Workers' Safety and Health Commission* (15 members) – re-named in 2000 in observance of the Law on Safety and Health of Workers (previously functioned in accordance with the provisions of the Law on Occupational Health Care);
- 4) *Guarantee Fund Council* (12 members) – formed in 2001 in observance of the provisions of the Law on the Guarantee Fund. It replaced the Council of the Fund for Satisfying Labour Relations – Related Requirements of the Employees of Bankrupt Enterprises and Enterprises under Bankruptcy;
- 5) *Lithuanian Vocational Training Council* – established in 1998 in implementing the provisions of the Law on Vocational Training (18 members);
- 6) *Tripartite Commission under the National Labour Exchange* – established in 1991 in implementing the provisions of the Law on Support of the Unemployed (9 members).

Bilateral, tripartite councils, committees and commissions are being established on parity basis in different regions for addressing separate issues. They include:

- 1) *Territorial Councils of the State Social Insurance Fund* – established under territorial units of the State Social Insurance Fund Board;
- 2) *Territorial Tripartite Workers' Safety and Health Commissions in counties* (established in April – May 2002);
- 3) *Tripartite Commissions at territorial labour exchanges* (at present in Lithuania there are 46 territorial labour exchanges and in each of them has a tripartite commission);
- 4) *Vilnius County Tripartite Council* (12 members) – established on 29 October 2001,
- 5) *Vilnius Town Tripartite Council* (12 members) – established on 1 March 2000.

The following bodies are formed in the enterprises, institutions and organisations on parity basis from equal number of representatives of the employer and of the established trade union – the Reconciliation Commission for settling collective disputes in the enterprise (Republic of Lithuania Law on Collective Disputes, Article 6), Labour Disputes Commission for deliberating labour disputes which arise in the enterprises, institutions and organisations between employees and the employer, and also other bodies in cases provided for by laws.

In addition to parity rights, trade unions also enjoy the right to participate in decision-making. Par. 1, Article 13 of the law on Trade union establishes that in the cases provided by law, the employer must settle labour, economic, and social issues upon coordination thereof with trade union bodies. Such right of trade unions to participate in the employer's decision-making, as well as the respective duties of the employer may be of three types: the right of trade unions to obtain information about a certain decision of the employer, the right to advise the employer on the decision to be taken and the right to coordinate, approve or otherwise sanction the employer's decision, or otherwise it will have no legal power.

Advisory rights are enforced in Article 14 of the Law on Trade Unions which establishes that “trade unions and their associations shall submit proposals to bodies of state power and governance concerning the adoption, amendment or annulment of standard acts on labour, economic, and social issues.”

Another group of the trade unions' rights comprises control and supervision rights. For more information see the answer to Question D of Article 5.

Trade unions are entitled to demand that the employer annuls his decisions which violate labour, economic, and social rights of their members provided by the laws of the Republic of Lithuania. The employer must consider said demands within 10 days in the presence of the representatives of the trade union which submitted the demands. In the event that the employer fails to timely consider the demand of the trade union to annul the decision or refuses to satisfy the demand, the trade union shall have the right to appeal to court (Article 18 of the Law on Trade Unions and the Labour Code). Trade unions shall have one more right which is of importance for them, that is the right to propose that legal actions are taken against officials who violate labour laws, or fail to ensure safety at work, or to implement collective or other mutual agreements. (Article 19 of the Law on Trade Unions).

The Law on Trade Unions provides for important guarantees of the individual right to organise. Article 21 of the Law on Trade Unions establishes that employees elected to elective bodies of trade unions who have not terminated the employment contract with their employer may not be dismissed from work on the employer's initiative or will (except in cases of enterprise liquidation and initiated bankruptcy procedures, also when the employee is sentenced for deliberate crime), neither may he be transferred to another work without a prior consent of the trade union body (save as in special cases of *force majeure*, accidents and similar cases), or subjected to disciplinary penalties work without a prior consent of the trade union's electoral body. Members of trade unions who are dismissed from work by reason of being chosen to elective post in trade union organisations, shall be granted the previous employment (post) upon the expiry of their term of office in the elective posts; in the event that the job (post) is no longer available, said persons must be provided with another employment (post) equated to it in the same workplace or, on consent of the employer, in another enterprise, institution, organisation (Paragraph 3). An employee who is elected to the electoral bodies of the trade union of that enterprise, institution, organisation and who due to that terminates labour relations shall be treated as an employee of the given enterprise, institution, organisation and shall be entitled

to social guarantees throughout the entire period of remaining in the electoral post (Paragraph 4). Other guarantees to the employees elected to the elective governing bodies of trade unions may be established by a collective or other agreements (Par. 5, Article 21 of the Law on Trade Unions).

Trade unions are provided with the guarantees of the individual right to organise as well as with collective guarantees provided for trade union activities the contents of which comprises legal duties of other subjects, that is of State and its authorities as well as of employers and associations thereof. For more information see the answer to Question A (3).

Par. 2, Article 50 of the Constitution enforces the key principle to be applied in pluralistic environment of trade unions – “all trade unions shall have equal rights”. Pluralism of trade unions is based on granting the right to the employee to freely choose the trade union which he would like to join and which will be the best in terms of representing and protecting his rights and legitimate interests.

The principle of pluralism enforced in Par. 1, Article 3 of the Law on Trade Unions means that the State and its authorities, as well as the employers and their organisations must equally treat all trade unions without granting to either of them less rights and privileges. On the other hand, trade unions may differ greatly since they function in different sectors of economy; have different numbers of their members or spheres of influence.

In Lithuania the right and freedom to organise is individual and collective. The individual right to organise means the right of every employee to form a trade union together with other employees and to join a trade union, which is already established. Employees have the right of choice, without any advance permission or obligation, to form, join and leave trade unions in observance of the trade union statutes or regulations. The employee is also awarded the right to freely decide what trade union he would like to join. Collective right and freedom means the right of individuals to act through a respective organisation and to seek certain goals.

Article 3 of the Law on Trade Unions establishes that State bodies, employers and their authorised representatives, managing bodies of enterprises, institutions, organisations, the administration, officials, political parties and other public organisations shall be prohibited from interfering with the internal affairs of trade unions. Individuals who interfere with the lawful activities of trade unions shall be held liable under law. With a view to protecting a trade union from impermissible influence of the employer, the Law on Trade Unions imposes the following prohibitions and restrictions: 1) an employer or his authorised representative may not be a member of trade unions functioning in his enterprise, institution, or organisation (Par. 3, Article 1), 2) The employer or his authorised representative shall be prohibited from organising and financing organisations seeking to hinder, terminate or control the activities of trade unions (Par. 3, Article 10), 3) activities of trade unions may not be terminated in accordance with the administrative procedure or suspended (Par. 3, Article 3). State bodies, officials, natural or legal persons who inflict damage on a trade union by their unlawful actions must indemnify it according to the procedure established by law (Par. 2, Article 20).

Ruling of the Senate of Judges of Civil Cases of the Supreme Court of Lithuania of 6 March 2002 (and other Rulings) establishes that trade unions must exercise their rights in sound and fair manner and may not limit the employer's rights without reasonable basis, or restrict the opportunity to discharge the main functions of the employer as of the economic entity, or to violate the employer's rights and legitimate interests protected by the Constitution and laws of the Republic of Lithuania. The Labour Code regulates only those rights and duties of trade unions, which are directly related with the enforcement of labour rights and obligations, whereas

the procedure of founding and membership of trade unions is governed by the Law on Trade Unions and to a certain extent – in the Civil Code.

The right to organise in the first instance is guaranteed by laws. Article 3 of the Law on Trade Unions stipulates the prohibition to public bodies: State bodies, employers and their authorised representatives, managing bodies of enterprises, institutions, organisations, the administration, officials, political parties and other public organisations shall be prohibited from interfering with the internal affairs of trade unions. Individuals who interfere with lawful activities of trade unions shall be liable under law. Activities of trade unions may not be discontinued in accordance with the administrative procedure or suspended. Article 8 of the aforementioned Law establishes that Refusal to register a trade union or association of trade unions may be appealed against in court which shall investigate the case within ten days according to a special procedure.

Article 10 of the Law under consideration stipulates that trade unions shall be independent from the employer or his authorised representative. The employer or his authorised representative shall be prohibited from making employment or retention of job conditional upon the employee's consent to refrain from joining or to withdraw from a trade union. The employer or his authorised representative shall be prohibited from organising and financing organisations seeking to hinder, terminate or control the activities of trade unions.

The employers' organisations are not provided with the equivalent statutory guarantees. Their founding, status and activities are regulated by the Republic of Lithuania Law on Associations and by the Civil Code. The employer's right to join the organisations is not limited in any way.

Article 7 of the Law on Trade Unions stipulates that trade unions shall have the right to form associations which may be established only on the basis of a free agreement between trade unions, and on their own initiative.

Article 5 of the same Law enforces the provision that trade unions shall have the right to maintain relations with trade unions of other states, international and other organisations, and to be members of international trade union organisations as well as to take part in their activities.

Given the absence of the law regulating the activities of employers' organisations in this sphere, the latter act in observe the Law on Associations and their Status.

The Law on Associations does not prohibit the employers' organisations from participating in the international federations. By virtue of Article 9 of the Law on Associations, for the purpose of fulfilling their collective tasks, associations may join into unions (confederations). Unions (confederations) of associations shall be founded and function in the manner established by this Law. An association shall enter a union (confederation) on decision of the general meeting (conference, congress) of its members passed in accordance with the procedure established in the statute. Union (confederation) members may also be enterprises, provided they do not participate in the associations, which belong to the aforementioned union.

More information about the national organisations of trade unions and employers

At present the following organisations of trade unions and employers are functioning in Lithuania:

1) Confederation of Lithuanian Industrialists; 2) Lithuanian Business Employers Confederation; 3) Lithuanian Trade Union Confederation; 4) Lithuanian Labour Federation; 5) Lithuanian Trade Union "Solidarity".

Confederation of Lithuanian Industrialists (CLI)

On 12 April 1930, 71 year ago, the first organisation of manufacturers and traders was established in Lithuania.

On 17 June 1989, the Constituent Congress of the Association of Lithuanian Industrialists was held. The Union that functioned in pre-war Lithuania was restored.

At present, the Confederation unites 39 branch and 8 regional associations, over 2700 various enterprises in all. There are also CLI members who do not belong to associations and have joined the Confederation on individual basis. The CLI members include most Lithuanian production enterprises, banks, trading companies, representative offices of foreign firms, research institutes, and educational establishments

Lithuanian Business Employers Confederation

The Lithuanian Business Employers Confederation was established in 2000 upon merger of two businessmen confederations – the National Businessmen Confederation and the Lithuanian Business Employers Confederation. The Confederation joins over 30 per cent small and medium businesses of the country, has 60 branches in towns and regions of Lithuania and acts in observance of the Constitution of the Republic of Lithuania, the Law on Associations and other legal acts. The Confederation is a voluntary union of associations, enterprises and natural persons coordinating business, economic, social, educational, cultural tasks and functions established by its members, developing business self-government and social partnership at the national, regional, and local levels. It is one of the organisations uniting entrepreneurs which analyses and addresses the employers' problems firstly taking into consideration small and medium business development as one of the paramount prerequisite in improving conditions of social welfare. One of the goals of the Confederation is to promote small and medium business integration into the European Union economic area, international cooperation of these businesses, increasing their production and export volumes and strengthening the competitiveness of small and medium business.

Lithuanian Trade Union Confederation

Lithuanian Trade Union Confederation was established on 1 May 2002 upon merger of the Lithuanian Trade Union Centre and Lithuanian Association of Trade Unions. The Confederation is the largest association of Lithuanian trade unions comprising 24 branch national trade union federations with about 100 thousand members. Youth and Women's Centres, Trade Union Educational Support Fund and Fund in Support of Trade Unions are functioning under the Lithuanian Trade Union Confederation umbrella. The Confederation issues a biweekly newspaper "Lithuanian Trade Unions", twice a month prepares the broadcasts "From wage to wage" over the Lithuanian radio.

The Confederation is a full member of the International Free Trade Union Confederation and of the European Trade Union Confederation.

Representatives of the Lithuanian Trade Union Confederation participate in all national institutions of tripartite social dialogue: Tripartite Council of the Republic of Lithuania, Employment Fund Council, National Commission on Labour and Occupational Safety, etc.

The main directions of activities of the Confederation are as follows: development and solidarity of the movement of trade unions; protection of economic, social and labour rights of employees and its own members; information, counselling, training and representation in the social dialogue with the employers' organisations and public authorities; participation in the international movement of trade unions.

In 2003 the Lithuanian Trade Union Confederation is planning to establish the Legal Labour Inspectorate as a service dealing with the establishment of trade unions and attraction of

new members. Organising about 30 confederations, workshops and schools for representatives of the highest level is envisaged for future.

Lithuanian Labour Federation (2000 members)

It was established in 1919 by workers as a Christian trade union and again re-instituted in 1991. In 1995 the Lithuanian Labour Federation joined with the Trade Union Society, and in 1997 – with the Lithuanian Association of Regional Trade Unions.

The Lithuanian Labour Federation maintains close relations with independent regional associations of trade unions and works together with other three national centres of trade unions. Organisational structure of the Federation is based on branch-regional principle. Since 1996 the Lithuanian Labour Federation is a full member of the World Labour Confederation (WLC) and since 2002 – a full member of the European Trade Union Confederation.

Lithuanian Trade Union “Solidarity”

Until 2002 it was designated as the Union of Lithuanian Worker. It was established in 1988 as a political organisation in the fight for independence of Lithuania. After restoration of Lithuania’s independence, congress of 1 July 1991 decided to give up political objectives and to declare it as a trade union. The Lithuanian Trade Union “Solidarity” is a member of the International Confederation of Free Trade Unions (ICFTU) and an observing member of the European Trade Union Confederation (ETUC). The Lithuanian Trade Union “Solidarity” is actively involved in the activities of the Baltic trade union network. In 2002 The Lithuanian Trade Union “Solidarity” joined about 52 thousands members.

Question B

- 1. Please, describe how the right to join a trade union is protected in law and in practice and indicate whether any, and if so which, categories of workers are prohibited from joining a trade union or restricted in doing so.*
- 2. Please indicate whether and how the right of workers not to join a union is protected in law and in practice. Please indicate in particular whether examples exist in practice of an obligation to belong to a trade union (closed shop clauses, etc.) and what are the measures taken in this regard.*

See the answer to Question A (1), Article 5.

Question C

- 1. Please furnish a complete description of any representativity criteria, i.e. any conditions which trade unions must fulfil in order to be considered representative.*
- 2. If such criteria exist, please also give information on the existence and type of appeal against decisions by the authority or authorities responsible for determining whether a trade union is representative or not. Please indicate the functions which are reserved for representative unions in respect of the negotiation and conclusion of collective agreements, participation in the nomination of various types of workers’ representatives and participation in consultation bodies.*
- 3. Please reply to the question under 1 and 2 in respect of representativity of employers’ organisations, except when negotiations at enterprise level are concerned.*

Parr. 2, Article 35 of the Constitution of the Republic of Lithuania enforces the “passive right to organise” which means that no person may be forced to belong to any society, political party, or association.

The principle of equality of rights of trade unions guaranteed under Par.2, Article 50 of the Constitution of the Republic of Lithuania should not be considered as absolute. Moreover, it does not negate the equality of trade unions, since each trade union, which satisfies the statutory

requirements, is entitled to enjoy the rights and powers additionally granted to it. In addressing legal issues closely related with other individuals' representation and assumption of statutory duties, the entities acquiring the rights and duties must meet certain requirements. Violation of the principle of equal rights of trade unions means unreasonable discrimination of a trade union on the part of public authorities or employers, or awarding more rights and privileges to one of the equivalent trade unions.

Manifestations of such pluralism are evident in the Lithuanian legislation and in practice. For example, Par. 5, Article 7 of the Republic of Lithuania Law on Collective Agreements and Contracts establishes that in cases where there are several trade unions in the enterprise and they have not agreed upon joint representation, the right to represent all employees of the enterprise and to enter into the collective agreement shall rest upon that trade union which is given a majority vote during the meeting of employees. In Lithuania tripartite social partnership councils, commissions or committees, as a rule, are formed on parity basis from representatives of the state or municipal authorities who on decision of the state or municipal authority are included into a respective tripartite body.

Par. 1, Article 8 of the Labour Code stipulates that "where international agreements of the Republic of Lithuania establish rules other than those laid down by this Code and other labour laws of the Republic of Lithuania, the rules of the international agreements of the Republic of Lithuania shall be applied". The second paragraph of the same Article enforces the provision that international agreements of the Republic of Lithuania shall be directly applied to labour relations, except in cases where international agreements establish that the application thereof requires a special regulatory act of the Republic of Lithuania. The Republic of Lithuania has ratified respective International Labour Organisation conventions enforcing this principle.

The laws do not regulate the number of members of organisations speaking about the rights of representation of trade union associations at any level (territorial, branch, or national).

However, the Labour Code establishes that at the national level representation rights shall be enjoyed by the national trade union associations, at the branch level – the branch associations, at the territorial level – territorial associations. The number of members or organisations or their representation are excluded from the scope of regulation.

The Confederation is of the opinion, that the laws should regulate the representation of trade unions in acting for the employees, conducting negotiations and signing collective agreements.

As regards trade unions' representation in the social dialogue, institutions thereof in the negotiations for signing collective agreements are bound by a single criterion: a trade union or association thereof must be established and registered in the statutory manner and in case of representation in the enterprise – to obtain the agreement of its employees. Different trade unions on mutual agreement form a join group of the party representing the employees. Public authorities or employees organisations have no right to take decisions or interfere with the trade unions' representation in the social dialogue. Trade unions appoint their representatives and empower them to carry out the functions provided for in the regulations of representative institutions as well as in the statutes and laws of trade unions by decision of their electoral bodies. The laws do not require from trade unions representing the employees and their members in the social dialogue to notify the number of organisations they represent and the number of their members, i.e. to prove their representativity.

The employers' organisations acting in observance of the Law on Associations are entitled to represent their members. Given the absence in Lithuania of a special law concerning

employers and establishing that the employers' association shall carry out the employer's function, i.e. the function of representation in collective bargaining, etc., it should be provided for in the status of each association.

Employers' organisations shall enjoy the same rights of representation likewise the trade unions, i.e. they should decide on representation by mutual agreement, because it is important to appoint the organisation, which has the best capacity of representation.

Question D

Please indicate under what circumstances and on which conditions trade union representatives have access to the workplace. Please indicate also whether trade unions are entitled to hold meetings on the premises of the enterprise

Article 17 of the Law on Trade Unions stipulates that trade unions shall have the right to supervise the employer's adherence to and implementation of the labour, economic, and social laws related to the rights and interests of their members, as well as of the collective and other agreements. To this end trade unions may have inspectorates, legal advice services, and other institutions. While performing the established functions of supervision, persons authorised by a trade union shall have the right to freely enter enterprises, institutions, and organisations which employ members of the trade union, and to be granted access to the documents concerning working, economic, and social conditions of its members.

In practice, as a rule, this provision is construed in a narrow sense, i.e. that trade union representatives are entitled to visit only those enterprises which have organisations of trade unions. Trade unions interpret this provision in a wider sense. For example, a branch trade union represents all employees of that branch; therefore, its representatives should have the right of free access to all enterprises of that branch, regardless of whether or not they have organisations of trade unions. For example, authorised representatives of the Lithuanian Trade Union Confederation should have the right to freely visit all enterprises, institutions and organisations of the country.

We believe, that this provision of the Law should be included, so as to avoid the likeliness of different interpretation.

Article 13 of the Law on Trade Unions provides that the employer must ensure conditions for the activities of trade unions provided for in collective and other agreements. Organisation of meetings, conferences and other events in the premises of the enterprise should be provided for in the collective or other agreements concluded between the employer and the trade union.

Article 23 of the Labour Code stipulates that the employer must provide conditions for the representatives of the employees (including trade unions) to perform their functions. One of such conditions, in our opinion, might cover the organisation of meetings, conferences and other events in the premises of the enterprise.

Question E

Please give information on the measures taken to ensure protection against reprisals on the grounds of trade union activities.

Article 10 of the Law on Trade Unions establishes that the employer or his authorised representative shall be prohibited from making employment or retention of job conditional

upon the employee's consent to refrain from joining or to withdraw from a trade union. The employer or his authorised representative shall be prohibited from organising and financing organisations seeking to hinder, terminate or control the activities of trade unions.

Article 21 of this Law prohibits the employer from dismissing from work an employee who is a member of the electoral body of the trade union of the enterprise without prior agreement of the aforementioned electoral body of the trade union.

Pursuant to Par. 3, Article 129 of the Labour Code, a legitimate reason to terminate employment relations shall not be: 1) membership in a trade union or involvement in the activities of a trade union beyond the working time or, with the consent of the employer, also during working time; 2) performance of the functions of an employees' representative at present or in the past; 3) participation in the proceedings against the employer charged with violations of laws, other regulatory acts or the collective agreement, as well as application to administrative bodies.

Article 134 of the Labour Code provides that employees, who are elected to representative bodies of employees, may not be dismissed from work under Article 129 of this Code without the prior consent of the body concerned during the period for which they have been elected. A collective agreement may establish that the guarantee established in Par. 1 of this Article shall also apply to other employees. In cases provided for by laws or collective agreements the employees may not be dismissed from work without having obtained a permission of other bodies too. The approval of the body representing the employees shall be valid until expiration of the time limits fixed for giving a notice of dismissal provided for in Article 130 of the Labour Code. The employee dismissed from work in violation of the requirements established in this Article must be returned back to the previous work on decision of the body investigating the disputes.

Par. 1, Article 135 of the Labour Code establishes that in the event of reduction in the number of employees on economic or technological grounds or due to the restructuring of the workplace, the right of priority to retain the job shall be enjoyed by those employees who are elected to the representative bodies of employees (according to Article 19 of the Labour Code – of trade unions or labour councils).

For the purpose of answering to Question 5 we hereby include information about trade unions registered in Lithuania.

Number of trade unions by municipalities

No.	Area code	Number of entities
1.	11 – Alytus City Municipality	16
2.	12 – Birštonas Municipality	1
3.	13 - Vilnius City Municipality	292
4.	15 – Druskininkai Municipality	15
5.	18 –Marijampolė Municipality	30
6.	19 - Kaunas City Municipality	117
7.	21 –Klaipėda City Municipality	80
8.	23 - Neringa Municipality	1
9.	25 - Palanga City Municipality	11
10.	27 - Panevėžys City Municipality	44
11.	29 –Šiauliai City Municipality	60
12.	30 –Visaginas Municipality	32
13.	32 – Akmenė District Municipality	20
14.	33 - Alytus District Municipality	3
15.	34 - Anykščiai District Municipality	14

16.	36 – Biržai District Municipality	13
17.	38 - Varėna District Municipality	21
18.	39 – Vilkaviškis District Municipality	11
19.	41 - Vilnius District Municipality	5
20.	42 – Elektrėnai Municipality	9
21.	43 – Zarasai District Municipality	8
22.	45 – Ignalina District Municipality	17
23.	46 – Jonava District Municipality	21
24.	47 – Joniškis District Municipality	15
25.	48 - Kalvarija Municipality	3
26.	49 – Kaišiadorys District Municipality	5
27.	52 – Kaunas District Municipality	7
28.	53 – Kėdainiai District Municipality	22
29.	54 - Kelmė District Municipality	8
30.	55 – Klaipėda District Municipality	7
31.	56 – Kretinga District Municipality	8
32.	57 – Kupiškis District Municipality	13
33.	58 - Kazlų Rūda Municipality	3
34.	59 - Lazdijai District Municipality	11
35.	61 – Mažeikiai District Municipality	39
36.	62 – Molėtai District Municipality	15
37.	65 - Pakruojis District Municipality	8
38.	66 – Panevėžys District Municipality	5
39.	67 – Pasvalys District Municipality	12
40.	68 – Plungė District Municipality	8
41.	69 – Prienai District Municipality	14
42.	71 - Radviliškis District Municipality	20
43.	72 – Raseiniai District Municipality	21
44.	73 – Rokiškis District Municipality	16
45.	75 – Skuodas District Municipality	3
46.	77 – Tauragė District Municipality	14
47.	78 - Telšiai District Municipality	19
48.	79 – Trakai District Municipality	6
49.	81 – Ukmergė District Municipality	22
50.	82 – Utena District Municipality	24
51.	84 – Šakiai District Municipality	8
52.	85 – Šalčininkai District Municipality	6
53.	86 – Švenčionys District Municipality	6
54.	87 – Šilalė District Municipality	3
55.	88 – Šilutė District Municipality	15
56.	89 – Širvintos District Municipality	8
57.	91 – Šiauliai District Municipality	14
58.	94 – Jurbarkas District Municipality	10
Total:		1259

Number of trade unions by status

No.	Status	Number of entities
1.	1 – Going concern	1187
2.	2 - Entity under liquidation	21
3.	4 – Deregistered entity	51

Number of deregistered trade unions by years

No.	Year	Number
1.	1990	8
2.	1991	12
3.	1992	83
4.	1993	26
5.	1994	43
6.	1995	78
7.	1996	78
8.	1997	111
9.	1998	157
10.	1999	222
11.	2000	196
12.	2001	91
13.	2002	101
14.	2003	53
		1259

ARTICLE 6: THE RIGHT TO BARGAIN COLLECTIVELY

Legislation of the Republic of Lithuania

1. International Legislation

- ILO Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organise (1948) (Official Gazette, 1996, No. 27-653);
- ILO Convention No. 98 Concerning the Right to Organise and to Collective Bargain (1949) (Official Gazette, 1996, No. 28-674);
- ILO Convention No. 154 concerning the Promotion of Collective Bargaining (1981) (Official Gazette, 1996, No. 30-740);
- United Nations International Covenant on Economic, Social and Cultural Rights (Official Gazette, 2002, No.77-3290).

2. Laws

- Constitution of the Republic of Lithuania;
- Labour Code of the Republic of Lithuania (Approved by Law No. IX-926 of 4 July 2002 (Official Gazette, 2002, No. 64-2569);
- Republic of Lithuania Law on Trade Unions (No. I-2018 of 21 November 1991 (Official Gazette, 1991, No. 34-933));

3. Secondary legislation

- Republic of Lithuania Government Resolution No. 1815 of 19 November 2002 on the Approval of the Procedure of Registration of the National, Branch and Territorial Collective Agreements (Official Gazette, 2002, No. 112-1050).

ARTICLE 1/ paragraph 1

“With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

1. To promote joint consultation between workers and employers.”

Please indicate the legislative or other steps taken to encourage joint consultation between workers and employers in your country. In what way do the public authorities encourage or participate in such consultation? Please give particulars on the bodies responsible for such consultation, at the national, regional or local levels as the case may be, and on the procedures entailed, together with information on the issues covered (financial issues, social issues, working conditions, etc.) and on the sectors of the economy to which the procedures apply.

.....

The Law on Trade Unions establishes that trade unions are voluntary, independent and free organisations representing the occupational, labour, economic as well as social rights and interests of employees (Part 2 of the Preamble to the Law).

Article 11 of this Law stipulates that trade unions shall represent their members (or may also be representatives of a collective of employees) when concluding a collective and other agreements with the employer.

Pursuant to Article 12 of the Law on Trade Unions trade unions and associations of trade unions shall have the right to negotiate and conclude agreements with the employers, their organisations or associations regarding the employment, change of qualification, organisation of work and remuneration, improvement of working and living conditions of employees, and other issues.

Article 13 of the aforementioned Law establishes that in the cases provided by law, the employer must settle labour, economic, and social issues upon coordination thereof with trade union bodies.

Pursuant to Article 43 of the Labour Code social partnership shall be realised by applying information and consultation procedures.

In observance of Article 47 of the Labour Code employees shall have the right to information and consultation. The employer (employers' organisation) shall present all information relating to labour relations to the representatives of the employees and their organisations having regard to the level of social partnership. Consultation shall mean discussions between the representatives of the employees and their organisations and the employers and their organisations on the adoption of certain covenants or joint decisions. Information and consultation shall embrace: 1) information relating to the current and future activities of the enterprise and its economic and financial condition; 2) information on the current state and structure of labour relations, and potential changes in employment; 3) information about the measures application whereof is intended in case of a possible redundancy; 4) other information connected with labour relations and activities of the enterprise, unless this information is considered a state, official or commercial secret.

The conditions and procedure of furnishing of information and consultation shall be established in collective bargaining agreements.

The Labour Code guarantees the right of the employees of EU enterprises or groups of enterprises to receive information and consultations through the European Labour Councils. The status of the Councils, the conditions of their establishment and activities shall be determined by the Republic of Lithuania Law on European Labour Councils.

Article 48 of the Labour Code provides that the Code shall guarantee the right of the employees of EU enterprises or groups of enterprises to receive information and consultations through the European Labour Councils. The status of the Councils, the conditions of their establishment and activities shall be determined by special laws of the Republic of Lithuania. The party which is bound to submit information shall have the right to demand that the other party should not disclose the submitted information on other grounds. Disclosure of the

confidential information shall make the other party liable under law. The parties shall consult on the received information, satisfaction of the submitted claims and their settlement procedure, the progress of negotiations and other issues.

Pursuant to Article 62 of the Labour Code when commencing the negotiations, the parties shall discuss what information they will present, the time limit of presentation thereof, the procedure and time limit of drafting of the collective agreement of an enterprise. If no agreement is reached on the information that must be furnished, on the procedure of drafting of the collective agreement, the time limit of negotiations, the contents of the enterprise's collective agreement, a protocol of disagreement shall be drawn up. The protocol shall specify the measures proposed by the parties with a view to eliminating the reasons of disagreement and the time limit for resuming the negotiations.

The Agreement of the Government of the Republic of Lithuania, Trade Unions and Employers' Organisations on Tripartite Cooperation signed on 11 February 1999 provides for exchanging urgent information on labour, social and economic matters, consulting on how to address these issues in the manner acceptable to the parties, drafting and coordinating legal acts on the basis of the tripartite principle, deliberating the most urgent problems in the Tripartite Council of the Republic of Lithuania.

The Government of the Republic of Lithuania undertakes to: 1) provide the parties with the information about legal acts being drafted on labour, social and economic matters and refer them for deliberation in the Tripartite Council of the Republic of Lithuania on request of at least one of the parties; 2) adopt decisions on urgent labour, social and economic matters only after having considered them in the Tripartite Council of the Republic of Lithuania on request of the parties; 3) specify in the Explanatory Letters the conclusions made after having considered in the Tripartite Council of the Republic of Lithuania the draft legal acts referred to the Seimas of the Republic of Lithuania.

The Agreement also envisages cooperation in preparing for the Republic of Lithuania's membership in the European Union, consulting and exchanging information concerning Lithuania's representation in the international events and organisations convened on the basis of the tripartite principle; developing consultations between the employers and employees and informing on labour, social and economic matters, as well as training and upgrading skills.

The Agreement of the Government of the Republic of Lithuania, Trade Unions and Employers' Organisations on Tripartite Cooperation in 2002 signed on 29 May 2002 envisages providing the employers and employees trade unions' representatives with the possibilities for participating, on their request, in drafting legal acts aimed at implementing the Republic of Lithuania Labour Code, deliberating the draft legal acts in the Tripartite Council; concurrently organising information, training and counselling for employees and employers on the issues related with the labour law.

ARTICLE 6 / paragraph 2

“With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

2. *to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employer's organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.*

Question A

Please give a description of the existing collective bargaining machinery and its results in both the private and public sector (indications in the number of negotiations and agreements concluded and other indicators or evaluation criteria).

Article 48 of the Republic of Lithuania Labour Code provides that the subjects of collective labour relations and their representatives shall co-ordinate their interests and settle disputes by way of negotiations. The party willing to negotiate shall present itself to the other party in the negotiations. The presentation shall be effected in writing and shall specify the reason for negotiations. The party seeking negotiations must present clearly formulated demands and proposals. The parties shall agree on the opening and procedure of the negotiations. In case of failure by the parties to reach an agreement on the above issue, the negotiations must be conducted within two weeks from the day the other party received the presentation for negotiations. Collective bargaining must be conducted in good faith and without delay. Parties to the collective bargaining agreement and their representatives shall have the right to demand from the other party to submit information on all issues relating to the negotiations. The information must be presented within one month from the day it was requested, unless otherwise agreed by the parties. The party which is bound to submit information shall have the right to demand that the other party should not disclose the submitted information on other grounds. Disclosure of the confidential information shall make the other party liable under law. The parties shall consult on the received information, satisfaction of the submitted claims and their settlement procedure, the progress of negotiations and other issues. Unless otherwise decided by the parties, the negotiations shall be deemed completed upon the signing of the collective agreement, drawing up of the protocol of disagreement or upon delivery by one of the parties to the other of a written notification of its withdrawal from the negotiations.

At present the work of drafting the regulation of the collective bargaining mechanism is under way and should be deliberated in the Tripartite Council of the Republic of Lithuania. Meanwhile Lithuania has signed three national agreements, a few (4-5) branch agreements and collective agreements concluded by 15 per cent of enterprises, institutions and organisations (in which trade unions are functioning).

Question B

Please indicate whether and how the law encourages or obliges employers or their organisations to bargain with workers' organisations collectively, and whether and how it encourages or obliges workers' organisations to bargain with employers of their organisations. Please also indicate how the question of union recognition is dealt with.

The Labour Code of the Republic of Lithuania establishes the following provisions as regards encouraging the collective bargaining:

- observance of the principle of freedom of collective bargaining for the purpose of reconciliation of interests of the employees, the employers and the state the State;
- state support in exercising labour rights (Article 2 of the Labour Code);
- establishment under labour laws of the regulations on conclusion and implementation of collective agreements as well as the liability of the parties for the obligations (Article 4 of the Labour Code);
- the right of employees' representatives to enter into collective agreements and control their implementation (Article 22 of the Labour Code);

- prohibition to employers to delay collective bargaining and the requirement applicable to them with regard to discharging their obligations covered by collective agreements (Article 23 of the Labour Code).

The Labour Code enforces the principles of social partnership. Article 40 of the Labour Code establishes that social partnership shall be based on the principles of free collective bargaining and voluntary and independent assumption of obligations binding the parties (Article 40 of the Labour Code).

Collective bargaining procedures are regulated by Article 48 of the Labour Code.

The aforementioned provisions of the Labour Code encourage both the employers and their organisations as well as trade unions or labour councils to initiate and conduct collective bargaining.

Representation of trade unions at the national, branch or territorial levels is validated by agreements of the parties.

Pursuant to Article 60 of the Labour Code the parties to a collective agreement of an enterprise shall be the staff of the enterprise and the employer, who shall be represented, for the purposes of conclusion of the agreement, by the trade union acting in the enterprise and the manager of the enterprise or authorised administrative officers. Where several trade unions are acting in an enterprise, the enterprise's collective agreement shall be concluded by the joint representation of the trade unions and the employer. The joint representation of the trade unions shall be formed by agreement between the trade unions. If the trade unions fail to reach an agreement on the formation of a joint representation of the trade unions, the decision on the representation shall be adopted by a meeting (conference) of the employees). If the enterprise has no acting trade union and if the staff meeting has not delegated the functions of representation and protection of the employees to the trade union of the appropriate sector of economic activity, the collective agreement may be concluded between the employer and the labour council.

Question C

Please indicate to what extent, under what conditions, according to which procedures and for which types of subject matter the State can intervene in the process of free collective bargaining. Please indicate where state intervention occurred during the reference period.

Laws of the Republic of Lithuania do not provide for the right or opportunity for public authorities to influence the process of collective bargaining. Such cases do not occur in practice.

ARTICLE 6 / paragraph 3

“With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

3. *to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes.”*

Question A

Please describe such machinery as exists by virtue of either of law, collective agreements or practice for the settlement of disputes by:

1. *conciliation;*
 2. *arbitration or court procedure;*
 3. *other methods of dispute resolution.*
-

Chapter X of the Labour Code regulates collective labour disputes. A collective labour dispute means disagreements between the subjects of collective agreements, arising about negotiations and implementing a collective agreement (Article 68).

The procedure for lodging and considering the demands is defined in Articles 69 and 70 of the Labour Code.

Collective labour disputes shall be heard by the Conciliation Commission, Labour Arbitration or third party court.

The Conciliation Commission shall be formed from an equal number of authorised representatives of entities who made the demands and those to whom the demands were submitted. Hearing of a dispute in the Conciliation Commission is a mandatory stage of collective dispute resolution. The Conciliation Commission shall hear the collective dispute within seven days from the day of formation of the Conciliation Commission. Decisions of the Conciliation Commission shall be adopted by agreement between the parties. In the event of the failure to reach an agreement, the Commission may refer the hearing of a collective labour dispute to the Labour Arbitration or third party court, or wind up the conciliation proceeding by drawing up a Protocol of Disagreement.

Labour Arbitrage shall be formed at the district court in the territory of the jurisdiction whereof the registered office of the subject provided with the enterprise's collective labour dispute requirements is established. Parties to the collective dispute shall each appoint one or several arbitrators of the third party court and execute the appointment by a written contract. The Labour Arbitration, the third party court shall within fourteen days resolve the collective dispute referred to them. The decisions of the Labour Arbitration and the third party court shall be binding upon the parties to the dispute.

If a collective dispute is not settled or a decision adopted by the Conciliation Commission, Labour Arbitration or third party court, which is acceptable to the employees, is not being executed, a strike may be declared.

Question B

In so far as certain machinery may be compulsory, please describe:

- 1. the sanctions imposed by law or by collective agreements used for its enforcement;*
 - 2. their significance in practice.*
-

Article 66 of the Labour Code provides that control over fulfilment of the obligations under the collective agreement of an enterprise shall be exercised by the representatives of the parties as well as by the institutions authorised under laws. Representatives of the parties to the collective agreement of an enterprise shall report to the meeting (conference) of the employees for the implementation of the agreement. The arising disputes shall be settled in the manner established in the Labour Code.

Question C

Please describe the procedures provided, whether by law, staff regulations or practice, for settling disputes between public sector employees and the administration, and show whether existing procedures are open to them.

Labour disputes of the public sector employees and administration shall be deliberated in accordance with the same procedure, which applies to other sectors of economy.

ARTICLE 6 / paragraph 4

“With a view to ensuring the effective exercise of the right to bargain collectively, the Parties recognise:

- 4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.”*

[The Appendix to the revised Charter stipulates that it is understood that each Contracting Party may, in so far as it is concerned, regulate the exercise of the right to strike by law, provided that any further restriction that this might place on the right can be justified under the terms of Article 6 of the revised Charter].

Question A

Please describe the meaning of collective action in your country specifying what forms of action are recognised (strike, lockout, other forms), what are the permitted objectives of collective action and how the right to collective action is guaranteed.

Article 76 of the Labour Code defines a strike as a temporary cessation of work by the employees or a group of employees of one or several enterprises if a collective dispute is not settled or a decision adopted by the Conciliation Commission, Labour Arbitration or third party court, which is acceptable to the employees, is not being executed.

The right to adopt a decision to declare a strike (including a warning strike) shall be vested in the trade union according to the procedure laid down in its regulations. The decision to call a strike shall specify the demands with respect to which the strike is called; the beginning of the strike; the body leading the strike. It shall be prohibited to declare a strike during the term of validity of the collective agreement if the agreement is complied with. The body leading a strike is bound to ensure together with the employer the safety of property and people. A strike shall end after all demands have been met; after the parties reach an agreement during the ongoing strike to break off the strike under certain conditions; after the trade union which organised the strike recognises that it is inexpedient to continue the strike. After all demands have been met, the decision to break off a strike shall be made by the trade union which declared the strike

Republic of Lithuania laws do not provide for declaring a lockout. Other collective actions – meetings, pickets, demonstrations shall be regulated by special laws.

Question B

Please indicate who is entitled to take collective actions (individuals, groups/coalitions of workers, trade unions, employers or employers’ organisations).

The Labour Code stipulates that the right to adopt a decision to declare a strike if approved by two-thirds of the enterprise employees. Other collective actions may be organised by individuals or groups thereof in observance of the requirements established by laws.

Question C

If the right to collective actions is restricted, please state the content of these restrictions, and whether they are related to the purposes pursued or the methods employed by those taking action, or both, and by which authority they may be imposed.

Please also state any procedural requirements pertaining to collective action (e.g., notice rules, cooling-off periods, conciliation/arbitration, ballot requirements, quorums, etc.).

Restrictions of strikes are provided for under Article 78 of the Labour Code. Strikes shall be prohibited in the internal affairs, national defence and state security systems, as well as in electricity, district heating and gas supply enterprises, first medical aid services. The demands put forward by the employees of the said systems and enterprises shall be settled by the Government, taking into account the opinion of the Tripartite Council. Strikes shall be prohibited in natural disaster areas as well as in the area where state of martial law or state of emergency has been declared in accordance with the procedure established by law until the liquidation of the consequences of natural disaster or lifting of the state of martial law or state of emergency. It shall be prohibited to declare a strike during the term of validity of the collective agreement if the agreement is complied with.

In observance of Article 77 of the Labour Code the right to adopt a decision to declare a strike (including a warning strike) shall be vested in the trade union according to the procedure laid down in its regulations. A strike shall be declared if a corresponding decision is approved by secret ballot by two-thirds of the enterprise employees voting in favour of a strike in the enterprise; by two-thirds of the employees of a structural subdivision of the enterprise and at least a half of the employees of the enterprise who vote in favour of a strike in the structural subdivision of the enterprise. The employer must be given an at least seven days' written notice of the beginning of the intended strike by communicating to him the decision adopted according to the procedure laid down in this Article. When a strike is declared, only the demands which were not met during the conciliation procedure may be put forward. A warning strike lasting not longer than two hours may be held before the strike is declared. The employer must be given an at least seven days' written notice of the warning strike. When a decision is taken to hold a strike (including a warning strike) in railway and public transport, civil aviation, communications and energy enterprises, health care and pharmaceutical institutions, food, water, sewage and waste disposal enterprises, oil refineries, enterprises with continuous production cycle and other enterprises cessation of work in which would result in grave and hazardous consequences for the community or human life and health, the employer must be given a written notice of the strike at least fourteen days in advance.

As mentioned before, laws of the Republic of Lithuania award the right to strike to both the private sector employees and public servants. Nevertheless, this right is limited to certain categories of public servants. The Law on Public Service deprives of the right to strike the civil servants holding positions of heads of departments of an institution or an agency, or senior positions, and the civil servants who are prohibited from going on strike by laws and statutes.

According to the data provided by the Register of Civil Servants, such civil servants account for 3214 (more detailed information by type of institutions and posts is provided in the Annex (attached)). It should be noted that the Register of Civil Servants is undergoing reorganisation now, therefore the data provided are limited. Pars. 5 through 7 of the Law on the Regulation of Collective Disputes establish that it shall be prohibited to call a strike within the structures of internal affairs, national defence and national security as well as in enterprises of electric power, centralized supply of heating and gas, and services of immediate medical aid. The demands of the employees of such services and enterprises shall be considered by the Government of the Republic of Lithuania. The limitations of strikes may be provided for in the special laws of other services (institutions). Strikes shall be prohibited in zones of natural disaster as well as in regions in which, pursuant to the established procedure have been declared in a state of emergency. It shall be prohibited to declare a strike during the term of validity of the collective agreement if the agreement is complied with.

System of Interior – According to the data of the Ministry of Interior, the number of employees of the system of interior who are prohibited to strike is 22533 (statutory heads, heads of the institutions (entities) and senior staff).

National Defence System – According to the data provided by the Ministry of National Defence, the workers and servants of this system comprise about 2100 civil servants, 6800 professional military servicemen, and 4500 mandatory initial military servicemen who are prohibited from going on strikes by virtue of the Law on Public Service, the Law on the Regulation of Collective Disputes, and the Law on the Organisation of the National Defence System and Military Service.

National Security System – The National Security Department does not make available to the public the data about individuals employed with this system.

Electric power, centralised heating and gas supply enterprises – According to the data provided by the Ministry of Economy (as of 31 March 2001) the Public Company “AB Lietuvos energija” employs 8 721 of people. According to the data of Vilnius City Municipality SPPC “SPAB Vilniaus Šilumos tinklai” has 726 employees, and other municipalities of the Republic of Lithuania – about 400. The data supplied by the Public Company “AB Lietuvos dujos” show that there are 3 000 employees in gas supply enterprises.

First aid medical services – According to the data provided by the Lithuanian Health Information Centre contained in the Report for the Year 2002, employees of emergency and first aid medical service departments account for 3 211; of which physicians - 375; community nurses - 1 462; supporting medical staff - 313; other technical staff - 1 061. Intensive therapy departments employ 72 physicians and 58 paediatricians.

Question D

Please indicate whether any existing restrictions to the right to collective action “are prescribed by law and are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals” (Article 6 of the revised Charter).

Before preparing the Report on Charter, the trade unions were interviewed about practical application of this Article and about the arising problems, however, in the opinion of trade unions, restrictions imposed on collective action by virtue of the Labour Code are necessary in the democratic society and do not contradict the spirit of the Charter.

Question E

Please indicate the effect of strikes or lockouts on the continuation of the employment contract and any other consequences, e.g., deduction from wages, liability, etc..

A small number of strikes during the past few years (in the system of education and urban public transport) showed that almost all demands of workers have been satisfied. Trade unions have no data about any financial sanctions of the employers in respect of the workers who went on strikes.

Article 82 of the Labour Code stipulates that no one may be forced to join a strike or to refuse to take part in a strike. Where there is a strike, the performance of the employment

contract with respect to striking employees shall be suspended, whereas their service shall be treated as continuous and they shall retain their social protection under the state social insurance scheme. Employees who are parties to a strike shall not be paid any remuneration, they shall be released from their obligations to perform their work functions. An agreement may be reached during the negotiations for the breaking off of the strike that the striking employees will be paid the full amount or part of their wage or salary. Non-striking employees who are unable to perform their work by reason of the strike shall be paid for the involuntary idle time or they may be transferred upon their agreement to another job.

Liability of trade unions and of the employer for the damage inflicted by the strike is defined by Article 85 of the Labour Code.

Question F

Please supply available statistics on strikes and lockouts.

Collection of data about strikes in Lithuania was commenced in 2000. Strike statistics covers strikes defined by the Republic of Lithuania Law on the Regulation of Collective Disputes (by 1 January 2003) and by the Labour Code of the Republic of Lithuania (from 1 January 2003).

According to the data of the Department of Statistics to the Government of the Republic of Lithuania (Press referens No. 3/2002 of 15 02 2002), strikes in Lithuania took place in 2000 and 2001, whereas in 2002 and in the first half of 2003 they were not organised. In 2000 56 strikes were registered in the country, whereas during 2001 - 34 strikes, of which 29 – warning strikes, the latter accounted for 85 per cent of all strikes; in 2001 compared with 2000, warning strikes number grew up by 38 per cent (21 warning strike took place in 2000). All warning strikes of 2001 were organised in educational establishments.

The largest frequency of strikes was observed in the educational establishments of the public sector, a few strikes were held in the manufacturing industry and transport enterprises. The main reasons for declaring strikes were conflicts resulting from delayed payment of remuneration and amount thereof.

The average number of workers who participated in the strikes in 2001 accounted for 1703, of which 1114 workers participated in the warning strikes. The numbers of strikers in 2001 compared with 2000 reduced by 48 per cent. 1465 employees went on strikes in educational establishments in 2001. They account for 86 per cent of all strikers.

Number of strikes and warning strikes in 2000 – 2001

Year	Total	Of which		Compared to the total number of strikes and warning strikes, %		Economic activity
		strikes	warning strikes	strikes	warning strikes	
2000	56	35	21	62,5	37,5	<u>Total</u>
2001	34	5	29	14,7	85,3	
2000	–	–	–	–	–	<i>D Manufacturing</i>
2001	2	2	–	100,0	–	
2000	4	2	2	50,0	50,0	<i>I Transport, storage and communication</i>
2001	–	–	–	–	–	
2000	52	33	19	63,5	36,5	<i>M Education</i>

2001	32	3	29	9,4	90,6	
2000	10	6	4	60,0	40,0	<i>Primary education</i>
2001	4	–	4	–	100,0	
2000	42	27	15	64,3	35,7	<i>Secondary education</i>
2001	28	3	25	10,7	89,3	

Average number of employees involved in strikes and warning strikes in 2000 – 2001

Year	Total	Of which		Total, %	Of which		Economic activity
		in strikes	in warning strikes		in strikes	in warning strikes	
2000	3303	2095	1208	100,0	100,0	100,0	Total
2001	1703	589	1114	100,0	100,0	100,0	
2000	–	–	–	–	–	–	<i>D Manufacturing</i>
2001	•	•	–	•	•	–	
2000	985	639	346	29,8	30,5	28,6	<i>I Transport, storage and communication</i>
2001	–	–	–	–	–	–	
2000	2318	1456	862	70,2	69,5	71,4	<i>M Education</i>
2001	1465	351	1114	86,0	59,6	100,0	
2000	246	174	72	7,5	8,3	6,0	<i>Primary education</i>
2001	120	–	120	7,0	–	10,8	
2000	2072	1282	790	62,7	61,2	65,4	<i>Secondary education</i>
2001	1345	351	994	79,0	59,6	89,2	

Average number of employees directly and indirectly involved in strikes by kind of strike in 2000 – 2001

Year	Directly involved	Of which		Indirectly involved	Of which		Economic activity
		in strikes	in warning strikes		in strikes	in warning strikes	
2000	3239	2047	1192	64	48	16	Total
2001	1657	543	1114	46	46	–	
2000	–	–	–	–	–	–	<i>D Manufacturing</i>
2001	•	•	–	•	•	–	
2000	943	613	330	42	26	16	<i>I Transport, storage and communication</i>
2001	–	–	–	–	–	–	
2000	2296	1434	862	22	22	–	<i>M Education</i>
2001	1431	317	1114	34	34	–	
2000	246	174	72	–	–	–	<i>Primary education</i>
2001	120	–	120	–	–	–	
2000	2050	1260	790	22	22	–	<i>Secondary education</i>
2001	1311	317	994	34	34	–	

Time not worked of employees involved in strikes by kind of strike in 2000 – 2001

Year	Time not worked, in working days	Of which		Time not worked, in man-hours	Of which		Economic activity
		in strikes	in warning strikes		in strikes	in warning strikes	
2000	10394	10025	369	61925	59577	2348	Total
2001	2167	1775	392	15081	12942	2139	
2000	–	–	–	–	–	–	<i>D Manufacturing</i>
2001	•	•	–	•	•	–	
2000	725	639	86	5804	5112	692	<i>I Transport, storage and communication</i>
2001	–	–	–	–	–	–	
2000	9669	9386	283	56121	54465	1656	<i>M Education</i>
2001	971	579	392	5506	3367	2139	
2000	420	401	19	2611	2490	121	<i>Primary education</i>
2001	35	–	35	240	–	240	
2000	9249	8985	264	53510	51975	1535	<i>Secondary education</i>
2001	936	579	357	5266	3367	1899	

Time not worked of employees directly and indirectly involved in strikes in 2000 – 2001

Year	Time not worked, in working days	Of which		Time not worked, in man-hours	Of which		Economic activity
		directly involved	indirectly involved		directly involved	indirectly involved	
2000	10394	10315	79	61925	61483	442	Total
2001	2167	2019	148	15081	14125	956	
2000	–	–	–	–	–	–	<i>D Manufacturing</i>
2001	•	•	•	•	•	•	
2000	725	695	30	5804	5564	240	<i>I Transport, storage and communication</i>
2001	–	–	–	–	–	–	
2000	9669	9620	49	56121	55919	202	<i>M Education</i>
2001	971	903	68	5506	5194	312	
2000	420	420	–	2611	2611	–	<i>Primary education</i>
2001	35	35	–	240	240	–	
2000	9249	9200	49	53510	53308	202	<i>Secondary education</i>
2001	936	868	68	5266	4954	312	

Time not worked of employees directly involved in strikes by kind of strike in 2000 – 2001

Year	Time not worked, in working days	Of which		Time not worked, in man-hours	Of which		Economic activity
		in strikes	in warning strikes		in strikes	in warning strikes	
2000	10315	9950	365	61483	59167	2316	Total
2001	2019	1627	392	14125	11986	2139	
2000	–	–	–	–	–	–	<i>D Manufacturing</i>
2001	•	•	–	•	•	–	
2000	695	613	82	5564	4904	660	<i>I Transport, storage and communication</i>
2001	–	–	–	–	–	–	
2000	9620	9337	283	55919	54263	1656	<i>M Education</i>
2001	903	511	392	5194	3055	2139	
2000	420	401	19	2611	2490	121	<i>Primary education</i>
2001	35	–	35	240	–	240	
2000	9200	8936	264	53308	51773	1535	<i>Secondary education</i>
2001	868	511	357	4954	3055	1899	

Average duration of the strike by kind of strike in 2000 – 2001 in working days

Year	Average duration of strike and warning strike	Of which		Economic activity
		strike	warning strike	
2000	3,15	4,79	0,31	Total
2001	1,27	3,01	0,35	
2000	–	–	–	<i>D Manufacturing</i>
2001	•	•	–	
2000	0,74	1,00	0,25	<i>I Transport, storage and communication</i>
2001	–	–	–	
2000	4,17	6,45	0,33	<i>M Education</i>
2001	0,66	1,65	0,35	
2000	1,71	2,30	0,26	<i>Primary education</i>
2001	0,29	–	0,29	
2000	4,45	7,01	0,33	<i>Secondary education</i>
2001	0,70	1,65	0,36	

Average duration of strike of employees directly and indirectly involved in strikes in 2000 – 2001 in working days

Year	Directly involved employees	Of which by kind of strike		Indirectly involved employees	Of which by kind of strike		Economic activity
		in strikes	in warning strikes		in strikes	in warning strikes	
2000	3,18	4,86	0,31	1,23	1,56	0,25	Total
2001	1,22	3,00	0,35	3,22	3,24	–	
2000	–	–	–	–	–	–	<i>D Manufacturing</i>

2001	•	•	–	•	•	–	
2000	0,74	1,00	0,25	0,71	1,00	0,25	<i>I Transport, storage and communication</i>
2001	–	–	–	–	–	–	
2000	4,19	6,51	0,33	2,23	2,23	–	<i>M Education</i>
2001	0,63	1,61	0,35	2,00	2,00	–	
2000	1,71	2,30	0,26	–	–	–	<i>Primary education</i>
2001	0,29	–	0,29	–	–	–	
2000	4,49	7,09	0,33	2,23	2,23	–	<i>Secondary education</i>
2001	0,66	1,61	0,36	2,00	2,00	–	

Explanation of symbols:

- Confidential data or data which do not meet publication criteria to preserve their anonymity and reidentification possibility
- Absence of the following phenomenon this period or no data of its existence are available

ARTICLE 7: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

Legislation of the Republic of Lithuania

1. International legislation

- United Nations Convention on the Rights of the Child (1989) (Official Gazette, 1995, No. 60-1501);
- Amendment to Par. 2, Article 43 of the United Nations Convention on the Rights of the Child (1989) adopted by the UN general Assembly on 21 December 1995 (Official Gazette, 2002, No.13-464);
- ILO Convention No. 79 concerning Minimum Age for Admission to Employment (1946) (Official Gazette, 1996, No. 27-650);
- ILO Convention No. 90 concerning Prohibition of Night Work for Young Persons ...out of Light Work of Non-industrial Nature (1948) (as amended) (Official Gazette, 1996, No. 28-673);
- ILO Convention No.138 concerning Minimum Age for Admission to Employment (1973) (Official Gazette, 1997, No. 95-2383).

2. Laws

- Constitution of the Republic of Lithuania;
- Republic of Lithuania Labour Code (Official Gazette, 2002, No. 64-2569);
- Code of Civil Procedure of the Republic of Lithuania (Official Gazette, No. 36-1340);
- Code of Administrative Transgressions of Law;
- Law of the Republic of Lithuania on Fundamentals of Protection of the Rights of the Child (Official Gazette, 1996, No. 33-807);
- Law on Safety and Health of Workers (Official Gazette, 1993, No. 55-1064);
- Law of the Republic of Lithuania on the State Labour Inspectorate (Official Gazette, 1994, No. 87-1644);
- Law Law of the Republic of Lithuania on the Health System (Official Gazette, 1994, No. 63-1231; 1998, No.112-3099);

- Law of the Republic of Lithuania on Health Insurance (Official Gazette, 1996, No. 55-1287; 2002, No. 123-5512);
- Law of the Republic of Lithuania on Trade Unions (Official Gazette, 1991, No. 34-933);
- Government of the Republic of Lithuania Programme of the Mother and the Child
- Law of the Republic of Lithuania on Vocational Education and Training (Official Gazette, 1997, No. 98-2478).

3. Statutory legislation

- Government of the Republic of Lithuania Resolution No. 138 of 29 January 2003 on the Approval of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health (Official Gazette, 2003, No. 13 – 502);
- Government of the Republic of Lithuania Resolution No. 139 on Approving the Conditions and Procedure of Vocational Training of Individuals Aged under 18 of 29 January 2003 (Official Gazette, 2003, No.13-503);
- Government of the Republic of Lithuania Resolution No. 1407 of 26 November 2001 on Coordination of Control over Illegal Work Phenomena (Official Gazette, 2001, No. 99-3558);
- Minister of Health Care Order No. 301 of 31 May 2000 on Prophylactic Examinations of Health in Health Care Establishments (Official Gazette, 2000, No. 47-1365);
- Minister of Health care Order No. 322 of 12 June 2000 on Coordination of Children and Students Health Promotion Activities;
- Minister of Health Care Order No. 169/299 of 30 March 2000 on Strategic Guidelines of Children and Youth Health Care Policy;
- State Patient’s Office Director’s Order on Allocating the Compulsory Health Insurance Fund Budget Expenditure for TPO for Medical Rehabilitation and Sanatorium Treatment (Official Gazette, 2002, No.102-4595);
- Minister of Health Care Order No. 750 of 17 12 1998 on Approval of the Lithuanian Hygiene Norm HN 21:1998 “Hygiene Norms and Regulations for the School of General Education (Official Gazette, 1998, No. 120-3117, Official Gazette, 1999, Nr. 37-1143).

ARTICLE 7/ paragraph 1

“With a view to ensuring the effective exercise of the right and children and young persons to protection, the Parties undertake:

1. *to provide that the minimum age of admission to employment shall be 15 Years, subject to exceptions for children employed in prescribed light work without harm to their health, moral or education.*

Question A

Please indicate whether the minimum age of admission to employment is regulated by legislation. If so, please send the relevant texts.

Please indicate whether the minimum age of admission to employment applies to all categories of work, including agricultural work, domestic work and work carried out in farms by enterprises.

Article 38 of the Constitution establishes that childhood shall be under the care and protection of the State. Pursuant to Article 39 of the Constitution children who are under age shall be protected by law.

Minimum employment age regulated by the Republic of Lithuania laws and other legal acts conforms to ILO Convention No. 138 concerning minimum employment age (1973) and provisions of the Council Directive 94/33/EC of June 1994 on the protection of young people at work.

Until 01 01 2003, that is the date of enactment of the Republic of Lithuania Labour Code (Official Gazette, 2002, No. 64-2569), safety at work of children and adolescents were regulated by:

The Republic of Lithuania Law on the Employment Contract (Official Gazette, 1991, No. 36-973); Law on the Safety and Health of Workers (Official Gazette, 1993, No.55-1064; 2000, No.95-2968) passed by the Seimas of the Republic of Lithuania; the Republic of Lithuania Government Resolution No. 1055 of 11 September 1996 on the Approval of the List of Prohibited Works and Factors Harmful and Dangerous to Health of Young Persons under 18 Years of Age and of Procedure of Working Conditions and Employment of Young Persons of 13- 14, 14-16, and 16-18 Years of Age (Official Gazette, 1996, No.87-2065).

The Republic of Lithuania Law on the Employment Contract in force until 01 01 2003 stipulated that a permanent resident of Lithuania who is 16 years of age or older, and in separate cases - from 14 years, may be a party to the employment contract. The Law on the Employment Contract provided that to employ minors between the ages of 14 and 16, an employer must require a birth certificate and a written consent of the school he attends and of one of the applicant's parents or the person who actually raises him. The aforementioned law also stipulated that on request of a minor between ages of 14 and 16, one of the parents or other person raising such minor, or the doctor in charge of health care of the minor, the employment contract concluded with the minor aged 14 – 16 must be terminated .

Guarantees for the protection of young persons established by the Republic of Lithuania Law on Safety and Health of Workers conform to the guarantees established under the Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (on ensuring access to work without harmful effects on the health, safety and physical development of a young person, on examining health of young people upon their admittance to work and at least once in two years, on prohibition to employ young people for certain works). Provisions of the Law on Safety and Health of Workers as regards daily work breaks and weekly rest for young people are in line with the standards set out under the Council Directive 94/33/EC. Guarantees for young people covered by the Law on Safety and Health of Workers are differentiated in observance of the Council Directive 94/33/EC depending upon age of a young person (for children – young persons aged under 16, adolescents – young persons of at least 15 years of age but less than 18 years of age, young persons up to 18 years of age).

The List of Prohibited Works and Factors Harmful and Dangerous to Health of Young Persons under 18 Years of Age approved by the Republic of Lithuania Government Resolution No. 1055 of 11 September 1996 on the Approval of the List of Prohibited Works and Factors Harmful and Dangerous to Health of Young Persons under 18 Years of Age and of the Procedure of Working Conditions and Employment of Young Persons of 13- 14, 14-16, and 16-18 Years of Age was consistent with the list of agents, processes and works provided for in the Annex to the Council Directive 94/33/EC. The Procedure of Working Conditions and Employment of Young Persons of 13- 14, 14-16, and 16-18 Years of Age approved by the aforementioned Resolution establishes the obligations on employers, mandatory safety and health requirements to be ensured by the employers and covers the list of light works permitted for young persons from 13 to 14 years of age.

The Republic of Lithuania Labour Code was enforced on 1 January 2003 (hereinafter referred to as the Labour Code), which superseded the aforementioned Law on the Employment Contract, Resolution No. 1055 of 11 September 1996 as well as their provisions on protection of young people at work.

The Labour Code in force since 01 01 2003 stipulates that a person shall acquire full legal capacity in labour relations and ability to acquire labour rights and undertake labour duties when he (she) reaches the age of 16 years. Exceptions shall be established by this Code and other labour laws.

The Labour Code stipulates certain conditions upon existence whereof an employment contract for light works may be concluded with a young person aged 14-16. Par. 2, Article 104 of the Labour Code specifies that in the case of employing a minor from 14 to 16 years of age – his birth certificate, an employer must require the submission of the written consent of his school and of one of the child's parents or his another statutory representative, as well as permission of his attending paediatrician.

The minimum employment age requirement established by virtue of the Labour Code applies to all categories of works, including agricultural work, domestic work and work carried out in farms by enterprises. Conditions of employment of young persons aged between 14 and 16 apply to their employment for light works the list whereof was approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003.

The General Part of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 (Official Gazette, 2003, No. 13-502) establishes that employment of young persons aged under sixteen shall be prohibited, except for light works fitting to their physical development, that the employer must ensure working conditions suitable for the age of a young person, that the work for which young persons are employed must be safe and not likely to be harmful to health, physical or mental development, or harmful to their attendance at school. The aforementioned Government Resolution stipulates the detailed procedure of employment of young persons. The Procedure requires, that prior to employing a young person, the employer must make an assessment paying particular attention to the following points:

- whether the work into which a young person will be placed is not attributed to the works prohibited for young persons aged under 18, and whether the working environment does not contain any harmful and hazardous factors upon existence whereof employment of young persons is prohibited;

- the conformity of the workstation and workplace to the requirements of legal acts regulating the safety and health of workers work;

- the use of dangerous chemical agents in the enterprise and their likely exposure (the nature, concentration in the working environment, exposure duration);

- the technical condition of work equipment, condition of storage of dangerous chemical materials so as to avoid impact thereof on young persons through their negligence;

- the arrangement of work, technological processes, the layout of work equipment, so as to avoiding entry of young persons to the workstations in which dangerous chemical agents are used;

- the young person's ability to understand and observe the requirements of safety and health established for workers, as well as his (her) capabilities to carry out the assigned works.

The employer must appraise young persons being employed about likely hazards and means to avoid them, as well as measures used at work to ensure safety and health and in addition and where necessary also notify the parents of young persons or any other statutory representative thereof about likely hazards and means to avoid them. Upon entry into an employment contract with a young person, the employer must familiarise him (her) against signature with the conditions of future work, rules of work procedure, other local normative legal

acts regulating working conditions, and prior to permitting the young person to begin working, the employer must instruct him (her) about safety at work (items 13 and 14 of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health).

A detailed description of works prohibited for young people and of the factors harmful and dangerous to health upon existence whereof a young person may not be placed into work is provided in separate sections of the legal act approved by virtue of the aforementioned Resolution of the Government.

Question B

Please state whether your country's legislation dealing with minimum age allows derogations, if so, please state the derogations provided for in general by law or granted by an authority:

Please provide a definition of "light work" and, if appropriate, the list of such work.

Pursuant to item 5 of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003, the light work for a minor is defined as works which are safe, not likely to be harmful to the health or development or to the minor's attendance at school, also the works covered by training programmes which must be safe and pose no danger to the minor's health and development."

The light works which may be performed by minors from 14 years of age are defined in a separate section of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003:

- weeding of gardens, thinning out, earth up and watering of vegetables, (with a hose);
- picking berries and fruit, gathering and sorting out of vegetables and potatoes;
- taking care of flowers planted in open soil, their picking and plucking, collecting flower seeds and tubers;
- collecting medical herbs;
- manual turning and raking the hay;
- looking after small domestic animals and poultry;
- pasturing cattle and poultry, excluding breeding cattle;
- planting, binding, watering saplings and shrubs;
- collecting fallen cones;
- pasting advertisements, newspapers, posters on the street stands;
- delivering newspapers, advertising leaflets and messages to the homes and offices;
- folding and sorting of the newspapers and other printed matter;
- selling newspapers and magazines;
- post and office courier works;
- affixing labels with prices on goods;
- accepting, calculating, sorting and packing of small and light goods;
- affixing of labels to different goods and packs;
- light manual goods assembling and sorting works (putting in pairs the socks and gloves, placing them into boxes by sort, etc.), lacing up shoes;

- gluing of paper, pasteboard and articles thereof using glue free from dangerous substances;
- light secondary works in kiosks of different small goods, in shops and news stalls;
- cleaning and polishing of small articles without using the dangerous substances;
- small repairs works (sewing, gluing, etc.);
- dressing, cleaning and packing the toys;
- sorting and packing of clean linen at the laundry;
- laying the tables (putting the serviettes, spice dishes, etc. on the tables), cleaning the tables;
- collecting the used dishes and spoons, forks and knives to the handcarts and taking them to the dish-washing room;
- cleaning squares and public gardens (in summer) and looking after flower-gardens in squares and public gardens;
- painting of the fences, benches and facilities intended for children's games in the open air with a brush and without using the paint containing dangerous chemical substances;
- work at the registry office of the individual health care establishments (delivering of medical histories and results of laboratory tests);
- secondary works of serving out the books in the library;
- cleaning of premises (except WC) in the educational and catering establishments for children;
- theatrical, musical or other events, advertising or mass media (radio TV) records, audio or video records, photo or film sessions or reviews which have no adverse impact on the morality;
- demonstrating of clothes and other goods.

The minors are permitted to engage in light works during holidays or in other time free from studies. This Government Resolution defines a separate procedure of employment of children (aged 14 – 16). When entering into an employment contract with a minor, the employer shall observe the following procedure:

1) furnish the school attended by the minor and one of the minor's parents or any other statutory representative thereof as well as the paediatrician of the minor with the description of the planned employment conditions;

2) obtain from the school attended by the minor and one of the minor's parents or any other statutory representative thereof as well as the paediatrician of the minor the permit (certificate) with the conclusion about the minor's health and fitness for engaging in the works covered by the description of the employment contract conditions;

3) upon having obtained the certificate and agreements specified in items 1 and 2, an employment contract shall be entered into with the minor attaching to it all of the aforementioned certificates and agreements and a copy of the minor's birth certificate;

4) having entered into the employment contract the employer shall within 3 business days notify it to the territorial unit of the State Labour Inspectorate specifying from whom the agreements and the certificate on the minor's employment were obtained and providing information about the minor's employment contract conditions (nature of the light work, job functions, duration of work, breaks for rest and agreed remuneration).

In making amendments to the employment contract, the employer must observe the procedure established under items 1 thorough 4. The employment contract concluded with the minor may be terminated at any time on request of the minor, one of the parents or of the statutory representative of the minor, or of the minor's paediatrician or school attended by the minor. The employer shall notify the territorial unit of the State Labour Inspectorate about the termination of the employment contract with the minor, specifying the persons on whose request the employment contract has been terminated and the reasons of the termination.

The Labour Code establishes that each enterprise must compile the list of employees aged under 18 years and that such young persons may not be employed in more than one workplace if the total working time exceeds the duration established under the Law on Safety and Health of Workers. Par. 1, Article 41 of the Law on Safety and Health of Workers and Government Resolution No. 138 of 29 January 2003 establish the following working time for young persons:

for adolescents – at least 8 hours a day including the daily school hours and maximum 40 hours a week including the weekly school hours;

for children (employed in light works) – up to 2 hours on a school day and 12 hours a week for work performed in term or semester time outside the hours fixed for school attendance, or 7 hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating (these limits may be raised to 8 hours a day and 40 hours a week in the case of children who have reached the age of 15);

for young persons – up to 8 hours a day and 40 hours a week for work performed under combined work/training scheme or an in-plant work-experience scheme. The aforementioned time for young persons covered by the combined work/training scheme includes the working time at the enterprise and the school time.

The consecutive rest period fixed for young persons shall be: in respect of children – minimum 14 consecutive hours for each 24 –hour period, in respect of adolescents - minimum 12 consecutive hours from 10 p.m. until 6 a.m. Young persons whose daily working time is more than 4 hours are entitled to an additional break of at least 30 minutes during the working time additional break. It shall be included in the working time. Young persons must be provided with at least 2 consecutive rest days a week, and one of them should be on Sunday. The maximum working time and the minimum rest time fixed for young persons is consistent with the provisions of the European Council Directive 94/33/EC on the protection of young people at work.

Part daily working time or part weekly working time shall be set on request of an employee under eighteen years of age (item 4, Par. 1, Article 146 of the Labour Code. Part-time work set for young persons shall not result in limitation of the guarantees provided for them by virtue of legal acts: the duration of annual leave, calculating the length of service, improving qualification, promoting an employee.

The provisions of the Labour Code and of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 are consistent with the provisions of the Charter as regards the minimum access to employment age of young persons as well as the provisions permitting employment of children only for those works which are not likely to be harmful to their health, morality and studies. Provisions of the aforementioned legal acts are in line with the provisions of the European Council Directive 94/33/EC on the protection of young people at work.

Year 2001. Employed by age groups

		All employees	Male	Female	Urban	Rural
All employees		1351789	664468	687321	944227	407562
15 years of age	1	316	99	217	0	316
16 years of age	2	511	390	121	0	511
17 years of age	3	840	770	70	363	477
18 years of age	4	2950	1924	1026	1508	1442

Data of the Population Employment Survey of the Statistics Department under the Government of the Republic of Lithuania

Year 2002. Employed by age groups

		All employees	Male	Female	Urban	Rural
All employees		1405876	707824	698053	973320	432556
15 years of age	1	231	150	81	86	146
16 years of age	2	563	451	112	107	456
17 years of age	3	1438	1246	192	378	1061
18 years of age	4	2663	1836	827	1292	1371

Data of the Population Employment Survey of the Statistics Department under the Government of the Republic of Lithuania

Question C

Please indicate the measures taken to combat illegal child labour and to implement in practice the relevant legislation and regulations.

The meeting of the Government of the Republic of Lithuania held on 19 July 2001 adopted the Action Plan to Strengthen the Prevention and Control of Illegal Work (Minutes No. 34 of 19 July 2002 of the Government of the Republic of Lithuania). This Plan is aimed at reducing the spread of the illegal work. The State Labour Inspectorate was tasked with the shaping of the uniform practice, cooperation of authorities and institutions of control in organising joint checks to make an impartial assessment of illegal work.

In observance of item 1.1 of the Republic of Lithuania Government resolution No. 1407 of 26 November 2001 on Coordinating the Control over Illegal Work Practices (Official Gazette, 2001, No. 99-3558), the State Labour Inspectorate under the Ministry of Social Security and Labour monitors the actions of control, including control of children and adolescents, undertaken by the State Social Insurance Fund Board, the State Tax Inspectorate under the Ministry of Finance, the Financial Crimes Investigation Service under the Ministry of Interior, the Police Department under the Ministry of Interior, and of the territorial units of the National Labour Inspectorate.

The State Labour Inspectorate, for the purpose of monitoring control over illegal work practices and coordinating the actions to the extent of its competence with the aforementioned authorities and institutions, develops methods and recommendations for control of illegal work practices, organises workshops, establishes the procedure of cooperation for the officials of controlling authorities and institutions in organising joint checks, analyses the results of control and provides conclusions to all authorities and institutions controlling illegal work, makes arrangements for educational activities aimed at developing intolerance with regard to illegal work practices and encouraging the society to be more active in identifying such practices, and carries out other actions.

Control over compliance with the regulatory provisions of this Code, labour laws, other regulatory acts and collective agreements shall be exercised and prevention of violations of the said acts shall be effected, according to the competence established by laws, by the State Labour Inspectorate and other institutions (Article 32 of the Labour Code). Should the State Labour Inspectorate reveal the fact of illegal work during its checks, it shall draw the Protocol of Administrative Transgressions of Law in observance of the Code of Administrative Transgressions of Law and shall refer it to courts for investigation, however, the data provided by the State Labour Inspectorate show that between 2001 and 2002 no practices of illegal work of children and adolescents were established.

Article 41 - 3 of the Code of Administrative Transgressions of Law stipulates the sanctions for the established illegal work. Illegal work shall incur on the employers or on persons

authorized thereby the fine from three to ten thousand of litas for each illegally employed person. The same acts performed by a person who has been subjected to an administrative penalty for the violation provided for in Par. 1 of the aforementioned Article shall incur on the employers or on persons authorized thereby the fine from ten to twenty thousand litas for each illegally employed person.

Pursuant to the provisions of Article 33 of the Labour Code Non-state control over compliance with labour laws, other regulatory acts, collective agreements shall be exercised by trade unions, inspectorates within their chain of command and other institutions operating in accordance with laws and other regulatory acts.

ARTICLE 7/paragraph 2

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

- 2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribe occupations regarded as dangerous or unhealthy.”*

Question A

Please state the occupations which are regarded as dangerous or unhealthy for the purpose of this provision. Specify whether a minimum age of admission of at least eighteen years is stipulated for each of these occupations

Pursuant to Par. 1, Article 277 of the Labour Code of the Republic of Lithuania and Par. 1, Article 59 of the Republic of Lithuania Law on Safety and Health of Workers employment of persons who are under 18 years of age shall be prohibited for work which is beyond their physical and psychological capacity; work involving exposure to agents which are toxic, carcinogenic, cause genetic mutation or are harmful to health; work involving possible exposure to ionising radiation or other hazardous and (or) harmful agents; work involving a higher risk of accidents or occupational diseases and work which young person might not be able to perform safely due to lack of experience or attention to safety.

Par. 1, Article 42 of the Republic of Lithuania Law on Fundamentals of the Protection of the Rights of the Child establishes that a young person under 18 years of age may not be entrusted with a job or occupation, detrimental to health or education or one that would interfere with his physical, intellectual or moral maturity.

In accordance with par. 2, Article 277 of the Labour Code of the Republic of Lithuania the procedure of recruitment of young persons, their health surveillance and assessment of their capacity to perform specific work, working time, the list of works prohibited for them and that of dangerous, hazardous factors shall be approved by the Government.

Item 34 of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 stipulates that it shall be prohibited to assign young persons (under 18 years of age) for works the environment whereof contains dangerous and unhealthy agents:

Physical agents:

ionising radiation;

high-pressure atmosphere;

biological agents – means biological substances belonging to groups three and four within the meaning of the Regulations on the Protection of Workers from Risks Related to Exposure to Biological Agents at Work approved by Order No. 80/353 of 21 June 2001 of the Minister of Social Security and Labour and the Minister of Health Care (Official Gazette, 2001, No. 56-1999);

chemical agents:

substances and preparations classified according to the Procedure of the Classification and Labelling of Dangerous Chemical Substances and Preparations approved by Order No. 532/742 of 19 December 2002 of the Minister of Environment and the Minister of Health Care (Official Gazette, 2001, No.16-509) as toxic (T), corrosive (C), or explosive (E);

substances and preparations classified according to the Procedure of the Classification and Labelling of Dangerous Chemical Substances and Preparations as harmful (Xn) and with one or more of the following risk phrases:

- danger of very serious irreversible effects (R39);
- possible risk of irreversible effects (R40);
- may cause sensitisation by inhalation (R42);
- may cause sensitisation by skin contact (R43);
- may cause cancer (R45);
- may cause heritable genetic damage (R46);
- danger of serious damage to health by prolonged exposure (R48);
- may impair fertility (R60);
- may cause harm to the unborn child (R61);

substances and preparations classified according to the Procedure of the Classification and Labelling of Dangerous Chemical Substances and Preparations as irritant (Xi) and with one or more of the following risk phrases:

- may cause sensitisation by inhalation (R42);
- may cause sensitisation by skin contact (R43);
- highly flammable (R12);
- lead and compounds thereof;
- asbestos;

psychophysical factors:

by virtue of legal acts attributed to the hazardous factors of the working environment and classified as ergonomic factors of the difficulty of work ;

by virtue of legal acts attributed to the hazardous factors of the working environment and classified as ergonomic factors of the tenseness of work.

In addition, item 33 of the aforementioned legal act prohibits young persons aged under eighteen years to engage in:

- manufacture of auramine (yellow organic paint used for painting wood, paper and leather);
- work related with aromatic polycyclic carbohydrates contained in coal soot, resin, tar, smoke or dust;
- work related with dust, smoke and spray resulting from heating or electrical cleaning copper - nickel melting intermediate or by-products;
- strong acid isopropyl alcohol production processes;
- work related with manufacture and handling of devices, fireworks or other objects containing explosives;
- work with fierce and (or) poisonous animals;
- work in slaughterhouses;
- work involving the handling of equipment for the production, storage or application of compresses, liquefied or dissolved gases;
- work with vats, tanks, reservoirs or carboys containing chemical substances and preparations;

- work involving a risk of structural collapse;
- work involving high-voltage electrical hazards;
- work the pace of which is determined by machinery and involving payment by quantitative results.

The above-specified lists of works prohibited for young persons and of the factors hazardous and harmful to health have been developed in observance of Article 7 of the Council Directive 94/33/EC.

The employer must guarantee the working conditions consistent with the age of the young person.

The State Labour Inspectorate controls whether the work to which a young person will be placed is not classified as prohibited for young persons aged under eighteen years, whether the working environment does not contain dangerous and unhealthy agents upon presence whereof young persons may not be appointed to work, and whether the working environment satisfies the requirements of legal acts regulating safety and health of workers.

According to the data of the State Labour Inspectorate no cases of employment of young persons in dangerous or unhealthy work or of young persons who have contracted an occupational disease have been established so far.

Question B

Please indicate whether, in accordance with the Appendix, the law allows for derogations where the work concerned is necessary for their vocational training. If so, please indicate the type of work involved. Please indicate also how much work is supervised by the competent authorities and how the health and safety of young workers concerned is protected.

Conditions and Procedure of Vocational Training of Young Persons under 18 Years of Age are established under the Republic of Lithuania Government Resolution No.139 of 29 January 2003 (Official Gazette, 2003, No.13-503) in view of the provisions of the European Council Directive 94/33/EC on the protection of young people at work. Item 4 of the Conditions and Procedure of Vocational Training of Young Persons under 18 Years of Age prohibits the employment of young persons both, in the establishment of vocational training as well as in the enterprises during practical training, for work which is objectively beyond their physical or psychophysical capacity; for work involving harmful exposure to agents which are toxic, carcinogenic, or may cause heritable genetic damage or which in any other way affect human health; work involving harmful exposure to radiation and other dangerous and (or) unhealthy agents; work involving the risk of accidents or contracting occupational diseases, as well as work which it may be assumed cannot be performed by young persons owing to their insufficient attention to safety or lack of experience or training. During practical training young persons may not be assigned to works the performance whereof is likely to expose them to dangerous and unhealthy agents, as well as to works when factors in the working environment exceed the permitted levels fixed under legal acts regulating safety and health of workers. Young persons may not undergo practical training at night. The Labour Code prohibits working at night for persons under 18 years of age, or appointing them to be on duty at the undertaking or at home at night (after working hours or on holidays or days off), or assigning them to overtime work (Par. 3, Article 150; Par. 3, Article 154; Par. 4, Article 155 of the Labour Code).

Item 9 of the Conditions and Procedure of Vocational Training of Young Persons under 18 Years of Age are established under the Republic of Lithuania Government Resolution No.139 of 29 January 2003 (Official Gazette, 2003, No.13-503) stipulates that prior to entering the training provided for in the training programme, a young person should undergo health examination at the individual health care establishment and furnish the head of the training establishment with a medical certificate issued by the individual health care establishment. The vocational teacher is obligated to continuously supervise young persons engaged in practical

training works. The staff certified on the matters of safety and health of workers who is appointed by order of the head of the training establishment monitors the process of practical training. Young persons of at least 16 years of age may be referred for practical training to enterprises. The vocational teacher of the vocational training establishment must control that adolescents sent to practical works in enterprises are engaged only in those works that are covered by the training programme.

Compliance with these requirements of the legal act in the course of practical training of young persons in the vocational training establishments and enterprises is controlled by the vocational training establishments, as specifies in the Procedure of Supervision of Vocational Training establishments approved by Order No. 9/6 of 5 January 2001 of the Minister of Education and Science and by the Minister of Social Security and Labour (Official Gazette, 2001, No. 4-112). The State Labour Inspectorate under the Ministry of Social Security and Labour examines the compliance with the requirements of safety and health of workers during practical training of adolescents (young persons aged between 16 and 18) in enterprises.

The State Labour Inspectorate controls whether the work to which a young person will be placed is not classified as prohibited for young persons aged under eighteen years, whether the working environment does not contain dangerous and unhealthy agents upon presence whereof young persons may not be appointed to work, and whether the working environment satisfies the requirements of legal acts regulating safety and health of workers.

According to the data of the State Labour Inspectorate no cases of employment of young persons in dangerous or unhealthy work or of young persons who have contracted an occupational disease have been established so far.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

The Republic of Lithuania labour, safety and health laws as well as other legal acts obligate the employers to provide for all measures to protect young persons under 18 years of age from all possible dangers. Additional measures may be established in collective agreements of enterprises, institutions and organisations.

The employer's duty is to ensure the safety and health of workers in terms of all work-related aspects. To fulfil this duty, the employer takes measures necessary to guarantee the safety of workers and to protect their health. The employer must implement all preventive measures to preserve the workers' ability to work, as well as their health and life at work which shall be applied or planned in all stages of enterprise activities, to protect workers from occupational risk or to reduce it to the minimum possible extent, and to independently organise the internal control of the workers' safety and health condition within the enterprise.

The State Labour Inspectorate under the Ministry of Social Security and Labour carries out the functions of control provided for under the Republic of Lithuania Law on the State Labour Inspectorate (Official Gazette, 1994, No. 87-1644). The State Labour Inspectorate in controlling within the limits of its competence the implementation of legal acts regulating safety and health at work of young persons aged under 18 years, shall carry out systemic and special checks as well as inspections in response to lodged complaints. It shall also examine whether there are any violations of employment procedure, working and rest regimes, health examinations, the presence of the instances of work carried out disregarding normal working conditions and appointments of persons to illegal works. Having established any violations, the labour inspectors shall draw up written requirements to eliminate them and shall impose administrative penalties on the employer in the manner established by the Code of Administrative Transgressions of Law.

Article 41 of the Code of Administrative Transgressions of Law specifies the sanctions imposed for established violations of labour laws and normative acts regulating the safety of works and labour hygiene – incurring on the employers or persons authorised thereby the fine in the amount from five hundred to three thousand litas.

Violation of the normative acts regulating the safety of works and labour hygiene incurs on the senior officials the fine from three hundred to three thousand litas and on other employees – from twenty to one hundred litas.

The State Labour Inspectorate officials, in observance of Par. 1, Article 266 of the Labour Code, item 10, Par. 1, Article 7 of the Law on the State Labour Inspectorate, Par. 7, Article 18 and Pars. 9 through 11, Article 25 of the Law on Safety and Health of Workers shall suspend works in the manner established by regulatory acts in the following cases:

- 1) if an employee (employees) has not been trained in safe work;
- 2) in the event of a breakdown of work equipment or an accident hazard;
- 3) if work is performed in violation of the established technical regulations;
- 4) if work is performed without the necessary collective protective equipment or if employees are not provided with the necessary collective and(or) personal protective equipment;
- 5) if natural conditions preclude safe performance of works;
- 6) in other cases when the working environment is harmful and (or) dangerous to health or life.

Should the employer or a person authorised thereby refuse fulfilling the requirement of the labour inspector to suspend the works, the labour inspector shall apply to the municipality police officers requesting to remove the workers from dangerous working places or area (item 10, Par. 1, Article 7 of the Law on the State Tax Inspectorate).

ARTICLE 7 / paragraph 3

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

3. *to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education.*“

Question A

Please indicate the age at which education ceases to be compulsory under your country’s present legislation.

Article 41 of the Constitution of the Republic of Lithuania establishes that education shall be compulsory for persons under the age of 16.

Question B

Please indicate the statutory maximum duration of any work performed by children still subject to compulsory education before or after school hours and during weekends and school holidays.

Please indicate the nature of the work performed by these children.

Article 41 of the Republic of Lithuania Law on Safety and Health of Workers and the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 stipulates that the maximum permitted

working time before and after school, on weekends and during school holidays for a young person aged 16 – 18 who is subject to compulsory education shall be at least 8 hours a day including the daily school hours and maximum 40 hours a week including the weekly school hours. Children aged under 16, who are subject to compulsory education, shall be permitted to work for up to 2 hours on a school day and 12 hours a week for work performed in term or semester time outside the hours fixed for school attendance, or 7 hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating (these limits may be raised to 8 hours a day and 40 hours a week in the case of children who have reached the age of 15);

The Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003, stipulates that children aged from 14 to 16 are permitted to engage in the established light works (Part VII of the Resolution), and defines works prohibited for young persons aged under 18 (Part V of the Resolution).

Before adoption of the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 on Approval of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health the work of young persons was governed by Articles 58 and 61 of the Republic of Lithuania Law on Safety and Health of Workers (1993). The work of children aged under 16 was prohibited, save as light works corresponding to their physical capacities and in observance of the employment conditions. A child was permitted to work on written agreement concluded between one of the parents or other person raising the child and the employer, if so requested by the child and upon submission of the certificate on the child's health and the physician's permission. Children aged under 16 were permitted to engaged in work in accordance with the approved list of light works, prohibiting to admit them to work from 8 p.m. till 6 a.m.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations

Item 5, Par. 1, Article 136 of the Labour Code of the Republic of Lithuania establishes that the permission issued by the school is required in case of employment of pupils aged under 16 years. Should the work interfere with studies, the child's school may demand that the employment contract be terminated.

Before enactment of the Republic of Lithuania Labour Code the Law on Employment Contract of the Republic of Lithuania was in force. Item 13, Article 26 of the latter provided that an employment contract may be terminated when a child, one of the parents or other person raising the child, or the doctor in charge of health care of the child so demands.

In practice control over the work of children is exercised by the State Labour Inspectorate, other state and public authorities in charge of children's school. Work and social conditions. The Republic of Lithuania Labour Code, the Republic of Lithuania Code of Administrative Transgressions of Law and other legal acts provide for the liability of the violators of procedure established with regard to illegal work of children.

ARTICLE 7/ paragraph 4

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

- 4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training.”*

Question A

Please indicate the extent of this limitation, whether it follows from legislative, administrative or contractual provisions or from practice.

The shortening of working time for the employed young persons is provided under laws. Article 145 of the Labour Code of the Republic of Lithuania establishes in what cases and for what categories of employees the shortened working time shall apply. It also covers young persons under 18 years of age. In observance of the provisions of the Labour Code their working time is shortened pursuant to the Republic of Lithuania Law on the Safety and Health of Workers. By virtue of Article 41 of this Law the working time of children employed not during their school year and for at least a week may not exceed 7 hours a day and maximum 35 hours a week (item 2, Par. 1). This working time may be extended if a child has reached the age of 15, however, it may not exceed 8 hours a day and 40 hours a week. Therefore, for employed children and adolescents in Lithuania the working time in all instances may not exceed the limits fixed under laws. Control over compliance with labour laws shall be exercised by the State Labour Inspectorate.

Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health are established by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003. This Resolution also reflects the aforementioned provisions of the Law.

Question B

Please indicate if any workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures and, if so:

- 1. please provide statistics showing what proportion of all workers is not covered;*
 - 2. please give the reasons for which certain workers are not covered;*
 - 3. please state what special measures have been taken on behalf of workers under eighteen years who do not benefit from any limitation of their hours of work.*
-

These provisions are applicable to all workers in observance of the principle equality of subjects of labour law enforced in the Labour Code (item 4, Par. 1, Article 2).

There are no statistical data on the percentage of workers who are excluded from the scope of application of these provisions.

The State Labour Inspectorate Report on Activities in 2002 specifies 2 violations concerned with illegal work of young persons. Neither of them, however, records violations of the working time. The aforementioned two cases are related with violations of employment relations execution requirements – adolescents worked without having entered into written employment contracts disregarding the requirements of labour laws of the Republic of Lithuania.

The employer of such adolescents was fined with LTL 10 000 in accordance with the Republic of Lithuania Code of Administrative Transgressions of Law (Decision of 26 October 2000 passed by Palanga City District Court).

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

State supervision and control of labour laws is carried out by the State Labour Inspectorate under the Ministry of Social Security and Labour, as well as by other authorities, as provided for under the Republic of Lithuania laws. On 26 November 20 the Republic of Lithuania Government passed the Resolution No. 1407 approving the procedure whereby the State Labour Inspectorate is designated to exercise control over activities of other authorities: actions of control of illegal work practices performed by the State Social Insurance Fund Board, State Tax Inspectorate under the Ministry of Finance, Financial Investigation Service under the Ministry of Interior, Police Department under the Ministry of Interior and territorial units of the State Labour Inspectorate.

It should be mentioned that in observance of Lithuanian legislation trade unions and inspectorates subordinate to them are entitled to carry out non-state control over compliance with labour laws. For the purpose of preparing the Report, the central organisations operating in Lithuania were interviewed as regards implementation of this Article and related challenges; however, they did not provide any related comments.

Therefore, it might be concluded that the measure, which is most frequently, applied in practice covers activities of authorities controlling illegal work, because of the insufficient social dialogue in enterprises. Nevertheless, the State Labour Inspectorate, in fighting against illegal work practices, also engages in information and educative activities. Individuals are provided with continuous counselling, assistance is provided by telephone, labour inspectors participate in TV and radio legal education broadcasts, respective articles are printed in different publications. Mass media receives the lists of employers subjected to administrative penalties by courts for using illegal work etc.

In implementing this Article of the Charter the statutory mechanisms play an important role. The Labour Code and the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work approved by the Republic of Lithuania Government Resolution of 29 January 2003 establish respective requirements applicable on employment of a minor aged 14 – 16. In observance of the aforementioned Procedure an employer when admitting such minor to work, must furnish the school attended by the minor, as well as one of the minor's parents or any other statutory representative of the minor, and the physician thereof with the description of envisaged conditions of the employment contract. In addition, prior to employing the aforementioned person, the employer must obtain a written permission from the school attended by the minor, as well as from one of the minor's parents or any other statutory representative of the minor, and the physician thereof, including the conclusion about the minor's health and fitness to do particular works provided for in the description of the employment contract conditions (items 16 and 17). The same Procedure must be observed when changing the employment contract conditions. The aforementioned documents alongside the notarised copy of the minor's birth certificate shall be attached to the employment contract. The Procedure approved by the Government provides that the enterprise must compile the list of employees under 18 years of age (item 12).

The employer, having concluded the employment contract, shall within 3 business days notify to the effect the territorial inspection unit of the State Labour Inspectorate, specifying the individuals who have issued respective agreements and certificates, and providing information about employment contract conditions – the workplace (enterprise, institution, organisation), subdivision, as well as other employment contract conditions (nature of permissible light work, the created safe and healthy conditions, job functions, work duration in hours, duration and number of rest breaks, remuneration, the time of day and the days of the week on which the person will be employed). Having introduced amendments to the employment contract, the employer must within 3 business days notify to this effect the territorial inspection unit of the State Labour Inspectorate and specify the amended conditions of the employment contract. Upon termination of the employment contract the employer shall also be obligated to notify to the effect within the same time limit the territorial unit, also specifying the persons who have filed the requirement to terminate the employment contract and the reasons of termination thereof (items 18-20).

The employment contract may be terminated at any time on request of the child, one of his parents or any other statutory representative of the child, physician thereof or of the school attended by the child (item 21 of the Republic of Lithuania Government Resolution under consideration).

Question D

Please indicate whether the measures described apply to all categories of young people at work. If this is not the case, please give an estimate of the proportion of young people not covered and, if possible, indicate the categories concerned.

All of the described measures apply to all categories of employed young persons in observance of the principle of equality enforced by laws (item 4, Par. 1, Article 2 of the Labour Code).

Question E

Please indicate, where appropriate, why certain workers are not covered, and whether special measures have been taken on their behalf.

See the answer to Question B (3), Article 7/paragraph 4 – upon establishment of such violations employment relations shall be forthwith terminated on request of the authorised official (item 3, Par. 1, Article 136 of the Labour Code).

Practical implementation of this Article of the Charter is controlled by the State Labour Inspectorate and other authorities exercising control and prevention of illegal work (see answer to Question C, paragraph 4 of this Article).

ARTICLE 7 / paragraph 5

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;”

Question A

Please indicate the general rules applying to the wages of young workers and to the appropriate allowances of apprentices

Par. 3, Article 186 of the Labour Code of the Republic of Lithuania stipulates that the wage of an employee shall depend upon the amount and quality of work, the results of the activities by the enterprise, agency or organisation as well as the labour demand and supply in the labour market. It means that wages are fixed in observance of the aforementioned criteria, other than of the worker's age. Moreover, item 4, Par. 1, Article 2 of the Labour Code enforces the principle of equality of labour law subjects specifying that their rights may not be limited due to factors unrelated to the employee's professional qualities, which also include the employee's age.

It should be noted that the Labour Code also provides for differentiating the amounts of the minimum wage for separate groups of employees. The Government on proposal of the Tripartite Council may implement such differentiation. The proposal provided by the Tripartite Council in April 2003 in implementing this provision of the Code, however, was limited only to increasing the minimum wage without distinguishing young people. In June the Government was proposed to increase the minimum monthly wage up to LTL 450, maintaining the former wage of the farmers, i.e. LTL 430.

Before enforcement of the Labour Code, the Wages Law directly prohibited to reduce wages due to different criteria, age included. The direct prohibition was not retained in the Labour law, since this Code regulates all matters related with labour relations. Therefore, the principle of equality of subjects of labour law enforced by the Code is applied in fixing and paying the wage. The fact that the aforementioned principle was distinguished in the Wages Law which was in force until 1 January 2003 can be explained by the fact that the scope of regulation of this Law was narrower and the enforcement of such legal principle was indispensable.

In observance of the Code of Labour Laws (adopted in 1972) applicable until 1 January 2003 (enactment of the Labour Code), the minors for who by virtue of law are entitled to a shortened working day receive the wage which is paid to those who work a full working day, whereas the pay for the work of employees who are studying in educational establishments shall be proportionate to the time spent at work or to the work carried out (Article 211). Article 198 of the Labour Code stipulates that the terms of work pay for the employees who are working shorter hours shall be determined by the Government. At present the Government is drafting a resolution to enforce the provision which existed in the Code of Labour laws.

Moreover, Article 209 of the Labour Code, as well as Article 10 of the previously applicable Wages Law provide that employees who are studying at educational establishments shall be entitled to additional privileges and guarantees provided in collective agreements. In observance of the principle of systematic interpretation of this Code, such privileges may concern wages. In addition, collective agreements may, at any time on agreement of the contractual parties, include guarantees, additional to those stipulated by laws, provided for all groups of employees.

The Law on Vocational Education and Training stipulates that an institution engaged in implementing practical training exclusively must compensate for the student's work in accordance with the conditions stipulated in the contract (item 2, Par. 2, Article 18).

Question B

Please give available statistical information on the level of wages for young workers and on the appropriate allowances for apprentices.

Such statistics is not available so far, however, the Department of Statistics under the Government of the Republic of Lithuania envisages to develop its system of accumulation and classification of data, therefore, it is likely that this information will be included in the next report.

ARTICLE 7 / paragraph 6

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

6. *to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day.”*
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Question A

Please indicate the relevant regulations or collective agreements providing that the hours spent by young persons in their vocational training during normal working hours with the consent of the employer shall be treated as forming part of the working day, and specify, as far as possible, the time allowed to young persons for this purpose.

Article 41 of the Law on Safety and Health of Workers stipulates that the time of practical and school training shall be counted as working time for adolescents who work under a combined work/training scheme. Articles 50 and 61 of the Labour Code establish the contents of a collective agreement. In observance of the aforementioned Articles the acquisition of a profession or speciality, in-service training, retraining, as well as related guarantees and privileges may be agreed under a collective agreement.

Question B

Please indicate whether the time devoted to vocational training is paid and on what basis.

See the answer to Question A of Article 7/paragraph 5.

Question C

Please indicate whether the measures described apply to all categories of young people at work. If this is not the case, please give an estimate of the appropriate young people not covered and, if possible, indicate the categories concerned.

See the answer to Question A of Article 7/paragraph 5.

Question D

Please indicate, where appropriate, why certain workers are not covered, and whether special measures have been taken on their behalf.

In observance of the principle of equality of subjects of labour law enforced under the Republic of Lithuanian labour laws the aforementioned provisions apply to all workers.

Question E

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

Prevention and control of illegal work is carried out by the State Labour Inspectorate and other authorities. See the answer to Question C, Article 7/paragraph 4.

ARTICLE 7 /paragraph 7¹

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

- 7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay.”*
-

Question A

Please indicate the minimum duration of annual holiday with pay for workers under eighteen years of age.

Pursuant to Article 6 of the Republic of Lithuania Law on Holidays the minimum annual holiday for employees under 18 years of age shall be 35 calendar days. The analogous provisions have also been transposed to Article 166 of the Labour Code. Annual leave shall not be shortened for part-time employees.

Article 26 of the Law on Vocational Training and Education stipulates that a student of VET institution shall receive at least an 8-week holiday over the course of the school year.

Question B

Please indicate how this provision is implemented in your country.

All employed adolescents shall be entitled to the annual leave of the duration established by laws. The leave shall be granted in observance of the procedure established by laws: the annual leave for each working year shall be granted in the same working year. Annual leave for the first working year shall be granted, as a rule, after six months of uninterrupted work at the enterprise. Young persons under 18 years of age shall have a pre-emption right to choose the time of annual leave (Article 169 of the Labour Code).

Question C

Please indicate whether the measures described are applicable to all categories of workers under eighteen years of age. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate

¹ If you have answered the question under paragraph 3 of Article 2, it is not necessary to answer this question.

the categories concerned.

The aforementioned measures shall apply to all employees aged under 18 in observance of the principle of equality of subjects of labour law.

Question D

Please indicate where appropriate why certain workers under eighteen years of age are not covered, and whether special measures have been taken on their behalf.

The aforementioned measures shall apply to all employees aged under 18 in observance of the principle of equality of subjects of labour law.

Question E

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

See the answer to Question C, Article 7, paragraph 2.

ARTICLE 7/ paragraph 8

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

8. *to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations.”*

[The Appendix to the revised Charter stipulates that it is understood that a Contracting Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under 18 years of age shall not be employed in night work.]

Question A

Lease indicate the hours to which the term “night work” applies in your country’s regulations for the purpose of such prohibition.

Republic of Lithuania laws and other legal acts as regards the prohibition of night work of young persons are in line with the provisions of the ILO Convention No. 90 concerning prohibition of night work for young persons and of the European Council Directive 94/33/EC on the protection of young people at work.

Pursuant to Par. 3, Article 154 of the Republic of Lithuania Labour Code and Article 61 of the Republic of Lithuania law on Safety and Health of Workers work at night shall be prohibited for persons under 18 years of age.

Par. 1, Article 154 of the Republic of Lithuania Labour Code defines the night time as the calendar time from 10 p.m. to 6 a.m.

Question B

Please list the types of night work which persons under eighteen years of age are authorised to perform either generally or with special permission.

Par. 3, Article 154 of the Republic of Lithuania Labour Code and Article 61 of the Republic of Lithuania Law on Safety and Health of Workers working at night shall be prohibited for persons under 18 years of age. Legislation of the Republic of Lithuania does not regulate the night work performed with or without special permissions.

Question C

Please describe the scope of the exceptions and, in particular, the maximum duration and the age under which such derogations cannot be made.

Legislation of the Republic of Lithuania does not define night works permitted for young persons under 18 years of age by way of exception.

Question D

Please indicate the hours during which night work by young persons is prohibited in all circumstances.

Article 61 of the Republic of Lithuania Law on Safety and Health of Workers stipulates that children (under 16 years of age) may not be employed for work from 8 p.m. till 6 a.m. Adolescents (aged 16-18) may not be admitted to work from 10 p.m. till 6 a. m., or from 11 p.m. till 7 a. m.

Question E

Please indicate whether the measures described are applicable to all categories of workers under eighteen. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

The established measures apply to all categories of workers under eighteen.

Question F

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

These measures are described under Question C, Article 7, paragraph 2.

ARTICLE 7/ paragraph 9

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

- 9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control“*
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Question A

Please indicate in which occupations regular medical examinations are stipulated for persons under eighteen years of age.

Article 53 of the Constitution of the Republic of Lithuania establishes that the State shall take care of people's health and shall guarantee medical aid and services in the event of sickness. The procedure for providing medical aid to citizens free of charge at State medical facilities shall be established by law.

Par. 1, Article 265 of the Republic of Lithuania Labour Code and Par. 2, Article 24 of the Republic of Lithuania Law on Safety and Health of Workers stipulate that employees under 18 years of age must undergo a medical examination upon employment and annually thereafter until they reach 18 years of age. Par. 2, Article 40 of the Law on Fundamentals of Protection of the Rights of the Child provides for the mandatory health examination for young persons aged under 18 (prior to being employed or already in employment) (Official Gazette", 1996, No. 33-807).

Pursuant to Par. 2, Article 260 of the Republic of Lithuania Labour Code, Article 13 of the Republic of Lithuania Law on Safety and Health of Workers, and Par. 1, Article 40 of the Law on Fundamentals of Protection of the Rights of the Child, it is the responsibility of an employer to ensure safety and health at work of the workers in all employment-related aspects. To discharge this obligation, the employer shall take measures necessary to ensure the safety of workers and to protect health thereof. Therefore, for the purpose of implementing his duties, the employer shall create conditions for mandatory health examinations in the manner established by legal acts. (item 9, Par. 1, Article 28 of the on Safety and Health of Workers).

Item 24 of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 (Official Gazette, 2003, No. 13-502) requires that prior to being employed young persons must undergo a medical examination upon employment and annually thereafter until they reach 18 years of age.

Item 25 of the aforementioned legal acts establishes that the young person's (aged under 18 years) aptness to perform a particular work shall be determined by the health care specialists (physicians) in observance of the procedure established by the Health care Minister's Order No. 301 of 31 May 2000 on Prophylactic Health Care Examinations in Health Care Establishments (Official Gazette 2000, No. 47-1365). The conclusion on the young person's suitability to engage in particular works shall be recorded in the medical certificate, which must be furnished by young persons to the employer.

In observance of Par. 5, Article 265 of the Labour Code an employer shall approve the list of employees who must undergo medical examination and the medical examination schedule agreed with the health care institution; he shall introduce employees thereto against signature.

Item 28 of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 obligates the employer to keep medical certificates issued by a physician for the period fixed by the Archives Department of Lithuania.

By virtue of item 33, Section V of the Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the Republic of Lithuania Government Resolution ("*Valstybės žinios*")

(Official Gazette), 2003, No. 13502) young persons aged under eighteen years are prohibited to engage in the manufacture of auramine (yellow organic paint used for painting wood, paper and leather); in work related with aromatic polycyclic carbohydrates contained in coal soot, resin, tar, smoke or dust; in work related with dust, smoke and spray resulting from heating or electrical cleaning of copper - nickel melting intermediate or by-products; strong acid isopropyl alcohol production processes; work related with manufacture and handling of devices, fireworks or other objects containing explosives; work with fierce and (or) poisonous animals; in work in slaughterhouses; in work involving the handling of equipment for the production, storage or application of compresses, liquefied or dissolved gases; in work with different reservoirs containing chemical substances and preparations specified under item 34.3; in work involving a risk of structural collapse; in work involving high-voltage electrical hazards; in work the pace of which is determined by machinery and involving payment by quantitative results.

A young person aged under 18 years must undergo health examination once a year in observance of the Health Care Minister's Order No. 301 of 31 May 2000.

Question B

Please indicate the conditions and how often these examinations are made.

In observance of Article 265 of the Republic of Lithuania Labour Code (Official Gazette, 2002, No. 64-2569) employees under 18 years of age must undergo a medical examination upon employment and annually thereafter until they reach 18 years of age.

Mandatory health examinations shall be carried out during working hours. The procedure of mandatory health examinations is regulated by par. 1, Article 265 of the Republic of Lithuania Labour Code, Par. 2, Article 24 of the Republic of Lithuania Law on Safety and Health of Workers, Republic of Lithuania Government Resolution No. 138 of 29 January 2003, and 31 May 2003 Order No. 301 of the Minister of Health Care on Prophylactic Health Care Examinations in Health Care Establishments (Question A, item 9).

In observance of Article 49 of the Republic of Lithuania Law on the Health System (Official Gazette, 1998, No.112-3099) the citizens of the Republic of Lithuania, foreign nationals and stateless persons permanently residing in Lithuania shall be entitled to the state-guaranteed (free) individual health care.

Young persons under 18 years of age shall be provided with free individual health care services in the manner established by laws, i.e. these services shall be covered from the Compulsory Health Insurance Fund budget proceeds (Par. 4, Article 6 of the Republic of Lithuania Law on Health Insurance).

The employer shall pay employees their average wage for the working time spent undergoing medical examination (Par. 6, Article 265 of the Labour Code).

Article 277 of the Labour Exchange establishes that the procedure of health surveillance of young persons aged under 18 shall be approved by the Government. The Ministry of Health Care, in implementing the measure provided for in item 2.2 of the Plan of Drafting Laws and other Regulatory Acts Subject to Harmonisation with the Labour Code of the Republic of Lithuania approved by the Republic of Lithuania Government Resolution No. 1189 of 19 07 2002 worked out the Draft List of Occupations and Works Upon Employment to Which and Subsequently the Persons Must Undergo Periodic Health Examinations and the Health Examination Procedure. The Draft was developed in line with the 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 (Official Journal L 183, 1989 06 29, p. 1).

Pursuant to Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health approved by the

Republic of Lithuania Government Resolution No. 138 of 29 January 2003 (“*Valstybės žinios*” (Official Gazette), 2003, No. 13-502) requires that prior to being employed young persons must undergo a medical examination upon employment and annually thereafter until they reach 18 years of age. The aforementioned Resolution also covers the list of works permitted and prohibited for young persons under 18 years of age.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

The employer’s obligations to ensure the safety and health of workers are established under the legal acts regulating the employment, safety and health. In discharging these obligations the employer must take all measures necessary to ensure the safety of workers and to protect the health thereof. One of such measures is organising mandatory health examinations for young persons under 18 years of age.

The State Labour Inspectorate shall examine whether the lists of workers subject to mandatory health examinations compiled in enterprises are correct, control how the employers organise mandatory health examinations of workers (item 9, Article 6 of the Law on the State Labour Inspectorate).

Upon establishing the aforementioned violations, the Labour Inspectors shall prepare written requirements for the employers to eliminate them and impose administrative penalties on the employers in the manner established in the Code of Administrative Transgressions of Law.

Sanctions provided in Article 41 of the Code of Administrative Transgressions of Law for violations of labour laws and work safety hygiene regulatory acts incur on the employers or on persons authorised thereby the fine from five hundred to five thousand litas.

Violation of work safety hygiene regulatory acts incur on the employers or on persons authorised thereby the fine from three hundred to three thousand litas, and on other staff – from twenty to one hundred litas.

ARTICLE 7 / paragraph 10

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Question A

Please describe the work which is considered either directly or indirectly, as constituting a danger to the health or morals of young persons.

The principal norms and regulations of safety and health of young persons under 18 years of age are covered by the aforementioned legal acts of the Republic of Lithuania, however collective agreements may provide these persons with additional guarantees in the sphere of safety and health, other than those established under laws and other legal acts.

Legal acts referred to in other items of Article 7 establish that a young person may not be admitted to the work which is likely to be harmful to the safety, health or development of a young person or to his (her) attendance at school. Employment of young persons under eighteen years of age shall be prohibited for work which is beyond their physical and psychological capacity; work involving exposure to agents which are toxic, carcinogenic, cause genetic

mutation or are harmful to health; work involving possible exposure to ionising radiation or other hazardous and (or) harmful agents; work involving a higher risk of accidents or occupational diseases and work which young person might not be able to perform safely due to lack of experience or attention to safety.

The legal acts under consideration establish the List of Prohibited Works and Factors Harmful and Dangerous to Health of young persons (under 18 years of age) (Question A, Article 7, paragraph 2).

According to the data of the State Labour Inspectorate and of the Hygiene Institute Labour Medicine Centre established under the Ministry of Health Care, no cases of employment of young persons for harmful or hazardous work or of contraction of occupational diseases by said persons have been registered.

Question B

Please describe the measures to protect young persons who are in fact exposed to physical or moral danger at their work.

Please describe, in particular, the measures taken (stopping of work, transfer, vocational guidance, etc.) when a physical disorder is noted in young persons in the course of their work

In observance of Pars. 2 and 5 of Article 159 of the Labour Code, the Employees under 18 years of age, who work for more than four hours, must be granted an additional break of at least 30 minutes to rest during their working time. This break shall be included in their working time. The number of additional and special breaks; their duration and the place of rest shall be defined, taking account of the specific working conditions, in collective agreements or internal work rules.

Par. 1, Article 58 of the Law on Safety and Health of Workers establishes that the employers must guarantee working conditions that are consistent with the age of the young person. Moreover, when employing young people and at least once a year the employer must appraise young persons about likely hazards and measures to avoid them as well as about the measures of the enterprise aimed at ensuring the safety and protecting the health. The employer must also notify the young persons' parents or guardians about likely hazards and measures to avoid them (par. 8, Article 58 of the Law on Safety and Health of Workers).

Article 14 of the Law on Safety and Health of Workers stipulates that with a view to guaranteeing safe and healthy conditions for workers the employer shall establish the Workers Safety and Health Service comprising one or more workers' safety and health experts. In the event of absence of such experts in the enterprise, the employer shall hire the Workers Safety and Health Service of one or more experts of this sphere (other than the enterprise staff) for performing the functions of the said Service. Given the size of the enterprise and occupational risk of the workers, the number of appointed or hired experts in all cases should be sufficient for organising the preventive measures of the safety and health of workers. The employer shall independently take a decision whether to establish a joint workers safety and health service, or to set up a separate workers safety service and a labour medicine service. The procedure of establishment of the workers' safety and health services in enterprises, the functions, duties of such services, general qualification requirements for their specialists are stipulated under the Regulations of the Workers' Safety and Health Services in Enterprises approved by Order No. 77/262 of 10 June 2002 of the Ministry of Social Security and Labour and the Ministry of Health Care (Official Gazette, 2002, No. 69-2850).

Workers' Safety and Health Services in Enterprises shall:

- consult workers and the employer in the sphere of safety and health of workers;
- instruct workers and representatives thereof, the employer, heads of subdivisions in the manner established under legal acts regulating the safety and health of workers and under regulatory documents of the enterprise on safety and health, if necessary, train workers safe labour techniques and participate in training;

- compile lists of workers subject to mandatory health examinations, organise such health examinations, analyse results thereof (upon employment and on a regular basis) and notify said results to the employer;
 - on instruction of the employer organise and coordinate the occupational risk assessment in the enterprise, provide counselling to the heads of subdivisions, coordinate their activities in this sphere, develop the lists of workplaces or other risk-related objects to be covered by risk assessment of which of workplaces to be subjected to hygienic assessment, in observance of surveys determine workplaces in which preventive measures must be implemented, and, where appropriate, develop preventive measures in concert with employers. The particular functions of the enterprise service in assessing occupational risk or organising its assessment in the enterprise shall be established by the employer;
 - analyse the circumstances and reasons of accidents at work, occupational diseases and incidents and provide proposals to the employer on preventive measures to avoid them;
 - in observance of the internal procedure of supervision and control of the workers safety and health status in the enterprise established by the employer, supervise and control the compliance with the workers' safety and health requirements in the enterprise;
 - perform other functions related with the workers' safety and health.
- The employer who has established the workers' safety and health service in the enterprise, or who has not established such a service and who carries out the functions of such service himself pursuant to the requirements of the Regulations of Workers' Safety and Health Services of Enterprises shall notify State Labour Inspectorate to the effect.

Provisions of Article 33 of the Law on Safety and Health of Workers obligate the employer to transfer the worker to another work due to his health condition. The worker who on the basis of the conclusion on health condition drawn by the state social medical expertise commission or health care institution cannot perform the agreed work (hold an office) because of the danger to his health or because it may expose the others to the danger, must, on his agreement, be transferred to another work fitting his health and, if possible, qualification. If the worker's health has worsened due to his work in a given enterprise (and he cannot perform the previous work as a result of trauma, occupational disease, or other health damage) and if there is no possibility to transfer him to another work fitting his health condition and, if possible, qualification, because the enterprise cannot offer the work which such worker can perform according to his health capacity, such worker shall be paid the sickness benefit in the amount established by laws until the conclusion on the worker's ability to work is obtained from the state social medical expertise commission.

The employers must insure the workers with social insurance against accidents at work and occupational diseases (Article 75 of the Law on Safety and Health of Workers).

The employer's duty is to ensure the safety and health of workers in terms of all labour-related aspects. To fulfil this duty, the employer takes measures necessary to guarantee the safety of workers and to protect their health. The employer must implement all preventive measures to preserve the workers' ability to work, as well as their health and life at work which shall be applied or planned in all stages of enterprise activities, to protect workers from occupational risk or to reduce it to the minimum possible extent, and to independently organise the internal control of the workers' safety and health condition within the enterprise. The measures of safety and health of workers in enterprises shall be financed with the employer's funds (Articles 13 and 22 of the Law on Safety and Health of Workers).

The Republic of Lithuania labour, safety and health laws as well as other legal acts obligate the employers to provide for all measures to protect young persons under 18 years of age from all possible dangers. Additional measures may be established in collective agreements of enterprises, institutions and organisations.

Question C

Please give a summary of the measures taken in order to protect young people outside work.

Lithuania applies different measures to protect adolescents after working hours. These measures are aimed at addressing the separate groups of problems (violence, deprivation of care, drug and alcohol abuse, etc.). To this end the continuous programmes have been approved and are being implemented by public authorities and non-government institutions.

To settle social problems faced by pre-school and school-age children from problem families, the Government of the Republic of Lithuania passed the Resolution No. 731 of 24 May 2002 approving the National Programme for Children's Day Care Centres of Non-governmental Organisations for 2002-2004. The purpose of this National Programme is to organise the development of children from social risk-related families, their extra-curriculum activities, to ensure social work with parents to create conditions for children to return to their families, and also to protect the child from harmful habits and likely "street" influence. The Children's Day Care Centres should provide adequate conditions for socialisation of children, early prevention of crimes of children and adolescents and for rendering social services to problem families. Implementation of the projects is financed with funds allocated from the State Budget. It is also supported by municipalities and miscellaneous Lithuanian and foreign non-governmental organisations. For the purpose of implementing these projects it is envisaged that in 2003 social services will be provided to 2435 children and their families. Whereas in 2002 the provision of social services was planned to 1693 children and their families.

With a view to ensuring engagement of children, developing their ability of self-expression, consolidating institutional links with local community, and increasing the opportunities of adaptation and social reintegration of problem children in the society, implementation of the Programme for Organising Children's Summer Holidays approved by the Republic of Lithuania Government Resolution No. 560 of 10 May 1996 and the National Crime Prevention Programme for Children and Minors approved by the Republic of Lithuania Government Resolution No. 197 of 6 March 1997 is pursued during the reporting period. Responsibility for the implementation of these programmes at the national level has been delegated to the Ministry of Education and Science. In 2001 over 70 thousands of children were included in preventive programmes, and summer rest was organised for more than 33 thousands of children on the basis of the aforementioned programme, of which 23 thousands of children entitled to social guarantees. In 2002 implementation of the aforementioned programmes was organised through municipalities and counties, in order to concentrate the activities of the protection of the children's rights and their crime prevention in local educational and social welfare establishments.

Activities in the sphere of drug prevention are aimed at developing public awareness, with particular attention being paid to education and health of children and youth. With a view to precluding the illegal use of psychotropic substances affecting mentality of children and illegal realisation of these substances in educational establishments and in implementing the National Programme for Control of Drugs and Prevention of Drug Addiction for 1999–2003, in 2002 the Government of the Republic of Lithuania approved the Procedure of Early Identification of the Use of Psychotropic Substances among Children (Students) which regulates the identification of the use of narcotic drugs and other psychotropic substances and medical examination (testing) of a child (student). Many schools have formed working groups for the prevention of the use of narcotic drugs and psychotropic substances the activities of which also involve the inspectors of minors' affairs, staff of Children's Rights Protection Services, social pedagogies at schools, and representatives of other institutions concerned. During the period of implementation of the above mentioned National Programme for Control of Drugs and Prevention of Drug Addiction for

1999–2003 the projects of non-governmental organizations aimed at the prevention of narcotic drugs and other psychotropic substances are being financed with the State Budget funds.

Miscellaneous information and prevention campaigns are being organised with a view to eradicate indifference and tolerance of the society towards violence against children.

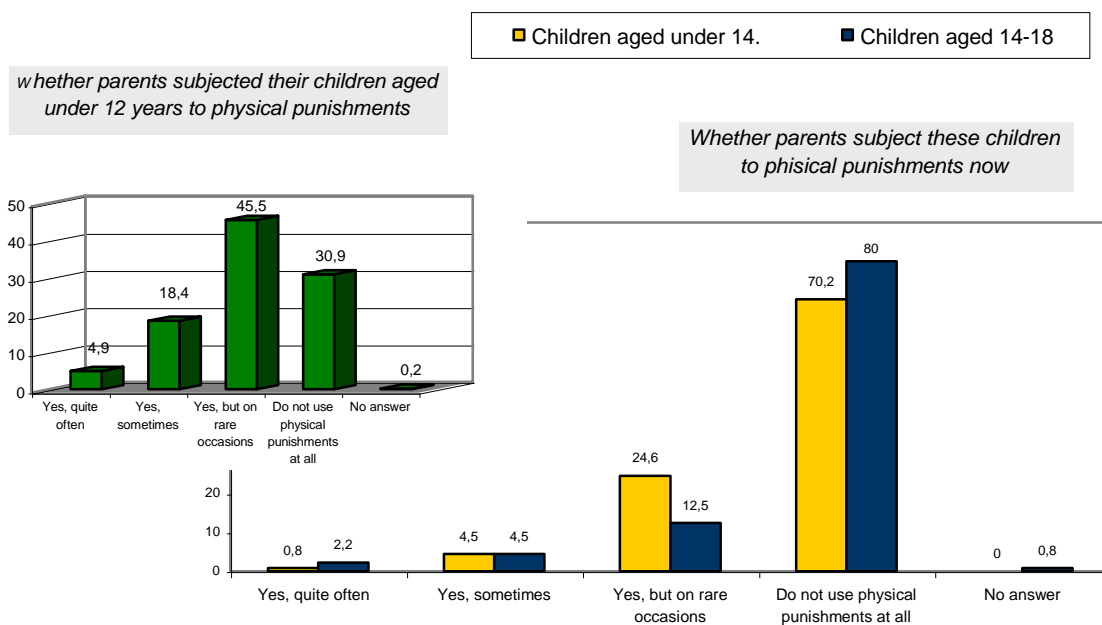
Non-governmental organisations working with children are actively involved in the implementation of the aforementioned national programmes. Lithuania has established a number of psychological telephone assistance services, various centres dealing with problem children.

Question D

Please indicate the measures taken to protect children and young persons against all forms of violence, exploitation or ill-treatment (including sexual abuse) to which they may be subjected, including within the family.

Please indicate the extent of the problem (if possible, with data) and the measures taken or planned in order to guarantee children and young persons the protection to which they are entitled, including not only preventive but also other measures. Please also describe the preventive measures taken against smoking, drug and alcohol abuse, including multiple addition, as well as against sexually transmitted diseases.

With a view to improving the measures aimed at combating violence against children, the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children approved by the Government Resolution No. 29 of 11 January 2000 is being further implemented. For the purpose of the measures of implementation of this Programme, a Survey of Commercial Sexual Exploitation and Sexual Abuse against Children was conducted in 2000-2001 to analyse the situation of violence and sexual coercion against children in Lithuania. During the survey 4034 respondents were interviewed, of which 1002 parents and guardians, 1002 children of different age-groups, 1002 specialists, 20 experts and 1008 other adults.



Absolute majority of children aged 9 –13 responded that their parents (guardians) don't punish them or only on rare occasions subject them to physical punishments. According to the majority (80 per cent) of the interviewed schoolchildren older than 14 years of age, at present their parents do not punish them physically. 45 per cent of youth stated that until they reached the age of 12 their parents very rarely punished them physically, whereas one fifth of senior

schoolchildren confessed that until they reached the age of 12, their parents have punished them physically at least several times. One third of the respondents, mostly residing in large towns, indicated that they have never been punished physically.

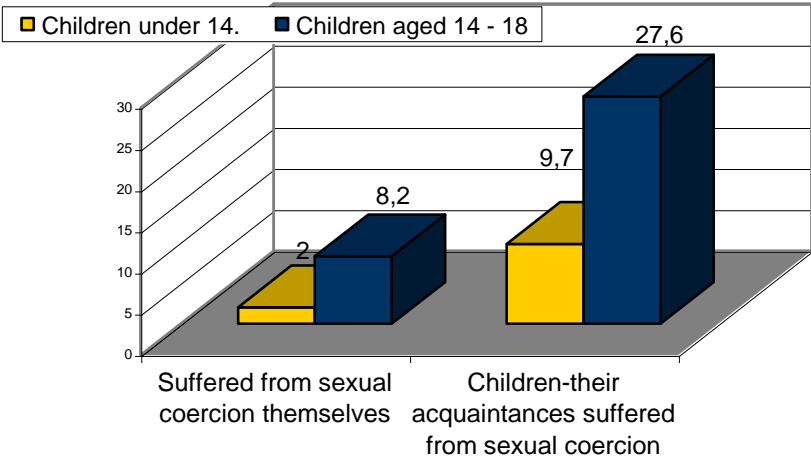
96 per cent of the respondents aged 9-13 said that they have never faced sexual coercion. Out of 500 interviewed, 10 children, or 2 per cent indicated that they have been subjected to sexual coercion. The most frequent form of sexual coercion is displaying the perpetrator’s genitals and forcing children to watch them.

92 per cent of the respondents between 14 and 18 years of age said that they have never suffered from sexual coercion. Among all victims who responded as having experienced sexual coercion the number of young girls was by four times larger. Sexual coercion facts are more frequent in rural areas.

In the opinion of the public, the age between 8 and 16 years involves the greatest exposure to sexual violence. Younger respondents often believe that sexual coercion is faced by adolescents aged 13 – 16, whereas more of the senior respondents are of the opinion that victims of sexual coercion most often are children aged between 8 and 12 years.

In the opinion of specialists, the largest number of the victims of sexual coercion is among children of 4-16 years of age. The age between 8 and 12 is designated as “of the largest exposure” in terms of physical coercion. Physicians have indicated younger age of victims of sexual coercion, whereas in the opinion of law enforcement officers the victims are often senior children.

Sexual coercion experience among children



In the opinion of the majority of specialists, most children suffer from sexual coercion between 8 and 16 years of age. Law enforcement officers emphasised the age between 8 –12, and teachers and social workers indicated the age group of 13 – 16 years.

Children’s parents think that sexual coercion is most often experienced by children aged 8 – 12 and 13 – 16 years, every tenth parent believes that victims of sexual coercion are younger (aged 4 – 7 years) and older (aged 17 – 18 years) children. Adolescents between 13 – 16 are mostly exposed to sexual coercion.

Pupils studying in senior forms responded that children aged 13 - 16 and 8 – 12 are most frequently subjected to sexual coercion.

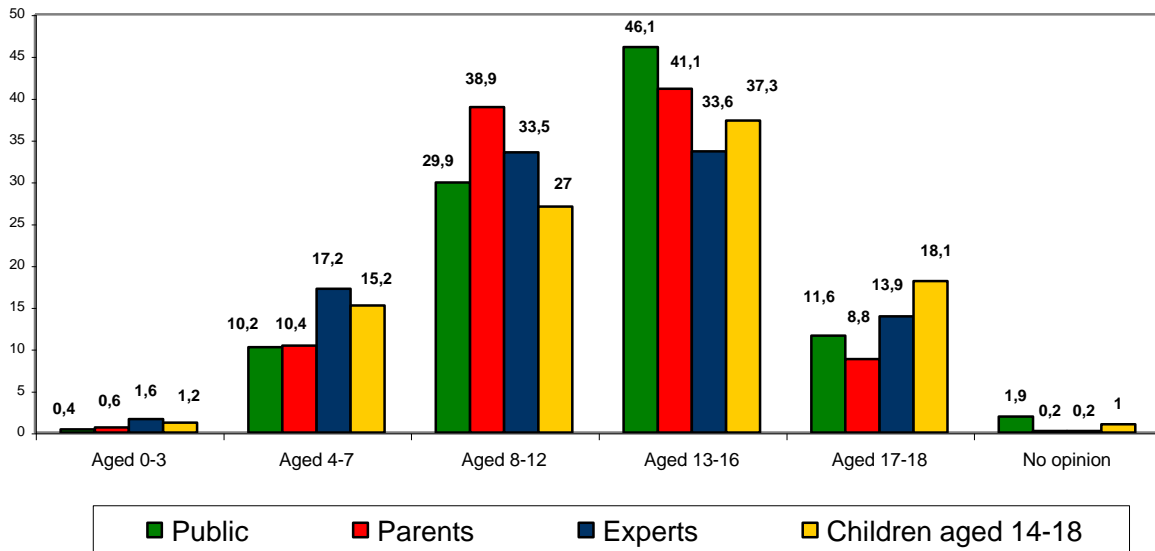
In the opinion of experts, in terms of age, the victims of sexual coercion should be divided into two groups: a group of younger children aged between 6 – 9 years, and adolescents aged 13 and over. The younger age-group most often become victims of paedophiles, whereas sexual coercion in adolescence is more related with natural maturation phenomena.

In the opinion of the public, the majority of children face sexual coercion in the street, in the yards, on the staircase, and in other public places. The second place where they suffer from sexual coercion is family and youth parties. Distribution of these responses shows that two thirds

of the respondents relate sexual coercion with the external words, and one third – with the family and acquaintances.

Specialists designated public places and youth parties as the most frequent environment of manifestation of sexual coercion.

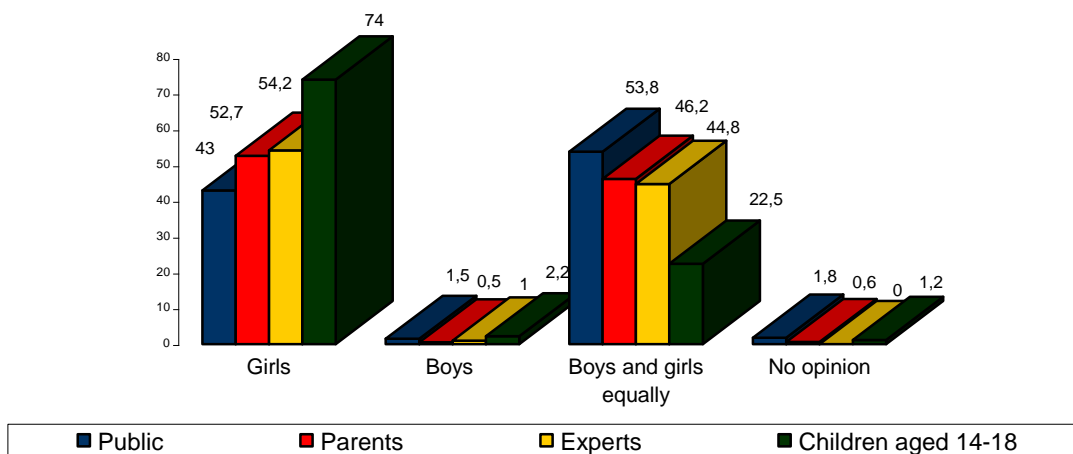
Age groups by frequency of exposure to sexual coercion



Majority of respondents think that girls account for the largest number of victims of sexual coercion.

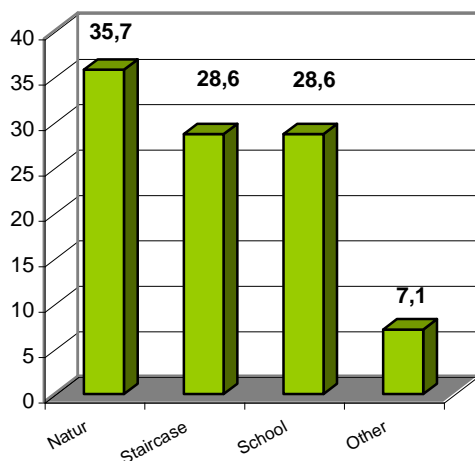
In the opinion of parents, the exposure to sexual coercion stems from external environment, i.e., firstly from public places and youth parties. Existence of sexual coercion in the family was admitted by every fifth respondent to the survey. Younger children – victims of sexual coercion indicating the most frequent places of sexual coercion specified nature, staircases or school, and the older ones – nature and at their friends or acquaintances.

Children exposed to sexual coercion by gender

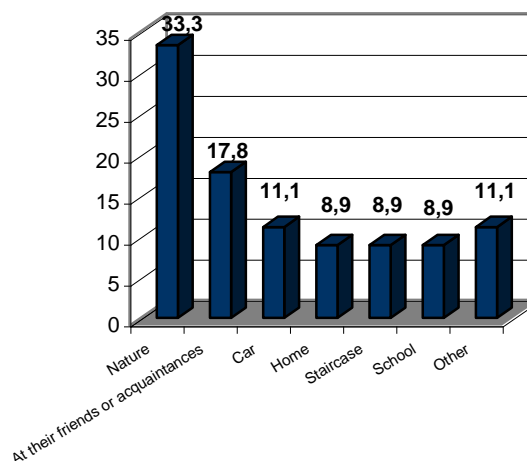


Places in which children suffered from sexual coercion

Answers of children aged under 14



Answers of children aged 14-18



According to experts, the environment of sexual coercion is classified into “home” and “public” spheres. It is easier to notice coercion in public places, therefore it seems that sexual coercion most often occurs in external environment. This is also confirmed by data of conducted surveys.

Experts emphasise home environment where sexual coercion is particularly latent. In the home sphere a perpetrator – a stepfather, guardian, relative, etc. – is in most cases disguised by the victim itself as well as by other members of the household as the beloved family member or its breadwinner.

Experts believe that attention should also be paid to children’s homes and other children’s care institutions. Children’s homes attract people with paedophilic dispositions. When such persons become staff members, exposure to sexual coercion increases. Sexual coercion in children’s homes is likely both, on the part of staff and the wards themselves.

In implementing the measures of the aforementioned programme, the group of national experts formed on Order No. 143 of 5 November 2001 of the Minister of Social Security and Labour worked out specialised development programmes for police officers, prosecutors, lawyers, teachers, social pedagogues, medical men, social workers, psychologists and psychotherapists. On the basis of the aforementioned programmes and with a view to improving the work of experts with children who have suffered from violence and sexual coercion, in 2002 the training was organised for the aforementioned specialists. About 400 specialists upgraded their skills in this sphere.

In 2001, in improving the work of specialists with children – victims of violence and sexual coercion, methodical material was prepared for pedagogues, social staff and medical men: about sexuality, sexual irritation and abuse, ways of settlement of conflicts, sexual coercion against children and their commercial sexual exploitation, and how to recognise a child who has suffered from violence and faces sexual problems (when and how sexual coercion against a child should be suspected). The Crimes Investigation Service of the Lithuanian Criminal Police Office developed methodical recommendations for the interview of a child who has suffered from sexual coercion. In 2001 the Pedagogical and Psychological Centre of the Ministry of Education

and Science worked out recommendations for specialists dealing with children and adolescents “Assistance to the Victims of Sexual Offence”, organised specialised workshops for specialists who work with children.

Given the increasing numbers of cases of violence against children, in particular family violence, the Action Plan of Immediate Measures to Fight Violence against Children was approved by Order No. 125 of 16 October 2002 of the Minister of Social Security and Labour, on the basis of which the regulations of activities of educational, health care, social security establishments and police are being revised, seeking to eliminate barriers in the inter-ministerial cooperation, define duties and responsibility of individual staff in identifying the cases of violence against children, rendering assistance to the child – the victim of violence, establishing liability of public servants and officials for the default on their obligations, raising public awareness as regards proper education of children, development of civic virtues and intolerance towards violent crimes against children.

Since 6 February 2002 the administrative liability is imposed for the failure to fulfil the obligations of the child’s guardian (caretaker) or for the discharge of said obligations disregarding the interests of the child, also for the provision of wrongful information about the need to protect the child’s rights and interests, for preventing from establishing the guardianship (care) for a child and failure to notify about violations of the rights of the child committed by statutory representatives of the child or other persons.

According to the data supplied by the Informatics and Communication Department under the Ministry of Interior, in 2002 the country’s police and other law enforcement institutions officers disclosed 811 crimes committed by minors intoxicated with alcohol. These crimes account for 15,7 per cent of all crimes committed by children. Crimes committed by minors intoxicated with alcohol in 2001 made up 13,5 per cent of the total number of children’s crimes. However, compared with 2001, the number of crimes committed by minors intoxicated with drugs reduced by two thirds. By 12,4 per cent more cases of forced intoxication of minors with alcohol were registered in 2002. On 6 February 2002 the supplemented new version of Article 180 of the Code of Administrative Transgressions of Law came into effect. This Article imposed administrative punishments for the forced intoxication with alcohol and purchase of alcoholic drinks or other supply thereof to minors for consumption.

A new Criminal Code of the Republic of Lithuania came into effect on 1 May 2001, which establishes prosecution for crimes against the child (leaving a child, inveigling a child into drinking, abuse of the rights and duties of parents, guardian or caretaker or other statutory representatives of a child), and includes a separate chapter regulating criminal liability for sexual coercion against individual and children.

Question E

Please supply all relevant information concerning the bodies responsible for supervising the application of these provisions (in particular the social service and judicial bodies) and how they function, and on the methods employed to carry out such supervision (enquiries, etc.)

Pursuant to the provisions of Article 32 of the Labour Code and in view of the observance by the employers of his Code, control over compliance with the regulatory provisions of this Code, labour laws, other regulatory acts and collective agreements shall be exercised and prevention of violations of the said acts shall be effected by the State Labour Inspectorate and other institutions (according to the competence established by the Law on the State Labour Inspectorate, Law on Safety and Health of Workers, law on Administrative Transgressions of Law, and other legal acts).

Article 33 of the Labour Code stipulates that non-state control over compliance with labour laws, other regulatory acts, collective agreements shall be exercised by trade unions,

inspectories within their chain of command and other institutions operating in accordance with laws and other regulatory acts. Article 18 of the Republic of Lithuania Law on Trade Unions (Official Gazette, 1991, No. 34-933) establishes that trade unions shall have the right to demand that the employer annuls his decisions which violate labour, economic, and social rights of their members provided by the laws of the Republic of Lithuania. In the event that the employer fails to timely consider the demand of the trade union to annul the decision or refuses to satisfy the demand, the trade union shall have the right to appeal to court.

The procedure of investigation of labour cases legal relations as well as adoption and enforcement of judgements is regulated by the Code of Civil procedure of the Republic of Lithuania (Official Gazette, No. 36-1340). By virtue of Article 3 of the Code of Civil Procedure the court must investigate the cases in observance of the Constitution, international treaties, laws and other legal acts of the Republic of Lithuania.

Having regard to the new General Regulations of the Child's Rights Protection Services approved by the Republic of Lithuania Government Resolution No. 1983 of 17 December 2002, the Child's Rights Protection Service in the territory of the municipality shall implement the principal provisions of the Convention on the Rights of the Child of 1989 of the United Nations Organisation, carry out the protection of the rights of the child, protect the rights and legitimate interests of the child in the manner established by laws, organise and supervise the guardianship (care) of children deprived of parental care, represent the rights and legitimate interests of the child in courts, and also arrange preventive work with the child's parents. In observance of the Regulations these Services play the main role in accumulating notifications about children who have suffered from violence and in organising support to them. In addition, municipal Child's Rights Protection Services, within the limits of their competence, shall render methodical assistance to the staff of municipal institutions related with the protection of the rights of the child, consult parents, teachers educators and the children on the issues of protection of their rights, guardianship (care), adoption and prevention of violations of law.

With a view to protecting children against violence or other danger to the child's health or life, on 20 August 2001 the amendment to Article 56 of the Law on Fundamentals of Protection of the Rights of the Child came into effect, according to which in the event of real danger to the child's health or life as a result of violence of parents or other statutory representatives of the child, the Municipal Child's Rights Protection Service shall have the right alone or together with the police to forthwith take the child away from parents or other statutory representatives of the child and to make arrangements for the child's guardianship (care) in the manner established by laws. The said Article concurrently enables such Services to apply to respective law enforcement institutions for imposing civil, administrative or criminal sanctions on persons who pose threat to the safety and health of the child.

ARTICLE 12: THE RIGHT TO SOCIAL SECURITY

ARTICLE 12 / paragraph 1

“With a view to ensuring the effective exercise of the right to social security, the Contracting Parties undertake:

1. to establish or maintain a system of social security.

*.....
Please indicate the measures taken to give effect to this undertaking, specifying the nature of the existing system, in particular funding arrangements, giving information allowing the percentage of the population covered and the level of benefits to be determined.
.....*

I. EMPLOYMENT POLICY

1.1. LABOUR MARKET

1.1.1. Legal framework

During 12 years of independence Lithuania has developed the legal framework regulating labour market relations and has drafted the secondary legislation.

Republic of Lithuania Law on Support of the Unemployed², together with other laws regulating labour relations, establishes state guarantees of the constitutional right of citizens of the Republic of Lithuania to work and choice of occupation.

In cases provided for by the Law on Support of the Unemployed the State shall guarantee the citizens: free vocational counselling and consultation services, as well as information concerning available jobs; free labour exchange services in looking for work and going into job; free vocational training facilities in the event of unemployment; the possibility, in the event of unemployment, to perform public works and works financed from the Employment Fund; and unemployment benefit. The Law provides legal employment guarantees applicable to certain groups of individuals – the disabled, individuals aged between 16 and 25 years who undertake jobs for the first time; graduates who begin working according to their occupation; long-term unemployed whose duration of enrolment with a labour exchange exceeds 2 years; a mother or a father growing a child under 8 years of age, persons who are within 5 years of becoming eligible to receive full old-age pension; persons released from places of imprisonment where they stayed for longer than 6 months.

The Law establishes that the Employment Fund shall be set up for financing the population employment measures. The procedure for establishing and using the Employment Fund shall be approved by the Ministry of Social Security and Labour of the Republic of Lithuania.

Services and support for the unemployed and jobseekers, also for the employers looking for workers of respective qualification established by this Law and legal acts implementing it shall be provided by the Lithuanian Labour Exchange under the Ministry of Social Security and Labour and its territorial labour exchanges.

Republic of Lithuania Law on Vocational education and Training³ established the structure and administration of the vocational education and training system of the Republic of Lithuania and regulates the initial vocational training and labour market vocational training. The document specifies that the Ministry of Education and Science is responsible for managing the initial vocational training at the state level, whereas the management of continuous vocational

² 13 December 1990, No. I-864; (Official Gazette, 1991, No.2-25; 2003, No.32-1313)

³ 14 October 1997, No. VIII-450; (Official Gazette, 1997 No. 98-2478)

training shall be vested in the Ministry of Social Security and Labour and defines the competence of these two authorities in the sphere of vocational training. The Law also provides for the competence of social partners as regards management of vocational training, participation of social partners in addressing strategic issues of vocational training, organising practical training and final qualification examinations for individuals studying at vocational education and training institutions.

In accordance with the provisions of the Accession Partnership, the Government of Lithuania has prepared, with the European Commission, Directorate General for Employment and Social Affairs, a Joint Assessment of Lithuania's short-term employment and labour market policy priorities. The Paper on **Joint Assessment of Employment Policy Priorities in Lithuania (JAP)**⁴ was signed by the Minister of Social Security and Labour authorised by the European Commission and the Government of the Republic of Lithuania on 12 February 2002. This document presents an agreed set of employment and labour market objectives necessary to advance the country's labour market transformation, to make progress in adapting the employment system so as to be able to implement the Employment Strategy and to prepare it for accession to the European Union.

The Joint Assessment Paper focuses on the fundamental challenges in the field of employment. These challenges consist, first, in recognising that labour markets should reflect the needs of a dynamic market economy as part of a single market, in particular whether labour is mobile, adaptable and skilled. The second challenge is to have policies and appropriate institutions that support the development of a flexible labour market. This includes the need to promote a forward-looking approach to industrial restructuring to adapt to knowledge-based economies and to face up to the impact of demographic change.

The Joint Assessment Paper has analysed and assessed the labour market, wages and taxes, human resources development, equal opportunities policy spheres and the priority policy areas where progress is still needed and where ongoing monitoring should be carried out in the context of the provisions of the Employment Policy Review:

- sustained commitment to successful implementation of current education reforms, with a particular focus on reducing drop-out in basic education, on improving access, quality and relevance in vocational education, and on developing and implementing a national strategy for lifelong learning;
- promoting employment-friendly wage developments through support for the collective-bargaining system and through consideration of whether the minimum wage should be differentiated, particularly for young people;
- reforming unemployment benefits and social assistance for the unemployed in order to improve coverage, eliminate disincentives, and emphasise activation rather than passive receipt of benefits
- developing a detailed action plan for the reform of the public employment service, including a necessary increase in the service's resources, so that it can play a more active role in the reintegration of unemployed people;
- expansion of active labour market programmes, while re-balancing provision away from temporary work in favour of training and other measures designed to increase employability;
- ensuring effective regional management and consultation structures for labour market services, in the context of a coherent national strategy for economic and social development across all regions;
- further strengthening equal opportunities legislation.

⁴ Republic of Lithuania Government Resolution No. 189 of 07 02 2002 ; (Official Gazette, 1997 No. 98-2478)

- The Joint Assessment Paper focussing on the Lithuania's employment policy priorities on the one hand is an important step towards Lithuania's preparation to participate in the European employment policy coordination process. On the other hand, this Paper constitutes one of the outstanding strategic employment policy documents identifying those employment and human resources policy priorities which are and will be realised through the national measures as well as using the European Social Fund investments.

Programme of Increasing Employment of the Republic of Lithuania for 2001 – 2004⁵ – is a programme document of the Government defining the national strategy of employment and labour market policy, its medium-term priority goals and actions envisaged by the Government and other public authorities with a view to increasing employment of citizens. The Programme of Increasing Employment specifies the already mentioned principal provisions of the Government of the Republic of Lithuania in the spheres of economy, labour, social, educational policy, etc. which have influence on the employment of citizens.

Strategic goals of the Programme of Increasing Employment are as follows:

- to overcome negative consequences of the structural economic reform and external effects on employment of citizens and labour market;
- to increase employment of citizens, reduce unemployment and create balance in the labour market;
- prepare for participation in a single employment strategy coordination process of the European Union.

To achieving these goals a short-term perspective envisages to curb the growth of unemployment level and subsequently to gradually reduce the level of registered unemployment to 7-8 per cent. During the period of implementation of the Programme favourable conditions should be created for business development and investments to ensure the creation of 110 – 120 thousand of new jobs. This should create actual preconditions to further increase the employment of population to the average level of the European Union Member States and to seek full employment.

In addition to these goals, the Programme of Increasing Employment is aimed at preparing for participation in a single employment strategy coordination process of the European Union. The Programme has been developed in view of the main provisions as regards the development and implementation of the single strategy of employment policy provided for by the Heads of the European Union States in Amsterdam Conference held in 1997, EU Council recommendations for members states on employment guidelines implemented in the EU Member States when preparing annual national action plans of increasing employment.

The Programme of Increasing Employment of the Republic of Lithuania for 2001 - 2004 establishes five main directions:

1. Development of the system of the creation of jobs. Measures of this direction encompass the improvement of the system to promote the creation of new jobs forming respective support structures covering all funds available for this purpose (of the programmes financed with the state budget funds, Privatisation Fund, Employment Fund, local funds, other international support programmes of the EU, etc.). Promotion of the development of local employment initiatives is envisaged which on the basis of cooperation and initiative of local partners should create conditions to develop local economy and to increase employment of population as well as to address the issues of unemployment, poverty and other problems of socially vulnerable groups of individuals.

Projects related with local employment initiatives which at present are financed with the state budget funds are an example of successful development of local community and partnership. These projects are aimed at concentrating the efforts of the local community to

⁵ Republic of Lithuania Government Resolution No. 529 of 08 05 2001 (Official Gazette, 2001, No. 40-1401)

jointly address the occurring issues of employment, rendering assistance to employers who create new jobs for the unemployed. In 2001 16 projects were successfully implemented which resulted in 150 new jobs created using LTL 1,2 million of the State Budget funds, whereas in 2002 36 projects were carried out, during which LTL 3,5 million of the State Budget funds were used to create 377 new jobs.

Improvement of the promotion of employment – means reinforcing the labour market policy, increasing employment abilities, improving vocational training, strengthening employment and social policy cohesion. This direction of the Programme of Increasing Employment covers activities and measures aimed at increasing employment abilities of youth and long-term unemployed, implementing unemployment prevention, improving vocational training, guidance and counselling systems as well as optimising the network of these institutions, reinforcing the labour market policy and improving the balance between passive (compensatory mechanism in case of unemployment) and active policy (vocational training of the unemployed, organisation of provisional employment, etc.), encouraging activeness of the unemployed in the labour market, improving availability of training, reducing the numbers of youth failing to finish schools, increasing support for those who have learning problems, achieving that all youth capable of learning acquire the basic education and profession in the comprehensive system of education; improving ability to adapt in the first workplace of youth who have acquired professional qualification, encourage their territorial mobility.

3. Increasing ability to adjust to changes. Implementation of measures of this direction covers the development of flexible forms of work organisation and payment, develop the forms of temporary, household and distant work, self-employment, seasonal works. Measures are envisaged for upgrading skills of workers, development of preventive education, creation of the non-formal training for workers. In addition, this direction encompasses measures mitigating structural changes: improvement of the mechanism of collective redundancies involving all interested parties, simplification of enterprise bankruptcy procedures.

4. Increasing equal opportunities in the labour market. The main goals of this direction is forming the equally accessible labour market, ensuring equal opportunities for men and women in the labour market, support of employment of the disabled. To attain these goals, the employers who employ the groups of the disabled provided with additional guarantees in the labour market are granted subsidies to support employment to increase motivation of socially vulnerable groups of individuals, integration into the labour market in relation to the system of provision of social support, develop territorial purposive labour market programmes aimed at increasing employment of the most socially vulnerable individuals and measures of increasing partial employment of pre-pensioners, improve implementation of the principles of equal opportunities for women and men; support small and medium business of women, their economic independence and initiative in creating a job for oneself, to provide conditions enabling parents to reconcile work obligations with family duties (flexible forms of work organisation, accessible and good quality child-care services, forms of social support for families, etc.).

5. Increasing integrity of employment policy. This direction of the Programme includes activities and measures intended for:

- improvement of the system of employment and labour market control; increasing the integrity of policy and decentralised formation and implementation of employment policy; development of tripartite cooperation;
- strengthening and reorganisation of the institutional system of labour market and the agreed managerial structure of labour market institutions and new real conditions of the functioning of labour market: to modernise territorial labour exchanges, strengthen the ability of prompt and flexible response to the developments in the labour market, diversify services provided by labour market;
- develop activities of private employment agencies and their cooperation with the National Labour Exchange.

Procedure for the Performance of Public Works⁶ regulates the organisation and performance of public works which may be arranged for the unemployed and other persons enrolled with a territorial labour exchange in the established manner. The type of public works in a certain territory is established by municipalities in view of the situation in the local labour market and in consideration of socio-qualification structure of the unemployed and other individuals enrolled with a labour exchange in the established manner. For the purpose of organising public works territorial labour exchanges together with municipalities develop the programmes of public works which are approved by municipalities. Individuals employed in public works continue to be enrolled with a labour exchange and are entitled to the state employment and social guarantees provided for by the Law on Support of the Unemployed and other laws.

Procedure of Registration of the Unemployed and of Allocation and Payment of Benefits to them⁷. On the basis of this Procedure and the Republic of Lithuania Law on Support of the Unemployed the jobseekers and individuals of the age suitable for work who are prepared for vocational training are registered with the territorial labour exchange and entitled to the employment guarantees provided for them.

Labour Market Vocational Training Procedure⁸ establishes the organisation, implementation, participants, social partners and financing of the labour market vocational training.

Procedure of Registration of Job Vacancies in the Labour Exchange⁹ establishes the organisation of registration of job vacancies with the territorial labour exchange and of placement into such jobs.

Procedure and Prevention of Collective redundancies¹⁰ regulates the time limits of submission of notices (warnings) about collective redundancies and application of preventive measures to mitigate consequences thereof.

Procedure of Implementation of Projects Related to Local Employment Initiatives¹¹ establishes the requirements for drafters of projects, filing and selection of applications, institutions engaged in the administration of projects, preparation of the list of financed projects, provision of financial support, settlement for received funds and deliberation of the disputes.

Procedure of Employment Support for the Unemployed Entitled to Additional Guarantees in the Labour Market¹² regulates the organisation of job creation and employment in the labour market for the unemployed entitled to additional guarantees.

Procedure of Employment in Works Financed by the Employment Fund¹³ establishes the organisation of works financed by the Employment Fund.

Procedure of Organisation and Implementation of the Refreshing of Vocational Knowledge and Practical Skills of the Long-term Unemployed¹⁴. With a view to ensuring prevention of long-term unemployment and providing assistance to the long-term unemployed seeking for a job short-term training courses of up to one month length will be organized in places of residence of the long-term unemployed to inform them about present situation and

⁶ Republic of Lithuania Government Resolution No. 169 of 10 02 1998 (“*Valstybės žinios*” (Official Gazette), 1998, No. 17-414)

⁷ MSSL Order No. 76 of 21 06 1996 (“*Valstybės žinios*” (Official Gazette), 1996, No.65-1561; 2002, No.39- 1442)

⁸ MSSL Order No. 89 of 10 10 2000 (“*Valstybės žinios*” (Official Gazette), 2000, No. 92-2906; 2002, No.58-2359)

⁹ MSSL Order No. 55 of 18 04 2002 (“*Valstybės žinios*” (Official Gazette), 2002, No.43-1637)

¹⁰ MSSL Order No. 61 of 30 05 2000 (“*Valstybės žinios*” (Official Gazette), 2000, No.48-1398)

¹¹ MSSL Order No. 59 of 24 04 2002 (“*Valstybės žinios*” (Official Gazette), 2002, No.45-1735; 2003, No.40-1865)

¹² MSSL Order No. 14 of 02 012002 (“*Valstybės žinios*” (Official Gazette), 2002, No.15-591)

¹³ MSSL Order No. 14 of 02 012002 (“*Valstybės žinios*” (Official Gazette), 2002, No.15-591)

¹⁴ MSSL Order No. 115 26 09 2002 (“*Valstybės žinios*” (Official Gazette), 2002, No.96- 4224)

options, as well as to introduce some professions available for them to choose or to improve the already existing skills.

Procedure of Extending Loans to the Unemployed Desirous of Setting up Own Business¹⁵ financial support provided to the unemployed seeking self-employment organising own business.

Procedure of Issuance of Licenses for Mediating the Employment of Individuals Abroad¹⁶ regulates conditions of licensed activities, issuance of licenses, refusal to issue them, suspension and revocation of licenses, registration thereof and establishment of the requisites of the license form.

Action Plan of Employment and Improvement of Social Security for Unemployed Pre-pensioners for 2003-2004¹⁷ has been developed with a view to improving social security of unemployed pre-pensioners.

1.1.2. Structure of Administration

In Lithuania the national functions of implementation of employment and labour market policy employment are performed by two public authorities supplementing each other – Lithuanian Labour Exchange (established in 1991) and the Lithuanian Labour Market Training Authority) (established in 1992). They both are independent authorities functioning under the Ministry of Social Security and Labour.

The key goal of the Lithuanian Labour Exchange is to ensure employment guarantees for individuals who have lost their jobs and achieve balance in the labour market using active policy measures. The Lithuanian Labour Exchange is a public institution including its 46 territorial labour exchanges established in Lithuania. The offices of territorial labour exchanges are established in the largest rural settlements of Lithuania. 3 Youth Job centres are functioning in Vilnius, Klaipėda and Šiauliai.

Lithuanian Labour Market Training Authority performs the functions of organisation of labour market vocational training, vocational guidance, counselling, coordination, supervision and methodical management. It has 6 regional training organisation and counselling services which provide vocational guidance and counselling to adults and youth. 14 labour market training centres – special purpose private and public companies - are also attributed to the sphere of regulation of the Lithuanian Labour Market Training Authority.

Tripartite commissions functioning on a voluntary basis shall be set up at the Lithuanian Labour Exchange and territorial labour exchanges for the consideration of issues concerning the situation in the labour market and implementation of labour market policy measures and services. The commissions shall consist of an equal number of equal members: representatives of the employees (trade unions, federations, associations, etc.), the employers (unions, associations, etc.), and representatives of public authorities. The regulations of the tripartite commission at the Labour Exchange and of the tripartite commission and the territorial labour exchange shall be approved by the Government of the Republic of Lithuania.

Every year on order of the Minister the Ministry of Social Security and Labour shall establish the objectives and tasks for labour market institutions.

The labour market policy measures are financed from the Employment Fund established as part of the State Social Insurance Fund. Percentage amounts of deductions from the State Social Insurance Fund to the Employment Fund are fixed annually depending upon the situation in the labour market which account for about 1,5 per cent of the approved 31 per cent tariff of the general state social insurance contributions of the insured.

¹⁵ MSSL Order No. 96 of 28 06 1994

¹⁶ MSSL Order No. 149 of 12 11 2001 (“*Valstybės žinios*” (Official Gazette), 2001, No.99-3562; 2002, No.56-2278)

¹⁷ MSSL Order No. 64 of 23 04 2003 (“*Valstybės žinios*” (Official Gazette))

Article 4 of the Republic of Lithuania law on Support of the Unemployed establishes that mediating the employment of citizens abroad is the exclusive right of the State which shall be implemented by the labour exchange of Lithuania. Other organisations may mediate the employment of citizens abroad only with appropriate authorisation (licences). On 12 November 2001 the Minister of Social Security and Labour issued Order No. 149 approving the Procedure of Issuance of Licenses for Mediating the Employment of Individuals Abroad. This procedure regulates the issuance of licenses, refusal to issue them, suspension and revocation of licenses, and conditions of licensed activities. With a view to ensuring supervision of activities of license holders and obtaining the information necessary for labour market management purposes, license holders are obligated to furnish the Lithuanian Labour Exchange with monthly information about mediation activities. In 2000 the issuance of licenses was commenced to private employment mediation enterprises with their counterparties abroad engaged in the same activities. This increased the opportunities for Lithuanian citizens to get employed in foreign countries with which the Government of the Republic of Lithuania has not entered into the intergovernmental agreements. In 2002 41 organisation (enterprise) mediating the employment abroad was functioning in Lithuania and possessing the license for mediating the employment of citizens abroad issued by the Ministry of Social Security and Labour. Licenses were issued for mediating the employment in Ireland, United Kingdom of Great Britain and Northern Ireland, Cyprus, USA, Switzerland, United Arab Emirates, Kingdom of Sweden, Russian Federation and Canada. In view of the specific character of employment of the seamen, Lithuanian enterprises are issued 20 receive new or renewed licenses to engage in mediating the employment of citizens and permanent residents of the Republic of Lithuania in the Lithuanian or foreign vessels.

1.1.3. Main Characteristics

Population employment surveys carried out by the Department of Statistics under the Government of the Republic of Lithuania are one of the ways to obtain reliable information about the situation in the labour market. These surveys are carried out in observance of the international standards of employment statistics. Surveys provide information about employment of individuals, their distribution by age, gender, work performed, occupations, education, job search, etc.

Labour force surveys facilitates in determining the number of individuals who are employed, unemployed and economically not active. Comparability of survey data is ensured through application of the terms of employment, unemployment and unemployed as recommended by the International Labour Organisation.

Labour force is defined as the sum of persons in employment; plus the unemployed.

Activity rate – represents the labour force as a percentage of the population of the age-group covered by the survey.

Employment rate – represents the persons in employment as a percentage of the population of the age-group covered by the survey.

Unemployment is defined by the indices representing the **number of unemployed** and the **unemployment level**.

Unemployment rate is announced by the Department of Statistics and by the Lithuanian Labour Exchange. However, as a result of different definitions of the unemployed, the level of unemployment is different according to the data provided by the labour force surveys and the labour exchange.

Unemployed following the recommendations of the International Labour Organisation (ILO), are defined as persons of a given age who did not have a job on a given week, were ready to begin working within two weeks upon finding it, have been actively seeking for a paid job for four weeks in various ways: applied to a state or private labour exchange; applied to employers directly; asked friends and relatives for help; while seeking for a job, attended construction sites, markets, unofficial labour exchanges; looked for premises and equipment for their business;

attempted to obtain a patent, license or credit. Schoolchildren, students, housewives and other inactive population who were actively seeking a job and were ready to begin working within the nearest two weeks are also attributed to the unemployed¹⁸.

According to the Law on Support of the Unemployed which regulates the activities of the labour exchange, **the unemployed** are defined as jobless persons of working age, other than full time students of educational institutions, who have registered, according to place of residence, in the National Labour Exchange as jobseekers and ready to accept the offered job or to study in order to acquire an occupation. Individuals without sufficient subsistence funds are those who have no insurable income and have not registered an enterprise or a farmer's holding.

Unemployment rate – represents the ratio of the unemployed to the labour force.

Rates of activity, employment and unemployment (in per cent)

	1998	1999	2000	2001	2002
Activity rate	61.7	61.9	60.4	58.4	57.9
Employment rate	53.5	53.2	51.2	48.3	49.9
Unemployment rate:					
Survey data	13.3	14.1	15.4	17.4	13.8
Labour Exchange data	6.4	8.4	11.5	12.5	11.3

Unemployment rate (average annual, expressed in per cent)

	1998	1999	2000	2001	2002
DOMESTIC	6.4	8.4	11.5	12.5	11.3
Alytus county	8.6	9.8	13.7	15.8	14.2
Kaunas county	4.6	6.4	9.2	9.7	8.8
Klaipėda county	5.1	7.1	10.0	11.0	10.0
Marijampolė county	8.0	11.2	15.0	16.9	14.8
Panevėžys county	7.6	10.5	14.6	16.4	15.5
Šiauliai county	9.0	12.5	16.3	16.5	14.2
Tauragė county	8.8	10.9	15.1	16.2	14.6
Telšiai county	6.4	9.1	13.0	15.7	15.9
Utena county	7.0	8.2	10.7	12.0	11.0
Vilnius county	5.7	6.8	9.2	10.0	8.7

Data of Labour Exchange

Unemployed (average annual)

	1998	1999	2000	2001	2002
Thousand					
DOMESTIC	113,7	148,7	204,9	223,5	198,4
Alytus county	7,7	8,9	12,3	14,0	12,6
Kaunas county	15,9	22,2	32,0	33,8	30,3
Klaipėda county	10,3	14,1	19,8	21,7	20,1
Marijampolė county	6,8	9,7	13,6	15,6	13,6
Panevėžys county	12,0	16,3	22,6	25,6	23,8
Šiauliai county	17,4	24,0	31,3	31,4	26,4
Tauragė county	5,1	6,3	9,4	10,8	10,1
Telšiai county	5,2	7,3	10,8	13,1	12,8
Utena county	6,7	7,8	10,0	11,1	10,1

¹⁸ Labour Force, Employment and Unemployment (survey data) 1998-2001: Department of Statistics under the Government of the Republic of Lithuania – Vilnius, 2002, p.6.

Vilnius county	26,5	32,1	43,1	46,3	38,6
Per cent.					
DOMESTIC	100,0	100,0	100,0	100,0	100,0
Alytus county	6,8	6,0	6,0	6,2	6,4
Kaunas county	14,0	15,0	15,6	15,1	15,3
Klaipėda county	9,0	9,5	9,7	9,7	10,1
Marijampolė county	6,0	6,5	6,6	7,0	6,8
Panevėžys county	10,6	10,9	11,0	11,5	12,0
Šiauliai county	15,3	16,1	15,3	14,0	13,3
Tauragė county	4,5	4,2	4,6	4,8	5,1
Telšiai county	4,6	4,9	5,3	5,9	6,4
Utena county	5,9	5,2	4,9	5,0	5,1
Vilnius county	23,3	21,6	21,1	20,7	19,5

Data of Labour Exchange

Unemployed women (average annual)

	1998	1999	2000	2001	2002
Thousand					
DOMESTIC	58,1	71,9	93,3	104,3	98,6
Alytus county	3,1	3,5	4,7	5,6	5,6
Kaunas county	8,7	11,2	14,9	16,3	15,6
Klaipėda county	5,6	7,3	9,9	11,1	10,8
Marijampolė county	3,1	4,1	5,7	6,8	6,4
Panevėžys county	5,8	7,4	9,6	11,2	10,9
Šiauliai county	9,0	11,9	14,5	14,6	13,1
Tauragė county	2,4	2,8	3,9	4,6	4,6
Telšiai county	2,8	3,7	5,1	6,4	6,7
Utena county	3,3	3,5	4,3	5,0	4,9
Vilnius county	14,3	16,6	20,7	22,7	19,9
Per cent.					
DOMESTIC	100,0	100,0	100,0	100,0	100,0
Alytus county	5,3	4,8	5,0	5,4	5,7
Kaunas county	14,9	15,6	16,0	15,6	15,8
Klaipėda county	9,7	10,2	10,6	10,6	11,0
Marijampolė county	5,4	5,7	6,1	6,5	6,5
Panevėžys county	10,0	10,2	10,3	10,8	11,1
Šiauliai county	15,4	16,6	15,6	14,0	13,3
Tauragė county	4,1	3,8	4,1	4,4	4,7
Telšiai county	4,8	5,1	5,5	6,1	6,8
Utena county	5,7	4,8	4,6	4,8	4,9
Vilnius county	24,6	23,1	22,2	21,8	20,2

Data of Labour Exchange

Unemployed men (average annual)

	1998	1999	2000	2001	2002
Thousand					
DOMESTIC	55,6	76,7	111,6	119,2	99,8
Alytus county	4,6	5,5	7,7	8,3	7,0
Kaunas county	7,2	11,0	17,0	17,5	14,7
Klaipėda county	4,6	6,8	9,9	10,6	9,3
Marijampolė county	3,7	5,6	7,9	8,9	7,1
Panevėžys county	6,2	8,9	13,0	14,4	12,8

Šiauliai county	8,5	12,1	16,7	16,8	13,4
Tauragė county	2,7	3,5	5,6	6,2	5,4
Telšiai county	2,4	3,6	5,7	6,7	6,1
Utena county	3,5	4,3	5,7	6,2	5,2
Vilnius county	12,2	15,5	22,4	23,6	18,7
Per cent.					
DOMESTIC	100,0	100,0	100,0	100,0	100,0
Alytus county	8,2	7,1	6,9	7,0	7,1
Kaunas county	13,0	14,3	15,3	14,7	14,7
Klaipėda county	8,3	8,8	8,8	8,9	9,3
Marijampolė county	6,6	7,3	7,1	7,4	7,2
Panevėžys county	11,2	11,6	11,7	12,1	12,9
Šiauliai county	15,2	15,7	15,0	14,1	13,4
Tauragė county	4,9	4,6	5,0	5,2	5,4
Telšiai county	4,4	4,7	5,1	5,7	6,1
Utena county	6,2	5,6	5,1	5,2	5,2
Vilnius county	22,0	20,2	20,1	19,8	18,7

Data of Labour Exchange

Unemployed youth (aged under 25) (average annual)

	1998	1999	2000	2001	2002
Thousand					
DOMESTIC	20,9	27,0	33,1	31,1	24,1
Alytus county	1,4	1,6	2,1	1,9	1,6
Kaunas county	2,6	3,9	5,1	4,6	3,8
Klaipėda county	2,0	2,7	3,3	3,1	2,3
Marijampolė county	1,4	2,0	2,4	2,3	1,8
Panevėžys county	2,5	3,1	3,8	3,9	3,2
Šiauliai county	3,3	4,5	4,9	4,2	3,1
Tauragė county	1,0	1,1	1,5	1,5	1,2
Telšiai county	1,1	1,6	1,9	1,9	1,6
Utena county	1,2	1,4	1,6	1,5	1,2
Vilnius county	4,3	5,3	6,6	6,1	4,4
Per cent.					
DOMESTIC	100,0	100,0	100,0	100,0	100,0
Alytus county	6,9	5,9	6,3	6,2	6,5
Kaunas county	12,6	14,5	15,3	14,8	15,7
Klaipėda county	9,8	10,1	9,9	9,9	9,6
Marijampolė county	6,6	7,3	7,1	7,4	7,4
Panevėžys county	11,7	11,4	11,5	12,5	13,2
Šiauliai county	16,0	16,5	14,9	13,6	12,9
Tauragė county	4,6	4,1	4,6	4,7	4,9
Telšiai county	5,4	5,7	5,9	6,2	6,7
Utena county	5,8	5,0	4,7	4,9	4,9
Vilnius county	20,6	19,4	19,8	19,7	18,2

Data of Labour Exchange

Long-term unemployed (average annual)

	1998	1999	2000	2001	2002
Thousand					
DOMESTIC	13,6	17,7	45,8	69,3	62,9

Alytus county	1,5	1,0	2,7	4,2	3,9
Kaunas county	1,4	2,3	6,4	9,9	9,1
Klaipėda county	0,9	1,3	3,9	5,8	5,7
Marijampolė county	0,8	1,2	3,5	5,6	4,7
Panevėžys county	1,1	2,4	6,3	10,2	10,9
Šiauliai county	1,9	3,5	8,9	11,8	9,9
Tauragė county	0,7	0,9	2,3	3,5	3,0
Telšiai county	0,5	0,9	2,5	4,3	4,9
Utena county	1,1	1,0	2,4	3,7	3,5
Vilnius county	3,8	3,1	7,0	10,2	7,3
Per cent					
DOMESTIC	100.0	100.0	100.0	100.0	100.0
Alytus county	10.8	5.9	5.9	6.0	6.2
Kaunas county	10.0	13.0	14.0	14.3	14.4
Klaipėda county	6.9	7.4	8.4	8.4	9.1
Marijampolė county	5.9	6.9	7.7	8.1	7.4
Panevėžys county	8.0	13.4	13.8	14.8	17.4
Šiauliai county	13.8	20.1	19.3	17.1	15.7
Tauragė county	5.0	5.0	5.0	5.0	4.8
Telšiai county	3.4	5.2	5.4	6.2	7.8
Utena county	8.2	5.7	5.3	5.4	5.6
Vilnius county	27.9	17.4	15.3	14.8	11.5

Data of Labour Exchange

Long-term unemployed are defined as unemployed seeking jobs for one year and longer.

Unemployed entitled to additional guarantees in the labour market cover the individuals who encounter or are likely to encounter difficulties in finding a job due to inadequate qualification or working experience, long-term unemployment or loss of ability to work and who are entitled to additional guarantees upon employment:

- 1) the disabled - in the manner established under the Law on the Social Integration of the Disabled;
- 2) individuals aged between 16 and 25 years who undertake jobs for the first time;
- 3) graduates of vocational establishments, colleges and universities who begin working according to their occupation;
- 4) long-term unemployed whose duration of enrolment with a labour exchange exceeds 2 years;
- 5) persons who are within 5 years of becoming eligible to receive full old-age pension;
- 6) a mother or a father growing a child under 8 years of age;
- 7) persons released from places of imprisonment where they stayed for longer than 6 months.

Employment Fund is set up for financing the population employment measures. Employment Fund resources are used for the financing vocational training of the unemployed, public works and works financed by the employment Fund, implementation of projects related with local employment initiatives, for loans to the unemployed desirous of setting up their own business, for subsidising employment of the unemployed entitled to additional guarantees in the labour market, for maintaining labour market institutions and for payment of unemployment benefits.

Projects relating to local employment initiatives include projects of creation of new jobs facilitating the concentration of local community social economic partners' efforts to increase employment of the groups of individuals in different municipalities and to develop local social – economic infrastructure.

Labour market vocational training denotes training that provides an opportunity for the jobseekers to raise qualification or to re-qualify in view of the labour market needs.

Public works cover works organised for temporary employment of the unemployed and other persons enrolled with a territorial labour exchange in the established manner by territorial labour exchanges together with municipalities and employers. These works are socially useful and help people who have lost their jobs to earn for living.

Works financed by the Employment Fund is a programme aimed at acquiring the basic working skills, developing them on-the-job and helping towards permanent employment..

Own business organisation programme is aimed at orienting individuals towards private initiative, rendering organisational – financial support to individuals desirous of creating their own business.

Creation (adaptation) of subsidised jobs is aimed at providing assistance to the groups of unemployed entitled to additional guarantees in the labour market which are unable to compete on equal terms in the labour market, getting employed in the created (adapted) jobs in the institutions, enterprises and organisations of all legal forms.

Unemployment subsidy – the employers who place into jobs the unemployed entitled to additional guarantees in the labour market referred to them by the labour exchange receive employment subsidies in the established amount from the Employment Fund during the period of employment of such persons (i.e., “the basket of support to the unemployed” follows the unemployed entitled to additional guarantees in the labour market).

Unemployment benefit – means temporary financial support to persons who have lost their jobs. The benefit is payable on a monthly basis but no longer than for 6 months in a 12-month period. The amount of the unemployment benefit is determined in consideration of the state social insurance record and reasons of the loss of job. Excluded from the period of entitlement for the unemployment benefit is the period the unemployed individual worked in public works or performed the work financed from the Employment Fund or was enrolled on a vocational training programmes.

For individuals who are close to pensionable age (who are within five years of becoming eligible to receive full old-age pension) the payment of unemployment benefit is extended for two more months.

Pre-pensioners who are within maximum 2 years of becoming eligible to receive full old-age pension and who have at least 15 years state social insurance record are entitled to the pre-pensioner’s unemployment benefit. For the period of payment of such benefit active labour market policy measures are not applied to the aforementioned pre-pensioners, and payment of the benefit is discontinued upon their employment.

1.1.4. Reforms

Reorganisation and consolidation of the institutional system of the labour market. Rapid regional changes in the labour market and refocusing of labour market policy towards the regional (county) and local levels imposes new requirements on the labour market institutions. Managerial structure of these institutions developed in 1991-1992 must be improved. This structure lacks one regional component which is becoming increasingly important. Territorial labour exchanges have limited opportunities to influence employment processes by themselves. The existing system of labour market institutions reduces its possibilities for ensuring the uniform and effective operation and for contributing to the implementation of more active employment policy consistent with the European Employment Strategy.

The planned reform is aimed at coordinating managerial structure and activities of labour market institutions under new conditions of the labour market and to develop adequate organisational environment facilitating the common process of coordination of the EU Employment Strategy.

The main goals of the reform are as follows: 1) to modernise territorial labour exchanges, increasing responsibility for the situation in the labour market and opportunities of more flexible use of available funds to address local labour market issues; 2) to diversify services rendered by territorial labour exchanges to employers, to implement effective work techniques and procedures to improve servicing of the jobseekers; 3) to improve the system of organisation and implementation of the labour market vocational training, to ensure better supervision of the quality of training and labour market vocational training, guidance, counselling and information services; 4) to create organisational conditions for using support provided from the EU structural funds; 5) to prepare for cooperation with national employment services of the EU Member States exchanging through EURES network the information about employment opportunities, to share the best practices of activities and implementation of common interests.

The reform envisages to develop a new managerial model, to rationalise and decentralise the management of labour market institutions making their activities more flexible and transparent. Consolidating the role and coordination powers of all equal labour market institutions through involvement of labour market partners to address the issues of employment and labour market policy is also envisaged. With a view to ensuring efficient performance, improved organisational structures of territorial labour exchanges, innovative principles of organisation of the work with customers, and modern information and communication technologies will be implemented.

Reorganisation of unemployment social insurance. The existing system of insurance against unemployment will be reformed while maintaining the insurance principle of payment of social benefits to the unemployed, and concurrently encouraging them to be more active in seeking jobs; increasing their opportunities to establish themselves in the labour market and providing for the financing of active labour market policy from the State Budget of the Republic of Lithuania. Objectives of the reform shall be to:

- establish financially stable and reliable system of unemployment insurance aimed at securing sufficient income for living for individuals insured with this type of unemployment insurance who have lost their former work, or are seeking new jobs according to the occupation they have acquired or are acquiring;
- create more favourable conditions for social security of the long-term unemployed and for the support of unemployed pre-pensioners;
- strengthen control over validity of benefits and improve motivation of the unemployed to be active in job-seeking;
- coordinate the system of insurance against unemployment with the country's system of social insurance, given that the aforementioned system functions as part of the latter, and with active labour market policy measures and system of social support.

1.2. LABOUR RELATIONS

1.2.1. Legal base

In 2002 Lithuania paid much attention to improving labour relations and their legal base. One of the most outstanding events was the adoption of the Labour Code. The Seimas of the Republic of Lithuania adopted the Labour Code on 4 June 2002 ("*Valstybės žinios*" (Official Gazette), 2002, No.64-2569), which came into effect as from 1 January 2003. The Code mostly focuses on the International Labour Organisation Conventions and European Union directive on labour issues, its provisions are adapted to the market economy which dictates new requirements as well as to the international commitments of the Republic of Lithuania.

In Labour Code was developed having regard to the experience of Eastern and Central Europe countries who have already reformed their labour law (Hungary, Czech Republic, Poland), and also many provisions of the European Union directives were transposed to this document. Therefore, having adopted the Labour Code, Lithuania practically discharged its

obligations in the sphere of approximation of its legislation with the European Union *Acquis* regarding labour and implemented the principal provisions of the European Union and International Labour Organisation legislations as well as of the European Social Charter (as amended). Social partners were also actively involved in the process of preparation of the Labour Code.

Practically all provisions of the Labour Code are rather abstract so as to avoid differentiation of the regulation of labour relations by sectors of economy (private and public). The Code also avoids regulating the matters of the governmental level which should be defined by secondary legislation. The purpose of this Code is to combine the principal provisions contained in legal acts of the European Union and International Labour Organisation as well as in the European Social Charter (as amended) so as to establish their statutory basis in Lithuania. Given the increasing importance of the principle of social partnership in Europe and Lithuania, this Code should be the key document in coordinating the interests of social partners.

The Labour Code consists of three parts: general provisions, collective labour relations and norms governing individual labour relations.

The *first part* of the Labour Code enforces the main principles of legal regulation of labour relations, establishes the relationship between this Code and other applicable international as well as national labour legislation and defines the concepts of the employee and the employer.

The Labour Code addresses the issue of collective representation of employees, i.e. enforces the legal status of employees' representatives as of the subjects of labour law, and establishes the right of representation of employees where an enterprise has no functioning trade union and if the staff meeting has not transferred the function of employee representation to the trade union of the appropriate sector of economy. In such case the employees shall be represented by the Labour Council elected from among their representatives.

It should be noted that this Code particularly emphasises the importance of collective labour relations and mutual agreements of the parties to labour relations. The *second part* of the Code enforced the concept of social partnership, its principles, parties and levels. It also establishes the principal of tripartite cooperation and the legal status of the Tripartite Council of the Republic of Lithuania, the basis of its activities and enforced legal opportunity to form bilateral or tripartite councils and commissions at other levels (branch, territory) on agreement of social partners or on the basis of applicable laws. This part of the Labour Code also defines the concept of collective agreements entered into at the sectoral, territorial and national levels, the parties to such agreements and contents thereof. The Code establishes the procedure and conditions of concluding, signing, registration, validity and enforcement control of the aforementioned agreements. The Labour Code defines the concepts of collective agreements entered into at the level of individual enterprises or their structural subdivisions, also covering the issues relative to the parties, contents, entry into, and validity of such agreements. The Code also enforces a new provision which stipulates that differently from collective agreements which may be signed in the employee's name only by trade unions of a respective sector or territory, a collective agreement of the enterprise may also be signed by the elected representatives of the enterprise employees, i.e. by the Labour Council when an enterprise has no functioning trade union and if the staff meeting has not transferred the function of employee representation to the trade union of the appropriate sector of economy. This provision was opposed by trade unions, which proposed establishing the right of representation of employees and entry into collective agreements at the enterprise level as their exceptional right. The drafters of the Labour Code, however, relied on the international recommendations and experience of the European Union Member States and of the Eastern and Central Europe countries were seeking to resolve the issue of collective representation and to encourage entry into collective agreements.

Part three of the Labour Code regulates individual and other related labour relations: employment manners, issues concerned with employment contracts, conditions of working and rest time, wages and other guarantee benefits and compensations, labour discipline, material liability and conditions of safety and health of workers, as well as the procedure of consideration

of individual labour disputes. The Code covers the extended list of the types of employment contracts. In addition to non-term and fixed-term employment contracts the Labour Code also enforces employment temporary, seasonal, additional work, secondary job employment contracts with home workers and on the supply of separate services (a nurse, a driver, etc., when the employer is a natural person).

The Labour Code no longer contains the list of the grounds for terminating the employment contract which were unreasonable and impracticable. The Labour Code establishes that an employment contract may be terminated only for valid reasons related with the workers' qualification, occupational skills, behaviour at work, also for economic, technological circumstances, structural reorganisation of the workplace, etc. The Labour Code established a new principle of payment of severance pays (benefits): the amount of a severance pay depends upon the worker's length of service in a given enterprise, other than on the reasons of his (her) dismissal.

The Labour Code stipulates that the Government, upon the recommendation of the Tripartite Council, establish different minimum monthly wage for different branches of economy, regions or categories of employees. In the event of non-conformity with the normal working conditions, the pay for work under such conditions will be higher than the pay rate applicable under the normal working conditions. Specific pay rates shall be defined in collective agreements and contracts of employment. Classification of working conditions and concentrations and levels of factors hazardous for health shall be regulated by laws and other regulatory acts.

The newly enforced Labour Code invalidates the Code of Labour Laws, Law on Wages, Law on Collective Agreements and Collective Labour Agreements, Law on Employment Contract, Law on Holidays, Law on the Regulation of Collective Disputes, Law on Deliberation of Collective Disputes. To ensure implementation of certain provisions of the new Labour Code, the laws and other legal acts specifying separate provisions of the Labour Code have been adopted or are being drafted.

In observance of the Republic of Lithuania Government Resolution No. 1189 of 19 July 2002, the Plan of Drafting the Laws and other Regulatory Acts Subject to Harmonising with the Labour Code of the Republic of Lithuania, whereby the Ministry of Social Security and Labour together with other public authorities was obligated to draft legal acts and to bring them in line with the Labour Code. In implementing the measures provided for in the Plan, the following legal acts were drafted:

1. Republic of Lithuania Government Resolution No.1815 of 19 November 2002 on Approving the Procedure of Registration of National, Sectoral and Territorial Collective Agreements (Official Gazette, 2002, No.112-5010);

2. Republic of Lithuania Government Resolution No. 2023 of 20 December 2002 on Recognising as Invalid the Republic of Lithuania Government Resolution No. 1555 on Approval of the Procedure for Fixing the Amounts Extra Pays for Work Under Harmful, Very Harmful and Dangerous Conditions (Official Gazette, 2002, No.123 –5580);

3. Republic of Lithuania Government Resolution No.116 of 28 January 2003 on Approving the Amount and Procedure of Compensatory Payments (Official Gazette, 2003, No.11-413);

4. Republic of Lithuania Government Resolution No.135 of 22 January 2003 on Amending the Republic of Lithuania Government Resolution No. 120 of 23 January 1996 on Official Business Trips in the Territory of the Republic of Lithuania (Official Gazette, 2003, No. 13-499);

5. Republic of Lithuania Government Resolution No. 115 of 28 January 2003 on Approving the Standard form of the Employment Contract (Official Gazette, 2003, No.11- 412);

6. Order No. 146 of 18 November 2003 of the Minister of Social Security and Labour on Recognising as Invalid Certain Orders of Minister of Social Security and Labour which

invalidated Order No. 180 of 29 December 2001 of the Minister of Social Security and Labour on the Approval of the List of Works that can be Performed on Holidays Contract (Official Gazette, 2002, No. 112-5018).

7. Republic of Lithuania Government Resolution No. 497 of 22 April 2003 on Approving the Conditions and Procedure of Duration and Granting of Annual Additional Leave (Official Gazette, 2003, No. 39-1787)

8. Republic of Lithuania Government Resolution No.1984 of 17 December 2002 on Amending the Republic of Lithuania Government Resolution No. 154 of 7 March 1994 on Seasonal Work (Official Gazette, 2002, No. 120-5416);

9. Republic of Lithuania Government Resolution No.503 of 24 April 2003 on Approving the Regulations of Registration of Employment Contracts and of the Procedure of Issuance of the Worker's Identification Document, Its Bearing and Submission to Controlling Authorities (Official Gazette, 2003, No. 11-412);

10. Republic of Lithuania Government Resolution No. 207 of 11 February 2002 on Amending the Republic of Lithuania Government Resolution No.1511 of 13 December 2001 on Approval of the Voluntary Works Organisation Procedure (Official Gazette, 2003, No. 16-662);

11. Republic of Lithuania Government Resolution No. 206 of 11 February 2003 on Amending the Republic of Lithuania Government Resolution No. 1500 of 13 December 2001 on Approving the Collective Assistance (Voluntary Unpaid) Works Performance Conditions and Procedure (Official Gazette, 2003, No.16-661);

12. Republic of Lithuania Government Resolution No. 941 of 18 July 2003 on Approving the List of Certain Categories of Workers Entitled to Annual Extended Leave and of Duration of Such Leave (Official Gazette, 2003, No.73-3375);

13. Republic of Lithuania Government Resolution No. 940 of 18 July 2003 on Approving the Procedure of Calculation of the Length of Service in Enterprises, Institutions and Organisations Financed with State and Municipal Budget Funds (Official Gazette, No.73-3374).

1.2.2. Structure of Administration

The state policy in the spheres of labour relations and payment for work is implemented by the Ministry of Social Security and Labour, in observance of the Constitution of the Republic of Lithuania, the Labour Code, other laws, resolutions of the Government, and other regulatory acts.

Wage guarantees for workers of enterprises that have gone bankrupt or are under bankruptcy. The Guarantee Fund is a monetary fund, the funds of which are allocated for the payment of sums in the amount fixed by this Law to the workers of enterprises in the process of going bankrupt or bankrupt enterprises whose employment relationship with the said enterprises was discontinued and to workers who continue employment relationship with the enterprise which is in the process of going bankrupt, if the enterprise has not paid their outstanding claims as well as for covering the Guarantee Fund administration expenses according to the procedure laid down in the Regulations of the Guarantee Fund. The Guarantee Fund is managed by the Council of the Guarantee Fund. The Council of the Guarantee Fund manages the resources of the Fund, makes decisions regarding the allocation of the resources of the Guarantee Fund and carries out other tasks and functions assigned to its competence.

In 2002 in implementing the provisions of the Law on the Guarantee Fund, the principal attention was paid to effective use of the resources of the Fund in allocating payments of the established amount to the workers of enterprises in the process of going bankrupt or bankrupt enterprises.

Prevention of illegal work

Prevention of illegal work is of great importance in improving employment relations. To reduce the spread of illegal work, the State Labour Inspectorate under the Ministry of Social Security and Labour, the State Social Insurance Fund Board, the State Tax Inspectorate under the Ministry of Finance, the Financial Crimes Investigation Service under the Ministry of Interior and the Police Department under the Ministry of Interior have been tasked for the formulation of the uniform control practices, cooperation of the officials of controlling authorities and institutions in organising joint checks, development of methodical material and analysis for improving the legal base. On 13 March 2003, like every year, the Central Commission of Control of Illegal Work approved the Action Plan of Analysis and Prevention of Illegal Work Practices for 2003 aimed at limiting the spread of illegal work.

Activities of the Tripartite Council of the Republic of Lithuania

The Tripartite Council of the Republic of Lithuania is a body deliberating and addressing economic issues at the national level formed on the basis of equal tripartite partnership from 15 equal members representing the Government, trade unions and employers' organisations. Its principal functions are to analyse social, economic and labour market issues, render proposals to the Government on addressing them; to deliberate draft laws and other legal acts regulating social economic and labour issues and provide proposals related with them; to analyse the options of development and improvement of bilateral and trilateral partnership; to establish standing and provisional tripartite commissions to address important or problem matters, etc. The main form of activities of the Tripartite Council are meetings held at the time designated by the Council itself on the initiative of the Chairperson or on request of at least one representative of each of the parties, and at least once in two months.

1.2.3. Main Characteristics

The main principles of legal regulation of labour relations are as follows:

- 1) Freedom of association. This principle prohibits the State from limiting by means of rules of the national law the freedom of workers and employers to establish local, national or international organisations for protection of their economic or social interests and to join such organisations, or from applying the rules of the national law so as to limit such freedom.
- 2) The principle of freedom of choice of employment means that each person has the right to choose the work according to his capabilities and will and to earn for his living through such freely chosen occupation.
- 3) Fair remuneration for work. This principle means that each worker has the right to receive such pay for his work which would guarantee the normal subsistence level for him and his family.
- 4) Prohibition of all forms of forced and compulsory labour. This principle enforces prohibition to use the work of individuals which they were forced to perform and did not agree to carry it out on their own free will.
- 5) Stability of labour relations. This principle means that legal labour relations should conform to the continuity criteria and is aimed at protecting workers from too extensive change in labour relations and unreasonable termination thereof.
- 6) Freedom of collective bargaining for the purpose of reconciliation of interests of the employees, the employers and the state. This principle is derived from the principle of social partnership and freedom of association. This principle is enforced with a view to reaching such agreements and concluding collective agreements to ensure optimum balance between the interests of workers, employers and the State, to provide the workers with additional rights and guarantees without violating the employer's interests.
- 7) Liability of the parties to the collective bargaining agreement for their obligations. This principle requires that the parties to collective agreements discharge their obligations

assumed under a collective agreement, and establishes liability in the event of the default on such obligations.

Illegal work

In 2002 the State Labour Inspectorate under the Ministry of Social Security and Labour, the State Social Insurance Fund Board, the State Tax Inspectorate under the Ministry of Finance, the Financial Crimes Investigation Service under the Ministry of Interior and the Police Department under the Ministry of Interior registered 8590 illegally employed individuals. Of which:

- 1522 individuals employed without having entered into employment contracts;
- 1407 individuals working without having obtained a patent;
- 4244 individuals working without having registered their business, obtained a license or engaged in other illegal activity.

As a result of the established labour law violations 6359 protocols of transgressions of administrative law were signed. Analysis of illegally employed individuals by sectors of economic activity reveals that the largest numbers of illegally employed persons is in the manufacturing industry – 29,15 per cent, in construction – 28,75 per cent, in wholesale and retail trade - 8,85 per cent. Enterprises employ 74,2 per cent of illegal workers, whereas natural persons -16 per cent of such workers.

In 2001 the State Labour Inspectorate examined 6155 enterprises and discovered 1255 illegally employed persons. In 2002 the State Labour Inspectorate carried out 11601 checks which revealed 1266 cases of illegally unemployed individuals (i.e. individuals working without having concluded employment contracts or under incorrectly documented employment contracts, as well as working without patents).

Pursuant to Article 41³ of the CATL 382 cases were heard in courts in 2001. 2002 m. Inspectors of the State Labour Inspectorate completed and referred to courts 593 protocols drawn in observance of the aforementioned Article. Courts investigated 234 cases regarding illegally employed persons, and 95 cases were closed.

Guarantee Fund activities

The right to receive payments from the Guarantee Fund shall rest upon workers of enterprises under bankruptcy or of bankrupt enterprises whose employment relationship with the said enterprises was discontinued or who continue employment relationship, if the enterprise has not paid their outstanding claims. Payments from the Fund shall also be paid to former workers of enterprises liquidated as a result of bankruptcy upon enactment of this Law, when such enterprises have not paid their outstanding claims.

The Law provides for the types of compensatory payments from the Guarantee Fund concerned with employment relations, i.e. payments for the workers' outstanding claims for wages; monetary compensation for the unused annual holiday; severance pays; payment of outstanding claims relating to idle time; compensation for damage caused by accidents at work or occupational disease. In observance of the provisions of the Republic of Lithuania Law on Amending and Supplementing Articles 3,5,6,12, and13 of the Law on the Guarantee Fund (Official Gazette, 2002, No.102-4544), the Government passed the Resolution No. 2103 of 31 12 2002 on Payments from the Guarantee Fund establishing the maximum amounts of such payments. Having adopted all necessary secondary legislation, the Guarantee Fund actually commenced its activities in August 2001.

Between August 2001 and 1 March 2003 the following payments to workers were paid out from the Guarantee Fund:

in August – December 2001: the amount of LTL 25,1 million was disbursed to 20655 workers of 250 businesses;

in 2002 – 15214 workers from 505 businesses received LTL 21,3 million;

in January – February 2003: the amount of LTL 3 million was paid out to 2460 workers from 78 businesses.

Collective agreements

At present collective labour relations in Lithuania are regulated in the form of collective agreements. Pursuant to the Republic of Lithuania Labour Code collective agreements may be concluded on the state (national); sectoral (production, services, professional) level or territorial (municipality, county) level; and enterprise (agency, organisation) level or on the level of its structural subdivision. The Labour Code defines a collective agreement of an enterprise as an agreement concluded in writing between the employer and employees of the enterprise on employment, wages and other socio-economic conditions. Such collective agreement applies to all workers of a given enterprise. Enterprise branches, representative offices and structural subdivisions may conclude collective agreements in the manner established under the collective agreement of the enterprise without exceeding the limits defined therein. The parties to the collective agreement of the enterprise shall specify in such agreement the employment, occupational, socio-economic conditions and guarantees that are excluded from the scope of regulation of laws and other normative legal acts or territorial collective agreement, and that do not contradict them or do not worsen the conditions of workers. A collective agreement shall specify:

- 1) terms of concluding, amending and terminating employment contracts;
- 2) work pay organisation terms (tariffs, official salaries, additional payments, extra pays, other privileges and compensations, the systems and forms of wage payment and incentives, wage indexation, procedure of wage payments and deductions as well as other provisions);
- 3) terms relating to of hours of work and leisure time;
- 4) obligations concerning the establishment of safe and sound working conditions, and the provision of compensations and privileges;
- 5) conditions for the acquisition of an occupation, upgrading vocational skills, and retraining, as well as guarantees and privileges related to them;
- 6) procedure of implementation of a collective agreement of an enterprise;
- 7) other work, economic and social regulations which are of importance to the parties.

Exact data on collective agreements of enterprise valid at present are not available, since such agreements are not registered and come into effect as from the day of signing, unless otherwise established in the collective agreement.

Collective labour relations

Legal documents reflect different opinions as regards both, collective legal relations and their subjects thereof, therefore, a precise definition of collective labour relations is problematic.

Very often collective labour relations are considered as covering collective relations of representation of the workers' interests (entry into collective agreements, counselling and information of workers, etc.) as well as the procedure of establishment and liquidation of representing organisations, relations inside and between organisations.

However, the most popular opinion is to consider that the subjects of collective labour relations are representatives of workers (trade unions, labour councils) as well as employers and their organisations. According to another opinion, all workers of an enterprise, other than their representatives are the subject of collective labour relations the subject of collective relations.

Collective employment relations cover:

- 1) the freedom of association and its guarantees;
- 2) the right to conclude collective agreements;
- 3) collective disputes and application of collective enforcement measures;
- 4) provision of counselling and information to the workers, etc.

Individual labour relations

Individual labour relations shall be defined as relations between the worker and the employer arising from the employment contract, whereas other relations, e.g., employment, loss indemnification, disciplinary liability, are concerned with the labour relations.

Wages

A wage means an amount paid in cash for the work performed. It shall be represented by a monetary remuneration (official wage, monthly wage), allowances, extra pays, and bonuses.

A basic salary (official wage, monthly wage) means a fixed amount of money paid for the work in a particular job (workplace) per month under normal conditions of work.

An allowance is a compensatory payment directly related with working conditions (for work under conditions which do not conform to normal working conditions, for night work, overtime, etc.) and with performance of additional functions (works, duties).

An extra pay is an additional payment provided for by laws and other legal acts for professional skills and qualifications of workers (categories, degrees, ranks).

A bonus is a financial incentive for excellent work, completion of importance and urgent tasks or for activities that are of particular importance to the institution, enterprise or organisation.

1.2.4. Pending reforms

Strengthening of social dialogue

In developing a social dialogue, the Republic of Lithuania Government passed the Resolution No. 67 of 21 January 2003 whereby it approved the Action Plan on the Development of Social Partnership of the Republic of Lithuania Government, Trade Unions and Employers' Organisations for 2003-2004. The Plan covers numerous measures related with the strengthening of social dialogue at the national, sectoral territorial, as well as enterprise levels. The Plan envisages to analyse the current condition of the social dialogue, also taking into consideration the conclusions and recommendations drawn by the experts from the International Labour Organisation and European Union after assessment of social partnership in Lithuania. Particular measures, including those to be financed under PHARE Project "Strengthening Social Dialogue", will be developed on the basis of such conclusions and recommendations. The Plan envisages to analyse the issues of entry into collective agreements and, if necessary, to develop proposals, as well as to organise training for workers and employers on the matters of social partnership.

Remuneration of employees working under employment contracts in state and municipal establishments and institutions of the Republic of Lithuania

The Draft Law on Remuneration of Employees Working under Employment Contracts in State and Municipal Establishments and Institutions of the Republic of Lithuania has been submitted to the Seimas of the Republic of Lithuania. The purpose of this draft law is to establish a single system of remuneration for work of employees engaged under employment contracts in state and municipal establishments and institutions of the Republic of Lithuania.

Upon adoption of this Law, its provisions shall apply to workers engaged in institutions under employment contracts and receiving remuneration from foundations established from the funds of the State and municipal budgets, i.e., scientific and studies establishments, scientific workers, pedagogues and specialists; heads of educational and health care establishments, medical staff, heads of institutions of culture and art, culture and art workers, heads of social institutions, social workers and other specialists (e.g., lawyers, economists, accountants, financiers, engineers, auditors, etc.) as well as the staff performing technical and maintenance functions. The Law shall also apply to the employees of establishments and institutions

performing the functions of public administration (Office of the Government, ministries, governmental institutions, other public authorities, county governors' administrations and municipalities) other than those attributed to the category of public servants. In addition, the founders shall be entitled to apply this Law or its separate provisions to public institutions whose founders (or one of the founders) are state and (or) municipal establishments and (or) institutions.

1.3. DESCRIPTION OF THE SYSTEM OF SAFETY AND HEALTH OF WORKERS

1.3.1. Legal base

Legal acts on safety and health of workers

Labour Code

The principal provisions of the safety and health of workers are contained in the Labour Code¹⁹ enacted on 1 January 2003. Chapter XVIII "Safety and Health of Employees at Work" of Part III of the Labour Code defines the safety and health of workers, specifies the principal obligations of employers and workers, sets out the provisions concerning the design of workstations, use of work equipment, health care of workers, also management, assessment and control of the workers' safety and health condition.

For the purpose of implementing the Labour Code the following legal acts were drafted and approved:

- Procedure of Fixing Extra and Special Breaks Included in the Working Hours²⁰ (enacted on 8 February 2003);
- Conditions and Procedure of Vocational Training of Young Persons under Eighteen years of age²¹ (enacted on 6 February 2003);
- Procedure for Employing Young Persons under 18 Years of Age, Examining their Health and Determining Their Aptitude for a Particular Work, and of the List of Working Time, Prohibited Works and Factors Harmful and Dangerous to Health²² (enacted on 6 February 2003);

New legal acts to be drafted or applicable legal acts to be amended:

- Law on Safety and Health of Workers;
- Law on the State Labour Inspectorate;
- Procedure of Mandatory Health Examinations of Workers and the List of Occupation and Works the Workers Employed in Which Must Undergo Health Examinations upon Employment and on a Regular Basis Afterwards;
- Procedure of Mandatory Examination of Knowledge in the Sphere of Safety and Health of Workers of the Employer or an Authorised Representative Thereof;
- List of Employers Exempted from Refreshing (Attesting) Knowledge in the Sphere of Safety and Health of Workers;
- Domestic, Sanitary and Hygiene Premises Installation Requirements;
- List of Working Conditions and Factors Harmful to Pregnant, Postnatal and Breast-feeding Women;
- Specific Features of Work and Rest in Certain Sectors of Economy, Procedure of Introduction of Summary Recording of Working Time and Work Duration in Jobs in Which the Maximum 12 Hours Working Time per Working Day May be Applied.

¹⁹ No. IX-926, 04 06 2002 (Official Gazette, 2002, No. 64-2569)

²⁰ RLG Resolution No. 160 of 03 02 2003 (Official Gazette, 2003, No. 14-559)

²¹ RLG Resolution No. 139 of 03 02 2003" (Official Gazette, 2003, No. 13-503)

²² RLG Resolution No. 138 of 03 02 2003 (Official Gazette, 2003, No. 13-502)

Law on Safety and Health of Workers and secondary legislation

In implementing the Labour Code, Amendments to the Law on Safety and Health of Workers²³ enforced in November 2000 were developed and submitted to the Seimas, amended in view of the provisions of the Labour Code was developed. The Draft Law is being deliberated by the Seimas.

The applicable Law on Safety and Health of Workers consists of five parts: General Provisions; Organisation of Work and Rest; Safety and Health Guarantees for Separate Groups of Individuals; Assessment of Safety and Health Condition of Workers; Principal Provisions Regarding Notifications about Accidents at Work and Occupational Diseases and Investigation Thereof; Economic Measures and Liability.

The following secondary legislation was drafted in implementing the Law on Safety and Health of Workers:

- Regulations of Analysis and Accounting for Accidents at Work²⁴;
- Regulations of Analysis and Accounting of Occupational Diseases²⁵;
- Regulations of the Republic of Lithuania Commission on Safety and Health of Workers²⁶;
- Regulations of the County Territorial Commission on Safety and Health of Workers²⁷;
- General Regulations of Safety and Health Committees of Enterprises²⁸;
- List of Works Permitted on Holidays²⁹;
- Procedure for Establishing Working Time of the Workers of State and Municipal Institutions and Establishments³⁰;
- Regulations of Instructing, Training and Certifying Workers on Safety and Health Issues³¹;
- Regulations of Safety and Health Services of Enterprises³²;
- List of Dangerous Works³³;
- Lithuanian Hygiene Norm HN 23:2001 "Limit Values of Concentrations of Harmful Chemical Substances in Work Environment Atmosphere. General Requirements"³⁴;
- Part Working Time Fixing Procedure³⁵.

Other legal acts on safety and health of workers

General Regulations for the design of Workplaces and Workstations³⁶

Regulations of Providing Workplaces with Occupational Safety and Health Signs³⁷

Regulations for the Design of Workplaces in Construction Sites³⁸

General Regulations for Use of Work Equipment³⁹

Regulations for Providing Employees with Protective Equipment⁴⁰

²³ No. VIII-2063 of 17 10 2002 (Official Gazette, 2000, No. 95-2968)

²⁴ RLG Resolution No. 748 of 19 06 2001 (Official Gazette, 2001, No. 53-1881)

²⁵ RLG Resolution No. 815 of 29 06 2001 (Official Gazette, 2001, No. 57-2051)

²⁶ RLG Resolution No. 13 of 09 01 2002 (Official Gazette, 2002, No. 4-97)

²⁷ MSSL and MHC Order No. 137/573 of 29 10 2001 (Official Gazette, 2001, No. 95-3369)

²⁸ Minutes No. 65 of 11 04 2002 of the Commission on Safety and Health of Workers

²⁹ MSSL Order No. 180 of 29 12 2001 (Official Gazette, 2002, No. 4-146)

³⁰ RLG Resolution No. 656 of 01 06 2001 (Official Gazette, 2001, No. 48-1678)

³¹ MSSL and MHC Order No. 76/261 of 10 06 2002 (Official Gazette, 2002, No. 69-2849)

³² MSSL and MHC Order No. 77/262 of 10 06 2002 (Official Gazette, 2002, No. 69-2850)

³³ RLG Resolution No. 1386 of 03 09 2002 (Official Gazette, 2002, No. 87-3751)

³⁴ MSSL and MHC Order No. 645/169 of 13 12 2001 (Official Gazette, 2001, No. 110-4008)

³⁵ RLG Resolution No. 59 of 17 01 2002 (Official Gazette, 2002, No. 6-228)

³⁶ MSSL and MHC Order No. 85/233 (Official Gazette, 1998, No. 44-1224)

³⁷ MSSL Order No. 95 of 24 11 1999 (Official Gazette, 1999, No. 104-3014)

³⁸ MSSL and MHC Order No. 184/282 of 24 12 1998 (Official Gazette, 1999, No. 7-155; (Official Gazette, 2002, No. 93-4028)

³⁹ MSSL Order No. 102 of 22 12 1999 (Official Gazette, 2000, No. 3-88; (Official Gazette, 2000, No. 76-2303; (Official Gazette, 2002, No. 90-3882)

General Regulations for Manual Lifting of Loads⁴¹
 Minimum Requirements for Occupational Safety and Health in Extracting Minerals⁴²
 Regulations for General Safe and Healthy Working Conditions in Fishing Vessels⁴³
 Lithuanian Hygiene Norm HN 32:1998 “Work with Video Terminals. Safety and Health Requirements”⁴⁴
 Safety Regulations for Workers Exposed to Potentially Explosive Environment⁴⁵,
 Regulations on the Protection of Workers from Exposure to Biological Agents at Work⁴⁶,
 Regulations on the Protection of Workers from Exposure to Chemical Agents at Work⁴⁷
 Regulations on the Protection of Workers from Exposure to Carcinogens and Mutagens at Work⁴⁸
 Regulations on Work with Asbestos⁴⁹
 Regulations on the Protection of Workers from Contact with Vinyl-chloride Monomer⁵⁰
 Regulations on the Protection of Workers from Noise at Work⁵¹
 List of Prohibited Works and Dangerous Factors for Pregnant, Postnatal and Breastfeeding Women⁵²
 Minimum Requirements for the Provision of Medical Assistance in Vessels⁵³
 Occupational Risk Assessment Regulations⁵⁴

Legal acts regulating the supervision of potentially dangerous equipment

With a view to ensuring safety of work equipment, relying on the long-term practice of the EU member States and taking into consideration of Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work and Council Directive 95/63/EEC of 5 December 1995 amending Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work, the Law on Amendment to the Law on the Supervision of Potentially Dangerous Equipment was drafted⁵⁵.

Adoption of this Law created preconditions for separating maintenance and control functions, reduced budgetary expenditures, because public institutions examining technical condition of equipment are not provided with budget funds and function with the funds received from compulsory supervision services rendered to the owners of potentially dangerous equipment.

For the purpose of implementing this Law the following documents were drafted:

- List of Categories of Potentially Dangerous Equipment⁵⁶;
- Procedure of Authorising Public Institutions to Examine Technical Condition of Potentially Dangerous Equipment⁵⁷;

⁴⁰ MSSL Order No. 77 of 20 04 1998 (Official Gazette, 1998, No. 43-1188)

⁴¹ MSSL and MHC Order No. 1341/493 of 03 09 1998 (Official Gazette, 1998, No. 79-2242)

⁴² MSSL and ME Order No. 141/173 of 11 09 1998 (Official Gazette, 1998, No. 82-2310)

⁴³ MSSL, MHC and MA Order No. 55/262/285 of 29 06 1999 (Official Gazette, 1999, No. 59-1940; (Official Gazette, 2000, No. 67-2038)

⁴⁴ MHC Order No. 4 of 06 01 1999 (Official Gazette, 1999, No. 5-122)

⁴⁵ MSSL Order No. 110 of 12 12 2000 (Official Gazette, 2001, No. 1-16)

⁴⁶ MSSL and MHC Order No. 80/353 of 21 06 2001 (Official Gazette, 2001, No. 56-1999)

⁴⁷ MSSL and MHC Order No. 97/406 of 24 07 2001 (Official Gazette, 2001, No. 65-2396)

⁴⁸ MSSL and MHC Order No. 97/406 of 24 07 2001 (Official Gazette, 2001, No. 65-2396)

⁴⁹ MSSL and MHC Order No. 97/406 of 24 07 2001 (Official Gazette, 2001, No. 65-2396)

⁵⁰ MSSL and MHC Order No. 182/773 of 24 12 1998 (Official Gazette, 1999, No. 9-201)

⁵¹ MSSL and MHC Order No. 87/236 of 20 09 1999 (Official Gazette, 1999, No. 44-1225)

⁵² MSSL and MHC Order No. 359/95 of 08 07 2002 (Official Gazette, 2002, No. 77-3306)

⁵³ MHC, MC and MSSL Order No. 449/254/108 of 24 08 2001 (Official Gazette, 2001, No. 75-2695)

⁵⁴ MSSL and MHC Order No. 86/307 of 26 06 2002 (Official Gazette, 2002, No. 69-2852)

⁵⁵ No. VIII-1972 of 03 10 2000 (Official Gazette, 2000, No. 89-2742)

⁵⁶ RLG Resolution No. 817 of 29 06 2001 (Official Gazette, 2001, No. 57-2053)

- Procedure of the Formation of Collegiate Managing Bodies of Institutions Examining Technical Condition of Equipment⁵⁸;
- List of Potentially Dangerous Equipment Subject to Maintenance Carried out by Institutions Examining Technical Condition of Equipment and Registered in the State Register (Specifying Their Parameters)⁵⁹;
- Regulations of the Register of the Potentially Dangerous Equipment⁶⁰.

In addition, public authorities responsible for organising maintenance of different categories of potentially dangerous equipment: Ministry of Health Care – for all types of technical medical equipment and installations thereof (Group 9); Ministry of Economy – for all categories of steam and water heating boilers and installations thereof (Group 1), all types of pressurised containers and installations thereof (Group 2), pressurised pipelines, pressurised steam-lines and hot water pipelines and installations thereof (Group 3), and electric devices used in explosive environment of all categories (Group 10); Ministry of Social Security and Labour – for all categories of dangerous substances reservoirs and installations thereof (Group 4), for all categories of elevators and installations thereof (Group 5), for all categories of steel rope lines, funicular railways and installations (Group 6), for all categories of escalators and installations thereof (Group 7), for all categories of cranes and installations thereof (Group 8) and also for all categories of entertainment equipment installations thereof (Group 11). Three public authorities were authorised to examine technical condition of potentially dangerous equipment: a public institution Technical Maintenance Service was authorised to examine for all categories of dangerous substances reservoirs and installations thereof (Group 4), elevators and installations thereof (Group 5), steel rope lines, funicular railways and installations (Group 6), escalators and installations thereof (Group 7), cranes and installations thereof (Group 8), entertainment equipment installations thereof (Group 11); a Public Institution Lifting Equipment Maintenance Service - all categories of elevators and installations thereof (Group 5), steel rope lines, funicular railways and installations (Group 6), escalators and installations thereof (Group 7), cranes and installations thereof (Group 8), and Public Institution “TUV technika” - all categories of dangerous substances reservoirs and installations thereof (Group 4), elevators and installations thereof (Group 5), cranes and installations thereof (Group 8), entertainment equipment installations thereof (Group 11).

The task of keeping the prepared Register of the Potentially Dangerous Equipment was assigned to the State Labour Inspectorate.

Legal acts on product safety (technical regulations)

With a view to ensuring the entry of safe goods into the market, the Government of the Republic of Lithuania designated the Ministry of Social Security and Labour as responsible for the approval of mandatory safety requirements for protective equipment, elevators, ropes, hooks and chains as well as machinery.

These requirements are being developed having regard to the EU new approach directives and create preconditions for free movement of goods. Enforcement of the aforementioned requirements should ensure that only safe products can enter the market as well as the workplaces thereby guaranteeing safe and healthy working conditions in enterprises.

The Ministry of Social Security and Labour has developed the following technical regulations:

- Elevators⁶¹;

⁵⁷ RLG Resolution No. 817 of 29 06 2001 (Official Gazette, 2001, No.57-2053)

⁵⁸ RLG Resolution No. 817 of 29 06 2001 (Official Gazette, 2001, No.57-2053)

⁵⁹ MSSL Order No. 124 of 29 09 2001 (Official Gazette, 2001, No.85-2978; (Official Gazette, 2001, No. 106-3824)

⁶⁰ RLG Resolution No. 645 of 09 05 2002 (Official Gazette, 2002, No. 48-1844)

⁶¹ MSSL Order No. 106 of 28 12 1999 (Official Gazette, 2000, No. 28-785; (Official Gazette, 2001, No. 15-471; (Official Gazette, 2001, No. 37-1268)

- Personal Protective Equipment⁶²;
- Safety of Machinery⁶³;
- Lifting Facilities. Certification and Labelling⁶⁴.

1.3.2. Structure of administration

The state policy in the sphere of safety and health of workers is implemented by the Ministry of Social Security and Labour within the limits of its competence and in observance of the Constitution of the Republic of Lithuania, the Labour Code, other laws, resolutions of the Government and other normative legal acts .

The Minister of Social Security and Labour together with one or more other ministers approves respective legal acts on safety and health of workers, establishing the procedure of their enforcement and application, represents the interests of the Republic of Lithuania in the sphere of safety and health of workers in other countries and international organisations.

For the purpose of coordinating the interests of the State, workers and employers in the sphere of safety and health of workers on the basis of the principle of tripartite cooperation of social partners, the Occupational Safety and Health Commission of the Republic of Lithuania has been formed. The procedure of the formation of this Commissions and its functions are established under the Occupational Safety and Health Commission Regulations.

To deliberate the matters pertaining to the implementation of the policy of safety and health of workers and the prevention of violations of health requirements in enterprises, the county territorial occupational safety and health commissions have been formed on the basis of the principle of tripartite cooperation of social partners. Their establishment and organisation procedure as well as their competence are defined under the Territorial Occupational Safety and Health Commission Regulations.

A Municipal Council, on agreement of enterprises, is entitled to work out and approve the general programmes or measures aimed at improving the safety and health of workers and to allocate funds for their implementation.

Responsibility for ensuring the safety and health of workers in the enterprise rests upon the employer. Given the size of the enterprise and the dangers to which the workers are exposed, the employer establishes in the enterprise or hires the certified service of occupational safety and health or carries out such functions by himself. The work should be organised in observance of the requirements of normative acts on safety and health of workers.

Trade unions represent their interests in the sphere of safety and health of workers in observance of the Law on Trade Unions, Law on Collective Agreements and Collective Labour Agreements, Law on Safety and Health of Workers and other legal acts on safety and health of workers. On the initiative of trade unions and (or) employers collective agreements may provide for additional requirements for ensuring the safety and health of workers that are more favourable compared with those established under the applicable legislation. Fulfilment of such requirements shall be controlled by the employer and trade union of the enterprise.

Compliance with the requirements of safety and health of workers is controlled by the State Labour Inspectorate. The functions, rights and liability of the State Labour Inspectorate are defined by the Law on the State Labour Inspectorate.

1.3.3. Main characteristics

⁶² MSSL Order No. 69 of 03 07 2000 (Official Gazette, 2000, No. 65-1967; (Official Gazette, 2001, No. 37-1266)

⁶³ MSSL Order No. 28 of 06 03 2000 (Official Gazette, 2000, No. 23-601; (Official Gazette, 2001, No. 37-1267; (Official Gazette, 2002, No. 58-2358)

⁶⁴ MSSL Order No. 113 of 28 12 2000 (Official Gazette, 2001, No. 3-57)

The principal indices of the occupational safety and health condition of workers in Lithuania are the number of accidents at work and contraction of occupational diseases.

Accident at work means an event at work, including traffic accidents during working time, which is investigated in accordance with the established procedure and deemed an accident at work, entailing a trauma (minor, serious or fatal injury). An event at work when a worker dies from illness not related to his employment, shall not be considered as an accident at work.

According to their consequences, accidents at work:

- minor accident at work : an event during which a worker suffers a trauma and loses functional capacity for at least one day and which is not classified as a serious accident at work;

- serious accident at work : an event during which a worker suffers a trauma which poses risk to his or her health and / or life. Specific features which classify a trauma as serious shall be approved by the Ministry of Health Care;

- fatal accident at work : an event during which a worker suffers a trauma which poses a risk to his or her health and/or life and in consequence of which the worker dies immediately or some time later.

According to the relation of an accident at work to work accidents at work shall be classified to those related to work and not related to work:

- an incident which after the investigation is established to have taken place in the course of performing work agreed upon in the employment contract or other work assigned by or with the consent of the employer, or on the way to work or from work, or an event which takes place on the way to or from work shall be considered an accident at work.

- an incident which resulted in the worker's injury or death shall not be classified as an accident at work if after the investigation it is established that the worker consciously tried to kill or injure himself/herself; that the worker suffered from violence the circumstances and reasons of which are not related to work, that the worker was committing a criminal offence or that the worker was performing a task arbitrarily (without the consent of the employer) in pursuit of his own goals.

Reports on investigation of all investigated accidents at work shall be registered and recoded by the State Labour Inspectorate.

According to the State Labour Inspectorate data, accidents at work registered in Lithuanian in comprise 74 fatal, 145 serious and 2311 minor accident related to work.

Occupational disease means an acute or chronic health disorder of the worker caused by one or more hazardous and / or dangerous factors in the working environment, deemed an occupational disease in accordance with the established procedure.

Occupational diseases shall be classified according to the time of manifestation and the symptoms of a disease:

- chronic occupational disease: a health disorder of a worker caused by one or more hazardous and/or dangerous factors in his or her working environment within a certain time period.

- acute occupational disease: an acute health disorder of a worker caused by a short-term (single or repeated during the working day) exposure to a factor/factors in the working environment having an acute effect.

Occupational diseases shall be registered in the State Register of Occupational Diseases. According to the data of this Register 801 occupational disease was registered in 2002. All occupational diseases registered in 2002 are chronic.

Occupational safety and health of workers shall be assessed on the basis of the degree of compliance of working conditions and work equipment in the undertaking, its divisions with the requirements of legal acts on safety and health at work. On the basis of assessment of occupational safety and health of workers the occupation risk shall be determined.

Occupational risk (risks) means the probability of injury or other harm to health of the worker due to exposure to a hazardous and (or) dangerous factor (factors) in the working environment.

Occupational risk may be:

- unacceptable high risk – means the established degree of risk which may cause damage as a result of trauma or other injury to the health of the worker (accidents at work the consequences of which are fatal traumas, serious traumas, acute intoxications, acute occupational diseases) and the probability of which is high;

- unacceptable average risk - means the established degree of risk which may cause damage as a result of trauma or other injury to the health of the worker (chronic occupational diseases, accidents at work resulting in minor traumas) and the probability of which is average;

- acceptable minimum risk - means the established degree of risk which may cause minor damage as a result of trauma or other injury to the health of the worker (traumas during incidents as a result of which a worker needs only first medical aid), with minimum probability of accidents at work resulting in fatal traumas, serious traumas, minor traumas and acute intoxications, acute occupational diseases, chronic occupational diseases.

The employer, in consideration of the established degree of occupational risk, shall determine risk elimination or reduction priorities. Should the established risk be of unacceptable average degree, the employer shall independently decide whether to terminate the use of workstations or work equipment, or whether to suspend works in such workstations, or whether to continue such works until implementation of measures to eliminate the risk or to reduce it to acceptable levels. When the established risk is unacceptably high, the works in premises, workstations or other areas of the workplace must be terminated until preventive measures are implemented to eliminate such risk or to reduce it to acceptable levels.

1.4. EQUAL OPPORTUNITIES FOR WOMEN AND MEN

1.4.1. Legal base

Equal opportunities for women and men in all spheres of activity are achieved by using the strategy for gender mainstreaming, defined as organisation, reorganisation, improvement, development and evaluation of political processes so as to incorporate the perspective of gender equality into all areas of politics, into all levels, in all stages and of all actors, normally participating in political activity, evaluation of any planned activity, legislation, strategies and programmes in all areas and levels taking into consideration the impact on both women and men. The gender dimension must be taken into consideration in at least twelve spheres specified in the Beijing Platform for Action and in the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

Regulations of the Ministry of Social Security and Labour contains the provision that the Ministry of Social Security and Labour carries out coordination of equal opportunities for women and men in all spheres of activity and implement them in the fields of social security and labour.

Lithuanian laws ensure *de jure* equality for women and men providing for the adequate legal base for women and men to exercise their rights on equal terms. The main document adopted in this aspect is the Law No. VIII-947 on Equal Opportunities passed by the Seimas of the Republic of Lithuania on 1 December 1998 (“*Valstybės žinios*” (Official Gazette), 1998, Nr.112-3100) and enforced on 1 March 1999. By virtue of the Law all bodies of state power and administration must implement equal opportunities for women and men. The Law obligates the aforementioned bodies to draw up and implement the programmes aimed at ensuring equal opportunities for women and men to cover all spheres of activity; the institutions of education

and science are tasked with guaranteeing equal rights for women and men, and the employer is also obligated to ensure equal treatment of women and men at work.

On 18 June 2003 the Law No. IX-956 on Amendments and Supplements to the law on Equal Opportunities was passed (Official Gazette, 2002, No.68-2761), which extended the scope of implementation of equal opportunities for women and men.

The Law specifies the term of discrimination and distinguishes between direct and indirect discrimination. The Law on Equal Opportunities has been harmonised with the provisions of the European Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex, the European Social Charter (as amended) and the United Nations Convention on the Elimination of All Forms of Discrimination against Women. Previously no legal acts of the Republic of Lithuania contained the definition of term of indirect discrimination.

For the purpose of implementing and ensuring equal rights and opportunities for women and men it is important to eliminate from all decision-making levels such actions or attitudes which, while at first sight seeming neutral in terms of gender, upon actual realisation might worsen the condition of the majority of either of genders. Statistical data and surveys allow to forecast the impact of measures provided for in advance or of the applicable criteria on opportunities of women and men. Indirect discrimination in certain cases may be justified by objective circumstances not related with gender. The right to finally decide on the impact of decisions or provisions is vested in competent authorities, i.e. the Office of the Equal Opportunities Ombudsman and the court.

It should be noted that items 34 and 82 of the Republic of Lithuania Government Resolution No. 276 of 26 February 2003 on Approval and Implementation of Methods for Assessing the Impact of Draft Decisions establish that decision taken in any sphere should also be assessed in terms of gender equality.

The Law does not consider as discriminating the temporary special measures aimed at improving condition of representatives one gender in relation to the other until the gender equality is attained in a respective sphere. Application of such (positive discrimination) measures to women and men is elaborated in the United Nations Convention on the Elimination of All Forms of Discrimination against Women (Article 4), Par. 3, Article 1, Part II of the Optional Protocol to the European Social Charter, as well as in the European Union Council Directive 76/207 Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Par. 4, Article 2).

The list of exceptions of discriminatory acts covered by the Law was supplemented with the exception as regards the procedure and conditions of enforcing punishments related with imprisonment, given different types of punishments for women and men provided for in the Criminal Code of the Republic of Lithuania since the Criminal penalties.

Article 8 of the Law was supplemented with the provision prohibiting to require from jobseekers the information about their age thereby limiting their opportunities to compete in the labour market.

The words "civil status" were replaced by the words "family status". Such wording is more precise in legal terms, given the enforcement of the prohibition to require from jobseekers the information about their marital status.

The Law also provides for the implementation of equal opportunities of women and men in the sphere of protection of consumer rights. The acts of a seller, manufacturer of goods or of the provider of services are recognised as violating equal rights of women and men, when a person on the grounds of his (her) gender is subjected to different payment conditions or guarantees related to goods, services and products of the same kind or value, or is provided with different options to select goods or services, in case information or advertising related to the products, goods and services form the public attitude towards superiority of either gender, and also when consumers face gender-based discrimination.

The purpose of amendments to the Law is to extend the scope of implementation of equal opportunities for women and men and to protect the rights violated as a result of discrimination based on gender, age, marital status, and in the sphere of consumer protection.

Provisions aimed at protecting maternity and ensuring equal opportunities for women and men, in particular in reconciling family duties with work obligations are introduced in the Labour Code and in the Law on Labour Protection.

1.4.2. Structure of administration

Institutional mechanism of the implementation of equal opportunities for women and men covers several interrelated levels: parliamentary, governmental, and public.

By virtue of the Republic of Lithuania Law on Equal Opportunities implementation of equal opportunities for women and men is supervised by the Equal Opportunities Ombudsman. To ensure activities of the Ombudsman, the Office of the Equal Opportunities Ombudsman was established by the Republic of Lithuania Seimas Resolution No. VIII-1200 of 25 May 1999. Men and women who have experienced gender-based discrimination as regards gender, work, employment, education, provision of goods and services, or sexual harassment have the right to apply to the Office of the Equal Opportunities Ombudsman.

Parliamentary level comprises the Family and Child's Affairs Commission and the Group of Women-parliamentarians.

At the Governmental level the Ministry of Social Security and Labour is charged with coordination of the implementation of equal opportunities of women and men in all spheres. In observance of ministerial regulations, the Ministry of Social Security and Labour is also responsible for the implementation of equal opportunities for women and men in the field of social security and labour.

The Prime Minister's Counsellor appointed in 2002 is responsible for the matters of equal opportunities for women and men and for dealing with non-governmental organisations.

In 2000 the inter-institutional Commission of Equal Opportunities was formed. It comprises representatives from all ministries, the Department of Statistics and the European Committee under the Government of the Republic of Lithuania. This Commission is a standing and non-profit seeking body coordinating activities of public authorities in implementing the policy of equal opportunities and rights of women and men, rendering conclusions and proposals to the Government of the Republic of Lithuania and other public authorities as regard the implementation of the principle of equal opportunities and rights of women and men, encouraging promotion of ideas of equal opportunities for women and men in close cooperation with the Office of the Equal Opportunities Ombudsman and non-governmental organisations. All these measures are aimed at ensuring the implementation of Article 3 of the Law on Equal Opportunities, and of the principle of integration of gender mainstreaming in all spheres of activity.

Municipal level has not yet been formed within the institutional mechanism. The Municipality of Vilnius was the first and remains the only municipality in Lithuania, in which a person in charge of the matters of equal opportunities for women and men was appointed in 2001.

Public sector comprises non-governmental organisations proactively involved in different aspects of gender equality. There are over 70 such organisations. An informal coalition of non-governmental organisations for the protection of women's rights set up in 2001 invited other structures of the institutional mechanism as project partners – the Group of Women-parliamentarians, the Office of the Equal Opportunities Ombudsman, the Commission of Equal Opportunities. The electronic network of the Women's Issues Information Centre, which is one of the most proactive women's organisations, unifies over 130 public authorities, non-governmental organisations and individuals. This most rapid and effective way of communicating information guarantees the opportunity to exchange ideas, experience and

proposals, other necessary information and promotes informal cooperation between different sectors.

Social partners, employers and trade unions also play an important role in addressing the issues of ensuring equal opportunities of women and men in the labour market. The largest trade unions have already formed or are organising women's councils.

1.4.3. Reforms.

The Programme for the Advancement of Women of Lithuania approved by the Republic of Lithuania Government Resolution No. 1299 of 8 November 1996 on the Approval of the Programme for the Advancement of Women of Lithuania and Composition of the Women's Issues Commission (Official Gazette, 1996, No. 110-2515) established long-term objectives of gender equality in nine problem spheres: protection of women's rights in the context of human rights, economic – social status of women, women and environmental protection, Women's health, family planning, women and education: women in policy and management; coercion and violence against adult and young women, women and mass media, statistics and gender differences. In implementing this Programme two action plans have already been adopted and realised.

Rapid developments in the society result in new problems, challenges, objectives and goals in many spheres. The problems of gender equality are not an exception. Advancement of women is being refocussed toward ensuring the gender equality, i.e. equal rights and opportunities for women and men which in its turn is evolving into the gender mainstreaming strategy.

Therefore, with a view to implementing the provision of the Programme of the Government of the Republic of Lithuania for 2001–2004 to ensure equal opportunities for men and women in seeking education, in upgrading their qualifications, in employment, promotion, setting the salaries; to enable women to participate on equal conditions in all areas of political and public life and high-prestige activities, to occupy leading positions in public administration institutions, in observance of item 478 – to develop and implement the National Programme of Equal Opportunities for Men and Women for 2003–2004 - of the Measures of Implementation of the Programme of the Government of the Republic of Lithuania for 2001–2004 approved by the Republic of Lithuania Government Resolution No. 1196 of 4 October 2001 (Official Gazette, 2001, No. 86-3015; 2002, No. 74-3193), and of the Measure 3.13-T36 of the Plan of Approximation of Laws with European Legislation for 2003 approved by the Government of the Republic of Lithuania Resolution No. 292 of 5 March 2003 (Official Gazette, 2003, No. 25-1019), the Ministry of Social Security and Labour together with all ministries prepared the Draft of Equal Opportunities for Men and Women for 2003–2004.

Main directions of the Programme are to ensure equal rights and opportunities for women and men. The Programme comprises four Chapters. Chapter I covers general provisions which define the object, goals and main directions of the Programme. Chapter II deals with insuring equal opportunities for women and men in the respective problem spheres: employment, education, policy and decision- making. Chapter III elaborates on ensuring the women's rights in the context of equal opportunities for women and men covering such problem spheres like human rights, fighting violence against and trafficking in women, health and environmental protection. Chapter IV is designated for consolidation of implementation machinery, improvement and development of methods (statistics, public awareness, stereotypes).

Each part of the Programme covers the description of the current status of the respective problem sphere, defines the problems, establishes the goals and provides for measures of implementation of the goals, specifies the implementing authorities, time limits of implementation of measures, required financing and envisaged results. It is proposed to task the Commission of Equal Opportunities for Women and Men with monitoring of the Programme implementation.

The gender aspect has been successfully integrated into the Programme of Increasing Employment of the Republic of Lithuania for 2001–2004 approved by the Republic of Lithuania Government Resolution No. 529 of 8 May 2001 on the Approval of the Programme of Increasing Employment of the Republic of Lithuania for 2001–2004 (Official Gazette, 2001, No. 40-1404; 2002, No. 112-5014), the Guidelines for the Development Strategy of Small and Medium Businesses by the Year 2004 and Small and Medium Businesses Development Measures for 2002–2004 approved by the Republic of Lithuania Government Resolution No. 1175 of 19 July 2002 on the Approval of the Guidelines for the Development Strategy of Small and Medium Businesses by the Year 2004 and Small and Medium Businesses Development Measures for 2002–2004 (Official Gazette, 2002, No. 74-3174), the National Action Plan on Support and Protection of Human Rights in the Republic of Lithuania approved by the Republic of Lithuania Seimas Resolution No. IX-1185 of 7 November 2002 on the Approval of the National Action Plan on Support and Protection of Human Rights in the Republic of Lithuania (Official Gazette, 2002, No. 110-4853). For the purpose of addressing one of the most severe forms of violence against women – trafficking in human beings, and of women in particular, the Programme on Control and Prevention of Prostitution and Traffic in People for 2002–2004 approved by the Republic of Lithuania Government Resolution No. 62 of 17 January 2002 on the Programme on Control and Prevention of Prostitution and Traffic in People for 2002–2004 (Official Gazette, 2002, No. 6-231; 2003, No. 11-420).

II. STATE SOCIAL INSURANCE AND PENSIONS

2.1. SOCIAL INSURANCE

Social insurance represents the largest part of the system of social security. It covers almost all citizens of Lithuania, and more than half of them are beneficiaries of state social insurance benefits.

The paramount goal of the system of social insurance is to guarantee income for insured individuals who have lost their ability to work as a result of illness, maternity, old age, disability, widow- or widower-hood, unemployment, accidents at work and occupational diseases, in cases established by laws.

2.1.1. Legal basis

The principal rights to social security, including social insurance, are defined under the Constitution of the Republic of Lithuania. Article 52 of the Constitution promulgates that “the State shall guarantee the right of citizens to old age and disability pension, as well as to social assistance in the event of unemployment, sickness, widowhood, loss of breadwinner, and other cases provided by law.” Article 48 stipulates that “Every person ...shall have the right to ...social security in the event of unemployment.” Article 39 of the Constitution defines social support to working mothers: “The law shall provide for paid maternity leave before and after childbirth, as well as for favourable working conditions and other privileges.”

Provisions of the Constitution shall be realised by laws passed by Seimas. The principal laws regulating the system of social security are as follows:

Law on the Fundamentals of the State Social Security System (1990) defines the structure of the social security system of Lithuania. This Law establishes that the system of state social security is the basis of social security of the society. The Law specifies that the system of state social security covers all population of the country and lists the cases in which social security applies. In addition, this Law distinguishes the competence in the spheres of social insurance and social support, sources of financing and administration.

Law on State Social Insurance (1991) defines the types of the state social insurance, the persons insured by the state social insurance, and the system of financing and administration. For more information see parts 5.3 and 5.4.

Law on State Social Insurance Pensions, Law on State Pensions, Law on Internal Affairs, Law on Special Investigation Service, Law on the National Security, Law on the Prosecutor's Office, Law on the National Defence, Law on State Pensions to the Officials of the Department of Prisons, Institutions and State Enterprises Subordinate to It, Provisional Law on State Pensions to Scientists, Law on Social Assistance Pensions (1994) make up the package of pension laws used for the implementation of the first step pension system reform. The laws define the types of pensions, individuals entitled to receive different types of pensions, pension amounts and sources of their payment:

- the state pension to the President of the Republic is paid in observance of the Republic of Lithuania Law on the President of the Republic;

- state social insurance old age, disability, survivor's and orphans' pensions are paid in observance of the Republic of Lithuania Law on State Social Insurance Pensions. These pensions are allocated also having regard to the Republic of Lithuania Government Regulations on Awarding and Payment of State Social Insurance Pensions⁶⁵.

- first and second degree pensions of the Republic of Lithuania and state pension to persons who are victims are awarded and paid in observance of the Republic of Lithuania Law on State Social Insurance Pensions. These pensions are awarded also having regard to the Republic of Lithuania Government Regulations on Awarding and Payment of First and Second Degree State Pensions⁶⁶.

- state pensions to officials and military personnel are awarded and paid in observance of the Law on Special Investigation Service, Law on the National Security, Law on the Prosecutor's Office, Law on the National Defence, Law on State Pensions to the Official of the Department of Prisons, Institutions and State Enterprises Subordinate to It. These pensions are awarded also having regard to the Republic of Lithuania Government Regulations on Awarding and Payment of State Pensions to Officials and Military Personnel of the System of Interior, Special Investigation Service, National Security, National Defence and Prosecutor's Office, Department of Prisons Institutions and State Enterprises Subordinate to It⁶⁷.

- state pension to scientists are awarded and paid in observance of the Provisional Law on State Pensions to Scientists.

- state pension to judiciary are awarded and paid in observance of the Republic of Lithuania Law on State Pensions to Judiciary. These pensions are awarded also having regard to the Republic of Lithuania Government Regulations on Awarding and Payment of State Pensions to Judiciary⁶⁸.

- social pensions are awarded and paid in observance of the Republic of Lithuania Law on Social Pensions. These pensions are allocated also having regard to the Republic of Lithuania Government Regulations on Awarding and Payment of Social Pensions⁶⁹.

⁶⁵ Government of the Republic of Lithuania Resolution No. 1156 of 18 November 1994 on Approving the Regulations on Awarding and Payment of State Social Insurance Pensions (Official Gazette, 1994, No. 91-1781)

⁶⁶ Government of the Republic of Lithuania Resolution No. 190 of 6 February 1995 on Approving the Regulations on Awarding and Payment of First and Second Degree State Pensions (Official Gazette, 1995, No.13- 309) with subsequent amendments and supplements.

⁶⁷ Government of the Republic of Lithuania Resolution No. 83 of 20 January 1995 on Approving the Regulations on Awarding and Payment of State Pensions to Officials and Military Personnel of the System of Interior, Special Investigation Service, National Security, National Defence and Prosecutor's Office, Department of Prisons Institutions and State Enterprises Subordinate to It (Official Gazette)

⁶⁸ Government of the Republic of Lithuania Resolution No. 68 of 21 January 2003 on Approving the Regulations on Awarding and Payment of State Pensions to Judiciary (Official Gazette, 2003, No.)

⁶⁹ Government of the Republic of Lithuania Resolution No. 96 of 29 January 1999 on Approving the Regulations on Awarding and Payment of Social Pensions (Official Gazette, 1999, No. 13-323)

Law on Social Insurance of Sickness and Maternity (2000) defines individuals eligible to social insurance of sickness and maternity, establishes the right to receive benefits of this insurance and conditions of their allocation, computation and payment. Awarding, calculation and payment of these insurance benefits are carried out in observance of the Regulations on payment of Sickness and Maternity Benefits approved by the Republic of Lithuania Government⁷⁰.

Law on Social Insurance of Accidents at Work and Occupational Diseases (1999) regulates the relationships of social insurance of accidents at work and occupational diseases, establishes the categories of individuals who are insured by this type of social insurance, the rights to insurance benefits, conditions of allocation, calculation and payment thereof and defines insurance and non-insurance events. In determining insurance events as well as in calculating, awarding and paying these insurance benefits the Procedure for Recognising as Insurance Events the Accidents at Work and Occupational Diseases approved by the Minister of Social Security and Labour⁷¹ as well as the Regulations on Social Insurance Benefits for Accidents at Work and Occupational Diseases⁷² are observed.

2.1.2. Administration and financing

The main institutions of the state social insurance administrative system of the Republic of Lithuania are the following:

Ministry of Social Security and Labour of the Republic of Lithuania

State Social Insurance Fund Council under the Ministry of Social Security and Labour

State Social Insurance Fund Board (SoDra) and its territorial branches.

The key functions of the Ministry of Social Security and Labour in the sphere of social insurance are to establish perspective and current tasks of the state social insurance and to organise checks of the State Social Insurance Fund Board activities. In implementing these functions, the Ministry analyses the current condition of the state social insurance system, develops draft laws and resolutions of the Government, introduces them in the Seimas and in the Government, maintains international and public relations. In addition, the Ministry pays out first and second degree pensions.

Activities of the State Social Insurance Fund in the Republic of Lithuania are supervised by its Council comprising 15 members. The Council is formed from equal number of equal members representing the organisations protecting the interests of insured individuals (trade unions, federations, associations, etc.), employer's organisations (federations, associations, etc.), and bodies of public administration. The Council is headed by the Minister of Social Security and Labour. The Council deliberates and provides a conclusion on draft budget of the State Social Insurance Fund, deliberates and provides a conclusion on the number of workers and requirements for expenditure relative to organisation of the state social insurance and wages schemes, approves the methods of calculation of insurable income established in the Law on State Social Insurance Pensions.

The State Social Insurance Board is an executive body of social insurance responsible for the implementation of State Social Insurance Fund budget, which ensures the provision of

⁷⁰ Government of the Republic of Lithuania Resolution No. 86 of 25 January 2001 on Approving the Regulations on Sickness and Maternity Insurance Benefits (Official Gazette, 2001, No.) with subsequent amendments and supplements

⁷¹ Social Security and Labour Minister Order No. 5 of 28 January 2000 on the Procedure for Recognising as Insurance Events the Accidents of Work and Occupational Diseases (Official Gazette, 2000, No.) with subsequent amendments and supplements

⁷² Government of the Republic of Lithuania Resolution No. 506 of 8 May 2000 on Approving the Regulations on Social Insurance Benefits for Accidents at Work and Occupational Diseases (Official Gazette, 2000, No.) with subsequent amendments and supplements.

insurance protection prescribed by laws; organises collection of contributions and payment of pensions and benefits. The Board consists of 13 branches responsible for organising and implementing social insurance throughout the country, participate in drafting laws and other regulatory acts on social insurance, prepare methodical recommendations for branches, deliberate applications and complaints of the insurers and of the insured, generalise the accumulated experience of work.

The functions of state social insurance at local level are performed by territorial branches of the State Social Insurance Fund Board established in 48 cities and districts, Foreign Pensions Branch of the State Social Insurance Fund, and the Military and Equivalent Structures State Social Insurance Territorial Branch of Lithuania. These branches take care of the collection of social insurance contributions, register and control the insured, and are tasked with fair and timely payment of pensions, benefits and compensations. The Boars is also obligated to pay certain state pensions – state pensions to persons who are victims and state pensions to scientists. Funds for payment of these pensions are transferred to the State Social Insurance Fund budget from the State Budget.

State pensions are allocated and paid out by respective institutions:

1. The state pension to the President of the Republic is awarded and paid by the Ministry of Social Security and Labour.

2. First and second degree state pensions of the Republic of Lithuania are allocated and paid as follows:

First degree state pensions are awarded by the Government on proposal of the Pension Commission for First and Second Degree Pension Awards;

Second degree state pensions are awarded by the Pension Commission for First and Second Degree Pension Awards which functions at the Ministry of Social Security and Labour.

3. Pensions for victims and scientists are awarded and paid by territorial branches of the State Social Insurance Fund Board.

4. State pensions to the officials and military personnel are awarded and paid by the Ministry of Interior, Special Investigation Service, National Security Department, Ministry of National Defence, Prosecutor General's Office or the Department of Prisons depending upon the institution which was the last place of service the beneficiary of the pension.

5. Judiciary pensions are awarded and paid by the National Administration of Courts.

Social assistance pensions are awarded and paid by city (district) municipal care and welfare institutions.

State social insurance in Lithuania is financed with contributions of employers and the insured. These contributions are paid into the State Social Insurance Fund budget which is independent from State and municipal budgets. Part of the funds from the State Social Insurance Fund budget is deducted to the Employment Fund administered by Labour Exchanges and to the Compulsory State Health Insurance Fund administered by the State and Territorial Patent Offices. The State Social Insurance Fund budget and annual report on its implementation are approved by the Seimas.

From 2000 the general rate of the compulsory state social insurance contributions and its amounts for different types of insurance is fixed by the Seimas when ratifying the Law on Approval of the Report on the State Social Insurance Fund Budget Indicators of a respective year.

The following rates of contributions have been fixed for 2003: 31 per cent of gross earnings is payable by the employer (23,4 per cent – for pension insurance, 2,8 per cent - for sickness and maternity social insurance, 3 per cent – for health insurance, 1,5 per cent – for unemployment insurance, 0,3 per cent – for accidents at work insurance), 3 per cent are paid by the insured who works under the employment contract (2,5 per cent – for pension insurance; 0,5 per cent - for sickness and maternity social insurance.). Contributions fixed for 2003 for the state social insurance base pension for self-employed individuals accounts for 50 per cent of the amount of

the base pension, and to 15 per cent of the amount of total income declared for state social insurance for receiving the supplementary part of the pension. Development of the state social insurance contribution rates is presented in Table 5.2.

The State Social Insurance Fund Budget may also have other income from the Board's activities, including utilisation of temporarily free funds, as well as from state subsidies provided for covering the fund deficit (the State Budget is the guarantor of the solvency of the State Social Insurance Fund budget).

State social insurance contributions are collected by territorial branches of the State Social Insurance Fund Board. Compulsory payable contributions are computed and paid to respective accounts by employers themselves or by the self-employed. The amount of contributions of each insured individual is registered in the State Social Insurance Fund database and recorded in personal certificates. These entries serve as a basis for calculating social insurance contributions.

State social insurance contribution rates in 1995-2003

Approved state social insurance contribution rates, %	1995	1996	1997	1998	1999	2000	2001	2002	2003
For employees									
General rate	30+1	30+1	30+1	30+1	30+1	31+3	31+3	31+3	31+3
For pension insurance	24,7	22,5+1	22,5+1	22,5+1	22,5+1	22,5+25	22,5+25	22,5+25	23,4+2,5
For health insurance	2,9	2,3	3	3	3	3	3	3	3
For sickness and maternity insurance	2,6	3,1	2,8	2,8	3	3,0+0,5	3,0+0,5	3,0+0,5	2,8+0,5
For unemployment insurance	0,8	2,1	1,7	1,7	1,5	1,5	1,5	1,5	1,5
For occupational accidents and occupational disease insurance	-	-	-	-		1	1	1	0,3
For self-employed									
Contributions for base pension	50	50	50	50	50	50	50	50	50
Contributions for supplementary part of the pension	-	-	-	-	-	-	-	15	15

2.1.3. Main characteristics

1. Types of state social insurance
2. The insured
3. Main types of risks and benefits

Types of state social insurance applicable in Lithuania

The state social insurance system the component parts of which are pension insurance, sickness and maternity social insurance, health insurance, unemployment social insurance and insurance against accidents at work and occupational diseases represents one of the principal parts of social security.

The insured

Individuals insured by all types of the state social insurance

Individuals receiving remuneration for work: individuals working under employment contracts in enterprises, institutions, organisations or other organisational structures, employed in institutions elected on the basis of membership, candidates to notaries (assessors), civil servants, state politicians, Constitutional Court judges, Lithuanian Supreme Court Judges, other courts' judges, nominees to judges, officers of the prosecutor's office, Chairperson of the Board of the Bank of Lithuania, deputies thereof, Board members, heads of public authorities or institutions appointed by the Seimas or the President of the Republic of Lithuania, other officials of appointed by public authorities or institutions appointed by the Seimas or the President of the Republic of Lithuania, chairpersons, deputy chairpersons and members of state (standing) commissions and councils appointed by the Seimas or the President of the Republic of Lithuania, as well as of other state (standing) commissions and councils, also officials of commissions and councils set up in accordance with special laws.

Individuals insured by state social pension insurance

Pursuant to the Law on State Social Insurance Pensions officers of the Ministry of the Interior, police and other officers of internal affairs units, national defence service officers, officers of the system of national security and as well as officers of the prosecutor's office shall be insured by the state social pension insurance.

Contributions of state social insurance pensions for the unemployed spouses of diplomats for a period of time they reside abroad together with the diplomat who works in a diplomatic mission or consular institution of the Republic of Lithuania shall be paid the commissioning public authority. This condition applies until the spouse of the civil servant gets a job.

Officers of the aforementioned military structures and other bodies equated to them, as well as spouses of civil servants are entitled to receive the state social insurance old age, disability or survivor's and orphans' pensions.

Persons insured for the basic part and for the base state social insurance pension and for the supplementary part of the pension

Self-employed individuals pay contributions for the base pension and for the supplementary part of the pension. Contributions for the supplementary part of the pension shall be paid from the annual amount of income selected by them and declared for state social insurance which may not be less than 12 minimum monthly wages.

Individuals possessing business certificates insure themselves for the state social insurance base pension, as well as farmers who obtain such insurance for themselves and for adult members of their household.

Individuals subject to compulsory social insurance against accidents at work and occupational diseases (1 per cent rate for 2000-2002 and 0,3 per cent rate for 2003)

This group of individuals shall be insured by the employer who pays contributions of fixed amount from the received remuneration for work.

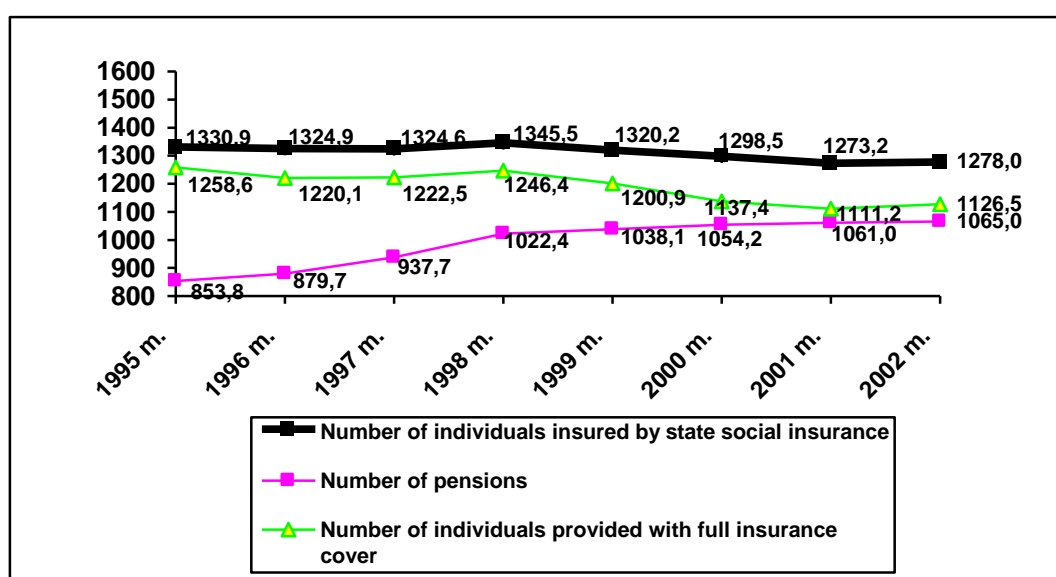
Compulsory social insurance against accidents at work shall apply to:

- individuals provided with full social insurance cover;
- students of vocational schools, college and university students for the period of their studies at the vocational (practical training) establishment or enterprise, also individuals referred by labour exchanges for re-training in enterprises or for public works;
- individuals in social and psychological rehabilitation institutions – for their working time;
- convicts serving a sentence of imprisonment – for their working time.

Individuals subject to compulsory insurance with state funds for the state social insurance base pension (contribution rate of 50 per cent of the base pension amount)

The following individuals are subject to compulsory insurance for the state social insurance base pension with state funds: servicemen in an initial period of continuous service in the mandatory military service and servicemen of the alternative national defence service; a mother or a father who is on child care leave, raising a child between 1 and 3 years of age; a mother or a father who is unemployed and is not on childcare leave, but who raises a child up to three years of age; clergymen of traditional and other religious communities and associations recognised by the State, as well as nuns and monks working only in convents and monasteries; one of the parents of a person with total invalidity or a person who is in a prescribed manner declared a guardian or custodian of a person with total invalidity, who takes care of the person with total invalidity at home.

Number of individuals insured by state social insurance, number of pensions and of individuals provided with full insurance cover (in thousands of people) in 1995 - 2002



Main risks and benefits

Social security in old age, and in cases of disability and loss of the breadwinner

State social insurance old age pension is the main type of social security in old age.

A person shall be entitled to draw state social insurance old age pension if he meets the following requirements:

- 1) reaches the **pensionable age** established by this Law;
- 2) has the **minimum state social pension insurance period** established for the old age pension (the minimum state social pension insurance period for state social insurance old age pensions shall be 15 years).

State social pension insurance period is the period during which the established compulsory state social insurance contributions are or should be paid either by individuals themselves, or on their behalf.

The old age pensions consist of two parts: the basic and supplementary.

The basic part of the state social insurance old age pension corresponds to the state social insurance base pension and shall be equal for all persons who have the obligatory state

social insurance pension period for the old age pension (for persons without obligatory state social insurance pension period the basic part of the state social insurance old age pension shall be commensurately reduced). The base pension may not be less than 110 per cent of the minimum subsistence level and as of 1 January 2003 it was LTL 147.

The supplementary part of the state social insurance old age pension represents the benefit related with the insurable income (supplementary part of the pension), which reflects the principle of individual justice, that is pension benefits are commensurate to the insurance contributions of the social insurance pension insurance paid by the individual.

The old age pension shall be calculated according to the following formula:

$$B + 0,005 \times s \times k \times D + 0,005 \times S \times K \times D,$$

B - stands for the basic part of the pension (base pension);

S - stands for the person's state social pension insurance period acquired while working under employment contract or on the basis of membership or service until 1 January 1994;
k stands for the rate of the person's insured income calculated on the basis of income of any period of 5 consecutive calendar years earned between 1984 and 1993;

S - stands for the person's state social pension insurance period acquired while working under employment contract or on the basis of membership or service after 1 January 1994;
K - stands for the rate of the person's insured income calculated on the basis of insurable income from 1 January 1994;

D - stands for the current year's insurable income approved by the Government (as of 1 January 2003 – LTL 886).

The state social insurance old age pensions for individuals who have the obligatory state social insurance pension period for the old age pension as from 27 November 2002 are paid irrespective of their insurable income. Individuals without the obligatory state social insurance pension period for the old age pension are paid full amount of pensions as from 31 January 2003.

State social insurance disability pensions represent the most important type of social security in the event of disability.

Individuals acquire the right to draw a state social insurance disability pension if they have minimum state social pension insurance period for disability pension on the day of initial or repeat examination carried out in order to determine the disability. Requirements for minimum and obligatory state social pension insurance period for disability pension depend upon the person's age.

Disability pension is calculated according to the same formula like the old age pension by adding to the disabled person's state social pension insurance period for disability pension the number of years left until the person reaches the pensionable age.

Amount of the state social insurance disability pension for the disabled of Group 3 corresponds to the old age pension.

The state social insurance disability pension for the disabled of Group I is calculated in the same manner as for the disabled of Group II, except for the basic part of the pension which makes up 1,5 of the base pension amount.

The state social insurance disability pension for the disabled of Group III is calculated in the same manner as for the disabled of Group III, and subsequently reduced by 50 percent.

State social pension insurance period for disability pension

Age	Minimum insurance	Obligatory
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	period	insurance period
İki 23	1	1
23	1	1
24	1	2
25	1	3
26	2	4
27	2	4
28	2	5
29	3	6
30	3	6
31	3	7
32	4	8
33	4	8
34	4	9
35	5	10
36	5	10
37	5	11
38	5	12
39	5	12
40	5	13
41	5	14
42	5	14
43	5	15
44	5	16
45	5	16
46	5	17
47	5	18
48	5	18
49	5	19
50	5	20
51	5	20
52	5	21
53	5	22
54	5	22
55	5	23
56	5	24
57	5	24
58	5	25
59	5	26
60	5	26
61	5	27
62	5	28
63	5	28
64	5	29
65	5	29

As from 1 January 2003 the state social insurance disability pensions are paid without having regard to the insurable income earned by the individual.

Survivor's or orphans' pensions are payable to the spouse and children of the deceased (or declared dead or missing individual in the established manner) who was insured by state social pension insurance, as well as other persons equated to them, if the deceased was granted the statutory right to draw the state social insurance invalidity pension (if he/she was disabled) or old age pension or was drawing such a pension.

Survivor's pension amount - 20 per cent of the amount of the disability pension of Group 2 which might have been payable to the diseased person calculated according to the

amount of the state social insurance base pension and in consideration of the average monthly insurable income applicable in March 2002.

Orphans' pension amount - 25 per cent of the amount of the disability pension of Group 2 which might have been payable to the diseased person, provided one child is entitled to such pension. If more than one child is entitled to such pension, the pension shall be divided equally among the children, but no more than 25 percent each and not more than 80 percent of the total amount of the calculated disability Group II pension.

In 2002 the average number of pensions paid by the state social insurance accounted for 1.067,5 thousand. Old age pensions in 2002 compared to 2001 reduced by 1,8 per cent, or by 11,5 thousands of individuals. While the number of the beneficiaries of the disability pensions went up by 3,8 per cent, or by 6,9 thousands of individuals. The beneficiaries of the survivor's and orphan's pensions increased by 3,4 per cent, or by 7,2 thousands of individuals.

In 2002 the average annual social insurance pension of all types was LTL 254,72, i.e. exceeded by 0,6 per cent the planned amount. The average annual old age pension of the unemployed pensioner in 2002 stood at LTL 323 and made up 48,4 per cent of the average annual net earnings of the insured provided with full social insurance cover. The average old age pension of the unemployed pensioner in December 2002 compared with the same month of 2002 grew by 3,2 per cent, or by LTL 10. Given the deflation, the actual old age pension of the unemployed pensioner went up by 4,2 per cent. The growth of pensions was conditioned by the increase of the base pension from LTL 138 to LTL 147.

Number of state social insurance pension beneficiaries in 1995-2002 (in thousands of individuals)

Year		1995	1996	1997	1998	1999	2000	2001	2002
Beneficiaries of pensions									
<u>Old age pensions</u>		656	655	651	648	644,6	644,5	637	625
Employed		90	99	103,9	105,4	107	100,6	68	61
Unemployed		566	556	547,1	542,5	537,6	543,9	569	564
<u>Disability pensions</u>		139	147	152	158,8	165,9	173,6	181	188
Employed		19	22	24	27,5	30,5	31,2	28,5	29
Unemployed		120	125	128	131,3	135,4	142,4	152,5	159
<u>Survivor's and orphans'</u>		5,6	27,3	88,2	172,9	188,7	200,8	211,8	219

Data of the State Social Insurance Fund Board

Sickness, maternity and maternity (paternity) state social insurance benefits

Social allowances payable in case of sickness

A sickness allowance is paid to an individual insured by state social sickness and maternity insurance in the case of sickness or injury, in the case of contagious diseases and epidemics – if the treatment regime limiting the spread of infection is established in children's establishments, in the case of a family member's sickness requiring nursing, during treatment at a prosthetic-orthopaedic hospital if such treatment results in the loss of part of working income. The fact of sickness and the related release from work must be confirmed against a sickness certificate issued by a physician.

Sickness allowance the first two days of the loss of ability to work shall be paid by the employer, whereas beginning from the third day the sickness allowances shall be covered from the State Social Insurance Fund budget.

The insured (except for the voluntarily insured individuals) are eligible to receive a sickness allowance, provided on the day of establishment of the temporary loss of ability to work the insured has the sickness and maternity social insurance period of at least 3 months during the

past 12 months, or of 6 months during the past 24 months. Allowances shall be paid according to the general procedure, provided that the right to receive such allowances is acquired in the period of employment (including the probation period and the day of dismissal). Where temporary loss of ability to work of the individual which has commenced during the period of insurance lasts after the release from work, the sickness allowance shall be paid only for that sickness or injury which resulted in the loss of the person's ability to work before he was released from work.

In cases when the insured individual does not have the required sickness and maternity social insurance period, due to the child-care leave he (she) has taken before that, the required sickness and maternity social insurance period for such person shall be calculated from 12 month-period preceding the latter leave.

Sickness and maternity social insurance period comprises periods during which compulsory state social insurance contributions were or had to be paid for sickness and maternity social insurance; the period of receiving sickness, maternity, maternity (paternity) allowances; the period of receiving sickness allowances as a result of accidents at work or occupational diseases; the period of receiving unemployment benefits.

Sickness allowances for the first 2 calendar days corresponding to the worker's work schedule (excluding the allowance paid for nursing a family member) shall be paid by the employer. Sickness allowance paid by the employer may not be less than 80 per cent and may not exceed 100 per cent of the average salary of the beneficiary calculated in the manner established by the Government. From the third day of the loss of ability to work, the sickness benefit in the amount of 85 per cent of the compensatory wage shall be paid from the State Social Insurance Fund. The monthly amount of this benefit may not be less than one fourth of the current year's insurable income applicable during the month of loss of ability to work.

The compensatory wage according to which the amount of sickness allowance is determined shall be calculated on the basis of insurable income received in the quarter preceding the sickness, i.e. income from which compulsory sickness (including 2 sickness days paid by the employer), maternity, maternity (paternity), sickness caused by accidents at work or occupational diseases, unemployment benefits.

The average annual compensatory wage of the beneficiary used for the calculation of allowances may not exceed the amount of the current year's insurable income approved by the Government and applicable to the month during which the loss ability to work, pregnancy and childbirth occurred or a child-care leave for a child under twelve months was taken, increased by 3,5 times.

If the average annual compensatory wage of the beneficiary is smaller than one fourth of the current year's insurable income approved by the Government and applicable during the month in which the loss ability to work, pregnancy and childbirth occurred or a child-care leave for a child under twelve months was taken, the sickness and maternity benefits shall be calculated on the basis of the latter amount.

For the purpose of calculating the average daily compensatory wage for the calendar quarter preceding the last quarter before the month during which the loss of ability to work was determined or a pregnancy and maternity leave or a child-care leave for a child under twelve months was granted, the insurable income shall be divided by the number of calendar days of the same quarter (a week shall be considered to comprise 5 days).

For the purpose of calculating the maximum compensatory wage the amount of the current year's insurable income approved by the Government and applicable to the month during which the loss ability to work, pregnancy and childbirth occurred or a child-care leave for a child under twelve months was taken, increased by 3,5 times shall be divided by the number of calendar days of that month (a week shall be considered to comprise 5 days).

The compensatory wage shall be calculated according to the data on the insured recorded by a territorial branch and (or) of the certificates submitted by the former workplaces. The certificate issued by the employer shall specify the insured's full name, personal code, name of

the workplace the amount of the last but one calendar quarter income from which the compulsory state social insurance contributions were calculated, as well as of the sickness, maternity and maternity (paternity) allowances.

A sickness allowance from the social insurance funds shall be allocated only after the allowance from the employer's funds for the first two sickness days is calculated.

Sickness and maternity state social insurance period shall be calculated according to the sickness and maternity state social insurance period in a workplace where the beneficiary worked on the day of establishment of his (her) right to the allowance. Should the said period of the beneficiary of the allowance in the aforementioned workplace be shorter than the obligatory state social insurance period stipulated by law, the sickness and maternity state social insurance period shall be calculated according to the additionally submitted certificates confirming the beneficiary's insurance periods during which the compulsory state social insurance sickness and maternity contributions have been calculated or sickness, maternity and maternity (paternity) allowances were received.

Periods of allowance payment:

- In case of a disease or injury – until recovery from disability or when they acquire a disability status.

- In case of the breakout of contagious diseases and during epidemics: 1) if a quarantine is being enforced in the nidus of infection – during the entire period of removal from work until the quarantine is lifted; 2) if a person is temporarily removed from work because they are carrying an infection (when there is no possibility to transfer such person to another place of employment) – until such person recovers ability to work or until the disability is established.

- when regimes in order to confine the spread of an infection in children's institutions is enforced and a need for child care arises as a result – for no longer than 14 calendar days.

- when undergoing treatment in a prosthetic-orthopaedic hospital - for the entire period of hospitalisation (including travel to and from hospital).

- Nursing a sick family member: 1) for no longer than 7 calendar days; 2) for nursing sick children under 14 years of age - for no longer than 14 calendar days.; 3) for inpatient nursing of any other sick child under 7 years of age, also for nursing a child aged under 16 in an inpatient or rehabilitation establishment, when a child suffers from serious diseases included in the list approved by the Ministry of Social Security and Labour, when children are nursed in an inpatient department – for the entire period of nursing, but no longer than 120 days per calendar year;

- Disabled who receive the insurable income and a state social insurance disability pension – for maximum 90 calendar days per calendar year;

- Voluntary inpatient treatment for alcoholism, drug addiction, or toxicomania - for no longer than 14 calendar days once in a calendar year.

Sickness allowances shall not be paid to the following individuals who have lost their ability to work:

- persons who sustain an injury while committing a crime;

- persons who damage their own health or who pretend being sick;

- persons whose sickness is a result of alcoholism, drug addiction, or use of toxic substances;

- persons who violate the treatment or nursing regime administered by a physician, or who, without a valid reason, fail to report to a physician or to arrive for undergoing an examination of working-capacity, shall be either not paid the allowance or have them terminated as from the day of commitment of the violation for maximum 14 calendar-day period by decision of the Head (Deputy Head) of the Territorial Branch of the State Social Insurance Fund Board.

Maternity social benefits

The right to receive a maternity benefit for the period of pregnancy and childbirth shall be enjoyed by women insured by sickness and maternity social insurance, provided:

- their sickness and maternity social insurance period until the first day of a pregnancy and childbirth leave is at least 3 months during the past 12 months, or at least 6 months during the past 24 months;

- they have been granted a pregnancy and childbirth leave.

The sickness and maternity social insurance period comprises periods during which the compulsory state social insurance contributions for sickness and maternity social insurance were or had to be paid; the period of receiving sickness, maternity, and maternity (paternity) allowances; period of receiving sickness allowances as a result of accidents at work or an occupational disease; period of receiving an unemployment benefit.

Where an insured person does not have the required sickness and maternity social insurance period because of the previously taken childcare leave from 1 to 3 years, sickness and maternity social insurance period for such person shall be calculated from the period of 12 months of the last leave.

Women who go through child-birth after 28 weeks or more of pregnancy shall receive allowances for:

- 70 calendar days preceding delivery;
- 56 calendar days after delivery

or

- 70 calendar days after delivery:
- in case of a complicated delivery;
- when more than one child is born.

For women who go through child-birth on 22 – 28 week of pregnancy, the pregnancy allowance shall be paid:

- 28 calendar days after delivery;
- 70 calendar days after delivery, if a child survives 28 days and longer.

The allowance shall be paid for the entire established period before and after delivery regardless of the actual number of days until delivery.

Maternity benefits shall be awarded on the basis of a pregnancy and delivery leave certificate issued in the established manner. The back side of the certificate submitted to a territorial division shall be completed by the employer.

The amount of a maternity benefit shall be 100 per cent of the compensatory wage of the beneficiary. A monthly benefit may not be smaller than one fourth of the current year's insurable income applicable during the month of granting a pregnancy and childbirth leave.

A maternity benefit during the period of a pregnancy and childbirth leave shall be paid for the calendar working days (considering that a business week comprises 5 days). A pregnancy and childbirth leave certificate shall be submitted for payment after granting a pregnancy and childbirth leave.

Maternity (paternity) social benefits

The right to receive a maternity (paternity) benefit shall be enjoyed by one of the parents (foster parents), a guardian, who:

- is insured by sickness and maternity social insurance;
- is granted a childcare leave in the manner established by laws until the child reaches the age of one year;
- until the first day of the childcare leave has at least 7 months sickness and maternity social insurance period during the last 24 months.

Where an insured person does not have the required sickness and maternity social insurance period because of the previously taken childcare leave from 1 to 3 years, sickness and maternity social insurance period for such person shall be calculated from the period of 12 months of the last leave.

Where a woman who is paid a maternity (paternity) benefit is granted a pregnancy and childbirth leave and she becomes entitled to the maternity benefit for the period of pregnancy

and childbirth leave, she shall be paid the larger of the two benefits or a benefit she chooses on her own.

The period of payment of a maternity (paternity) benefit shall cover the period of a childcare leave for a child aged under one year, however, no earlier than from the end of the pregnancy and childbirth leave until the child reaches the age of one year (including the child's birthday).

A monthly maternity (paternity) benefit for period of a childcare leave for a child aged under one year shall be calculated on the basis of the average number of working days per month considering that a business week comprises 5 days). A benefit for a part of a month shall be calculated on the basis of the calendar days of a given month. A monthly maternity (paternity) benefit shall be payable for the previous month.

The amount of a monthly maternity (paternity) benefit shall be 60 per cent of the compensatory wage of the beneficiary. A monthly benefit may not be smaller than one third of the current year's insurable income applicable during the month of granting a childcare leave for a child aged under one year.

When the insured person has more than one workplace, a maternity (paternity) benefit for such person shall be calculated on the basis of the compensatory wage paid to the person only in those workplaces which have granted him (her) a childcare leave.

The manner of calculation of the compensatory wage for the purpose of payment of a maternity (paternity) benefit shall be the same like in case of a sickness benefit.

When the average monthly compensatory wage of the beneficiary is smaller than one third of the current year's insurable income approved by the Government for the month of granting a childcare leave for a child aged under one year, for the purpose of calculating the maternity (paternity) benefits, the latter amount shall apply.

Social insurance benefits paid in cases of accidents at work and occupational diseases

The following benefits shall be paid from the funds allocated for social insurance of accidents at work and an occupational disease:

1. the insured who has suffered partial or total work disablement due to an insurable occurrence shall be entitled to :

- a benefit for illness resulting from an occupational accident or occupational disease (hereinafter - sickness benefit);
- one-time payment of benefit for work disablement;
- periodic payment of benefit for work disablement;

2. Upon the death of an insured as a result of an insurable occurrence, a funeral benefit shall be paid in equal parts, to the family members;

3. Upon the death of an insured as a result of an insurable occurrence, a periodic insurance benefit shall be paid in equal parts, to his family members.

The benefits shall be paid to individuals entitled to receive them, provided the accidents at work or occupational diseases have been investigated and recognised as insurable events.

Accidents at work or occupational diseases shall be recognised as insurable events by the Head (Deputy Head) of the Board Territorial Branch with which the enterprise, institution or organisation, where the insured individual works (worked) and where the accident at work happened or an occupational disease was established, is registered as the insurer.

Social insurance benefits in cases of accidents at work or occupational diseases shall be paid by territorial branches of the State Social Insurance Fund Board.

Sickness benefit

The right to receive a benefit for illness resulting from an occupational accident or an occupational disease (hereinafter - sickness benefit) shall rest upon the individuals insured by this type of social insurance, who as a result of an accident at work or an occupational disease

recognises as insurable events become temporarily unable to work and due to that lose their working income. The insured shall become entitled to a sickness benefit irrespective of their state social insurance period.

Sickness benefits shall be allotted if the right to receive such came into force during the time of employment, including the probationary period and the day of dismissal from work.

A sickness benefit in the amount of 100 per cent of the compensatory wage shall be paid from the first day of loss of ability to work until restoration of working capacities or until the disability is recognised.

A compensatory wage shall be fixed on the basis of the insurable income of the individual which comprise all of the income of the insured from which the state social insurance contributions, benefits paid for illness resulting from an occupational accident or an occupational disease, sickness, maternity (paternity) allowances and unemployment benefits of insurance against unemployment received by the insured and which by virtue of Par. 1, Article 15 of the Republic of Lithuania Law on Support of the Unemployed are payable to individuals who have at least 24-month state social insurance period during the last 3 years; as well as the benefit paid by the employer for the first two days of sickness.

A compensatory wage for the purpose of calculating a sickness benefit and a daily remuneration shall be calculated in accordance with the same procedure which applies for calculating general sickness benefits.

The average monthly compensatory wage for the purpose of calculating a sickness benefit may not exceed the amount of the current year's insurable income applicable in the month of occurrence of the insurable event, increased by a factor of 3,5.

A one-time benefit for work disablement

These benefits shall be allotted to the insured individuals who as a result of an accident at work or contraction of an occupational disease lose less than 30 per cent of their ability to work. Amounts of allotted benefits shall be as follows:

1. upon loss of up to 20 per cent of ability to work (inclusive) - 10 percent of 24-month compensatory wage;
2. upon loss from 21 to 29 per cent of ability to work (inclusive) - 20 percent of 24-month compensatory wage.

The benefits of the established amount shall be paid when SMSEC establishes a fixed-term loss of ability to work. Where a non-term respective percentage of the loss of ability to work is established, the payable one-time benefit for work disablement shall be increased by three times.

A monthly compensatory wage for receiving a one-time benefit shall be determined according to the individual's insurable income received during 12 consecutive months and calculating backwards from the end of the last but one calendar quarter preceding the establishment of the loss of ability to work.

Should the amount of the individual's insurable income for the specified period be smaller than the amount 3 times as large as the current year's insurable income applicable on the day of establishment of the loss of ability to work, the compensatory wage for the purpose of calculating a one-time benefit shall be determined in accordance with the latter amount.

If during the specified period an individual did not have insurable income at the workplace in which he (she) has suffered an accident or contracted an occupational disease, a one-time benefit shall be calculated according to the amount 3 times as large as the current year's insurable income applicable on the day of establishment of the loss of ability to work.

A monthly compensatory wage for calculating a one-time benefit may not exceed the amount three and half time as large as the current year's insurable income applicable on the day of establishment of the loss of ability to work.

If the insured individual has more than one workplace, the compensatory wage for calculating a one-time benefit shall be determined according to the insurable income received in

the workplace in which an accident at work occurred or the working conditions of which caused an occupational disease of the insured.

Periodic payment of benefit for work disablement

This benefit shall be allocated to the insured individuals when they as a result of an accident at work are deprived of 30 percent (inclusive) and more ability to work.

Periodic benefit (K) shall be calculated according to the formula:

$K = 0,5 * d * k * D$, where:

d - work disablement coefficient - the amount expressed in unit parts, calculated by dividing the disability percentage by 100;

k - compensation coefficient - the relationship of individual average monthly insured income over the past 12 consecutive months, counting backwards from the end of the quarter before the last quarter of the rate of reimbursement which existed up to the time of acquiring disability due to an occupational accident or occupational disease compared with the average insured monthly income in effect at the time of establishing disability due to an occupational accident or occupational disease. The compensation coefficient estimated for the insured may not be less than 0.25 or in excess of 3. For the purpose of calculating a compensation coefficient of a person employed in more than one workplace, the insurable income shall be determined according to the insurable income received in the workplace in which an accident at work occurred or the working conditions of which caused an occupational disease of the insured;

D – current year’s insurable income approved by the Government for the month of payment of a periodic benefit for work disablement.

Periodic compensation for work disablement shall be paid on a monthly basis and recalculated each time when a new amount of the current year’s insurable income is approved or when SMSEEC establishes a new percentage of the loss of ability to work (minimum 30 per cent).

Insurance benefit payment subsequent to the death of the insured

The right to this benefit shall be granted to the unemployed individuals who were supported by the deceased or, at the time of his death, had the right to be supported by him. The supported or entitled to support individuals shall be:

1. children (and children born no later than within 10 months of the death of the insured) and stepchildren;

- children aged under 18 (irrespective of their attendance in the educational establishments);

- older children until they reach the age of 24:

- provided they are day time students of universities, colleges, vocational establishments and secondary schools registered in the established manner;

- provided they have disability of Groups I or II;

2. the spouse of the deceased, if he (she) :

- (regardless of age and ability to work) does not work and is caring for the children (adoptive children), grandchildren, brothers or sisters of the deceased, until these reach 8 years of age;

- has reached old age pension age established by the Law on State Social Insurance Pensions, for the rest of their lifetime;

- has been recognised the disabled, for the period of disability.

The benefit shall also be paid to the diseased person’s father, (mother), adoptive father, regardless of their age and work capability, if he does not work and is caring for the children (adoptive children), grandchildren, brothers or sisters of the deceased, until these reach 8 years of age.

Other individuals (who have reached the old age pension age as established in the Republic of Lithuania Law on State Social Insurance Pensions or recognised as disabled), applying for this benefit must prove the fact of dependence according to the judicial procedure.

Periodic insurance benefit paid in the event of death of the insured shall be calculated as a period benefit for work disablement (according to the formula: $K = 0,5*d*k*D$), considering that 100 per cent of ability to work is lost ($d = 1$). The calculated amount of the benefit shall be divided by the number of individuals entitled to the benefit plus one and the resulting amount shall be paid to each eligible individual irrespective of other income received by him (her).

Funeral grant

In the event of the insured person's death as a result of the accident at work or acute occupational disease, a single funeral benefit, equivalent to 100 average monthly insurable income approved for the month in which the death occurred shall be paid out to the family of the deceased.

Family members of the deceased are:

1. his (her) spouse;
2. minors (and children born no later than within 10 months of the death of the insured), adoptive children under 18 years of age and older, who are studying, in accordance with the established procedure in regular departments of registered educational institutions, until they reach the age of 24 years;
3. the father and the mother.

Other unemployed individuals applying for this benefit must prove the fact of dependence according to the judicial procedure.

The benefit is to be divided by the number of all beneficiaries and an equal portion allocated for each beneficiary is paid (where there is only one beneficiary, he (she) shall be paid the full amount of the funeral benefit).

2.2. STATE PENSIONS

First and second degree state pensions

First or second degree state pensions of the Republic of Lithuania shall be awarded to citizens of the Republic of Lithuania, particularly those who have achieved merit in establishing and developing the statehood, economy, culture, science, art, and sport of Lithuania, defending state independence, territorial integrity and constitutional order, and those most distinguished participants in the struggle against the 1940-1990 occupations (amended 2 December 1997) and also mothers who have given birth to and have raised 10 or more children and have provided them with a good upbringing.

The first degree state pension shall be awarded to soldier participants in the 1918–1920 armed struggles (resistance) for independence, Signatories of the Act of Independence of Lithuania, persons who had occupied the posts of Speaker of the Seimas, Prime Minister, Supreme Court Chairman, and Constitutional Court Chairman of the Republic of Lithuania, provided that they had occupied the positions listed in this part for a minimum of at least two years.

All of the aforementioned persons should have reached a pensionable age or be recognised as the disabled of Group I or II.

These pensions shall be awarded according to the applications submitted by the highest-level institutions of state governance and administration of the Republic of Lithuania (Seimas, Government, ministries, Physical Culture and Sports Department, Centre for Investigation of Genocide and Resistance of Lithuanian Residents).

The number of first and second degree state pensions awarded per calendar year may not exceed 15 and 45 respectively.

In the event of death of the first and second degree state pension beneficiary, the state survivor's and orphan's pension shall be awarded to the individuals according to the same conditions and parts of the pension to which the beneficiary had been entitled, as specified in the Articles of the Law on State Social Insurance Pensions regulating the survivor's and orphans' state social insurance pensions.

An individual entitled to the state survivor's pension for the diseased first and second degree state pension beneficiary and to the state social insurance survivor's pension shall be awarded and paid, on his (her) own discretion, a state survivor's pension or a state social insurance survivor's pension.

The first degree state pension shall be equivalent to the amount of four state pension bases (a state pension base is LTL 138).

The second degree state pension shall be equivalent to the amount of two pension bases.

State pensions for victims

Entitlement to state pensions for victims shall apply to:

- defenders of the independence of Lithuania and other persons who became victims as a result of the USSR aggression perpetrated during January 11-13, 1991 and subsequent events;
- political prisoners, deportees and persons for whom the legal status of a victim of occupation as a political prisoner or deportee has been granted; members of the resistance and participants in the 1940-1990 opposition to the Soviet occupation who are participants in the struggles for freedom;
- participants in the World War II;
- participants in the elimination of consequences of the accident at the Chernobyl Nuclear Power Plant;
- individuals who in the course of WW II were deported for forced labour purposes or were committed to ghettos and concentration camps;
- persons who became disabled as a result of compulsory military service or military training in the Soviet Army, or were later recognised as the disabled due to illnesses incurred in connection with military service.

Also entitled to state pensions for victims shall be the parents, spouses and children of individuals who perished as a result of aggression perpetrated during January 11-13, 1991 and subsequent events; individuals who perished in the course of actions of resistance to the 1940-1990 occupations or individuals who perished during or as a result of compulsory military service in the Soviet Army.

In the event of death of the beneficiary of a state pension for victims, survivor's and orphan's state pensions for victims shall be awarded. These pensions shall be awarded and paid if individuals entitled to them have reached the pensionable age or recognised as the disabled of Groups I or II.

State pensions for victims shall be awarded upon submission of the following documents:

- individuals who perished as a result of aggression perpetrated during January 11-13, 1991 and subsequent events and in cases established law - their parents, spouses and children - a certificate issued by the Republic of Lithuania Prosecutor General's Office – for;

- political prisoners and deportees – documents (rehabilitation certificates) issued by law enforcement institutions of the Republic of Lithuania attesting the restoration of the rights of political persons and deportees, or certificates of the legal status of a victim of occupations -

a political prisoner or deportee issued by the Centre for Investigation of Genocide and Resistance of Lithuanian Residents.

- members of the resistance to the 1940- 1990 occupations and in cases established law - their parents, spouses and children - a certificate issued by the Centre for Investigation of Genocide and Resistance of Lithuanian Residents.

- individuals who during the period of World War II served in the active armies and partisan detachments or units of the anti-Hitlerite coalition states, who also became disabled as a result of participation in military activities and for individuals, who became disabled, as a result of compulsory military service or military training in the Soviet Army, and for appropriate family members of those who perished (died) in the course of such service or training – a certificate issued by the Ministry of National Defence

State pensions for victims shall be calculated according to the state pension base of LTL 138.

Persons who became victims shall be awarded to individuals who became disabled as a result of aggression perpetrated January 11-13, 1991 and subsequent events shall be paid the following state pensions:

individuals who have been certified with Group I disability - in the amount of 4 state pension bases;

individuals who have been certified with Group II disability - in the amount of 3 state pension bases;

individuals who have been certified with Group III disability - in the amount of 2 state pension bases;

The state pension for victims shall be awarded to mothers of persons who perished as result of aggression, perpetrated January 11-13,1991 and subsequent events, who have reached the age of 50 or are certified as disabled, and also, to their fathers, who have pensionable age or have been certified as disabled. These individuals shall be paid state pensions for victims in the amount of 4 state pension bases.

Individuals who became disabled as a result of unlawful imprisonment and exile, in the course of opposition (resistance) actions to 1940-1990 occupations; while taken for forced labour, kept in ghettos and concentration camps; being detained in other types of forced camps; participating in hostile actions and fulfilling compulsory military service or military training in the Soviet Army, or have later been recognised as disabled due to illnesses linked with military service; due to effects of work in eliminating consequences of the Chernobyl Nuclear Power Station accident shall be entitled to the following state pensions for victims:

individuals who have been certified with Group I disability - in the amount of 2 state pension bases;

individuals who have been certified with Group II disability - in the amount of 1.5 state pension base;

individuals who have been certified with Group III disability - in the amount of 0.75 state pension base;

Individuals other than those listed above shall be entitled to the state pensions for victims in the amount of the state pension base.

State pensions for victims shall be paid from the State Budget funds.

State pensions for victims shall be paid irrespective of other income received by victims.

State pensions to officials and military personnel

The following **state pensions to officials and military personnel** shall be awarded pursuant to the applicable Law:

- 1) **for service;**
- 2) **disability;**
- 3) **survivor's and orphans'.**

State pensions to officials and military personnel shall be awarded and paid to the following officers and servicemen who have left service and:

1) who have served for 20 and more years in the system of internal affairs, national security, national defence, Special Investigation Service, Department of Prisons or institutions subordinate to it as well as state enterprises;

2) who have served with the prosecutor's office 20 and more years and who have reached the pensionable age established under the Law on State Social Insurance Pensions;

3) who have been recognised as the disabled due the reasons related with their service;

4) who have been dismissed due to health reasons and possess a conclusion drawn by the ministerial central medical expertise commission, or who have been recognised as the disabled due to the reasons, other than those related with their service and who have served with the systems of internal affairs, national security, national defence and prosecutor's office, Special Investigation Service, Department of Prisons or institutions subordinate to it as well as state enterprises for 5 and more years;

5) who have reached the retirement age established by laws (where such age is not established – the pensionable age and who have served with the systems of internal affairs, national security, national defence and prosecutor's office, Special Investigation Service, Department of Prisons or institutions subordinate to it as well as state enterprises for 5 and more years.

A state pension to officials and military personnel for service shall be calculated and paid according to the officials and servicemen remuneration of the month of payment of pension payable for the post which was occupied by the official or serviceman when leaving the service. This remuneration shall include the official salary and extra pays for rank, length of service and grade, where such extra pays are paid in the manner established by laws.

1 per cent of the aforementioned remuneration shall be payable for each year of service included in the length of service for awarding a pension.

A state disability pension to officials and military personnel payable to the officials and servicemen for each year of service included in the length of service for awarding a pension shall be equal to 1,2 per cent of the above specified remuneration for Group I disability, 1 per cent for - the disabled of Group II disability and 0,5 per cent - for Group III disability.

The survivor's and orphan's state pension to officials and military personnel shall be calculated in the same manner likewise the Group I state disability pension to officials and military personnel, taking into consideration whether the official's death was related with his service or happened due to other reasons. The pension calculated in this manner shall be awarded to individuals entitled to the state survivor's and orphan's pension payable to the officials and military personnel in portions established under the Law on State Social Insurance pensions.

In the event of death of an official or a serviceman entitled to the state pension to officials and military personnel for service or to the disability pension, the survivor's and orphan's state pension shall be calculated according to the amount of the pension to which the diseased individual had been entitled and shall be paid in portions established under the Law on State Social Insurance pensions.

State pension to officials and military personnel shall be paid from the State Budget.

The officials and servicemen shall not be entitled to state pensions, except for the survivor's pensions.

The retired officers and military personnel who after awarding of the state pension to officials and military personnel for service or of the state disability pension to officials and

military personnel have income from which state social pension insurance contributions are calculated and paid or who receive state social insurance sickness (including sickness benefits paid by the employer for sickness days), maternity, maternity (paternity) or unemployment benefits, shall be paid 30 per cent of the state pension to officials and military personnel.

State pensions to scientists

State pensions to scientists shall be awarded to persons who have a scientific title or degree and whose length of service as a Doctor or Doctor Habilitatus is at least 10 years, who have reached the old age pension age or have been recognised as the disabled of Groups I or II. These persons shall not be awarded the scientists' state pensions until they have income from which state social insurance pension contributions are calculated and paid, or if they receive sickness (including sickness benefits paid by the employer for sickness days), maternity, maternity (paternity) or unemployment benefits.

State pensions to scientists shall be calculated according to the state pension base of LTL 138.

For each year of the length of service as a Doctor 10 per cent of the monthly state pension base shall be paid on a monthly basis. Additional 5 per cent of the monthly state pension base shall be paid on a monthly basis for each full year of the length of service as a Doctor Habilitatus.

State pensions to scientists shall be paid from the State Budget funds.

State pensions to judiciary

Awarding of state pensions to judiciary shall commence as from 1 January 2003.

State pensions to judiciary shall be awarded to individuals who have worked as judges of the Constitutional Court, general competence and specialised courts and who have been appointed or elected as judges from Lithuania to any international court, provided they satisfy the following conditions:

- 1) at the time of application for awarding a state pension to judiciary are citizens and permanent residents of the Republic of Lithuania;
- 2) have reached the pensionable age established by virtue of the Republic of Lithuania Law on State Social Insurance Pensions;
- 3) ceased working as judges;
- 4) have at least 5 years length judiciary service.

A state pension to judiciary shall be calculated from the average remuneration for work received by individuals entitled to such pension for the last 5 years before they ceased working as a judge and shall be awarded as follows:

- to those with at least 20 years length judiciary service - 45 per cent of said amount; to those with 15 and more years length judiciary service - 35 per cent of said amount;
- to individuals with 10 and more years length judiciary service - 20 per cent of said amount;
- to individuals with 5 and more years length judiciary service - 10 per cent of said amount;

State pensions to judiciary shall be paid from the State Budget funds.

State pensions to judiciary shall not be paid to individuals who have income from which state social pension insurance contributions are calculated and paid or who receive state social insurance sickness (including sickness benefits paid by the employer for sickness days), maternity, maternity (paternity) or unemployment benefits.

Since awarding the state pension for the President of the Republic, the first and second degree state pensions of the Republic of Lithuania, state pensions to persons who are victims, and state pensions to scientists falls within the competence of the Ministry of Social Security and Labour, statistical information provided herein will cover only these pensions.

The numbers of all types of pensions kept growing between 1996 and 2002. State pensions paid to persons who are victims accounted for the bigger part of all beneficiaries.

Development of numbers of state pension beneficiaries in 1996 – 2002

Type of pensions	Number of Beneficiaries						
	1996	1997	1998	1999	2000	2001	2002
Ist and IIInd degree Pensions to persons who are victims (in thousand)	2133	2075	2336	2544	2770	2840	2938
	72,4	77,4	82	86	90,4	92,7	93,5
Pensions to scientists (in thousand)	1538	1575	1624	1707	1886	2244	2412
Total (in thousand)	76	81	85,9	90,3	95,1	97,8	98,8

Data of the Ministry of Social Security and Labour

2.3. SOCIAL ASSISTANCE PENSIONS

Social assistance pensions shall be awarded to the following individuals permanently residing in the Republic of Lithuania:

1) disabled children and Group I, II or III disabled since childhood or who became disabled under 18 years of age;

2) individuals who became disabled when being full time students of secondary schools, vocational establishments, colleges or universities registered in the established manner, or after having acquired a Doctor's degree, and who are younger than 24 years of age;

3) graduates of day-time departments of secondary schools, vocational establishments, colleges or universities registered in the established manner who became disabled at the beginning of a new school year (from 1 September of the current year or, if they take entrance examinations and fail, as from the day on which a new school year begins in the educational establishment);

4) graduates of day-time departments of secondary schools, vocational establishments, colleges or universities registered in the established manner who became disabled at the beginning of a new school year (from 1 September of the current year or, if they take entrance examinations and fail, as from the day on which a new school year begins in the educational establishment) who have been registered with the national labour exchange as unemployed, but no later than in the first year after graduating day-time departments of the said educational establishments;

5) parents (foster parents), who have reached the state old age pension age established by the Law on State Social Insurance Pensions or recognised as the disabled of Groups I or II, who for at least 15 years have been nursing at home their disabled children (adopted children) or their children (adopted children) who are disabled of Groups I or II since childhood or who became disabled of Groups I or II before they reached the age of 18;

6) guardians and caretakers who have reached the state old age pension age or recognised as the disabled of Groups I or II, who for at least 15 years have been nursing at home their

disabled children (adopted children) or their children (adopted children) who are disabled of Groups I or II since childhood or who became disabled of Groups I or II before they reached the age of 18, or who are totally disabled;

7) parents (foster parents), guardians, caretakers, regardless of their age and ability to work, who are nursing at home their disabled children (adopted children their children (adopted children) who are disabled of Groups I or II since childhood or who became disabled of Groups I or II before they reached the age of 18;

8) mothers who have reached the state old age pension age or recognised as the disabled of Groups I or II, who have given birth to and raised 5 and more children aged under 8 years.

In the event of death of an individual who was or could have been entitled to the social assistance pension, the entitlement to the social assistance pension shall pass to the diseased individual's children aged under 18 years and older, provided the latter became disabled before they reached the age of 18. Children who study at day-time departments of secondary schools, vocational establishments, colleges or universities registered in the established manner shall be entitled to the social assistance pension until they graduate from such educational establishments, however only until 24 years of age.

The right to receive a social assistance pension shall be granted only to those individuals who are not entitled to receive a larger or equivalent state social insurance pension or a state pension, with the exception of the following individuals:

1) disabled children, disabled of Groups I or II since childhood or children who become disabled of Groups I or II before they reach the age of 18, in addition to the social assistance pension may also be entitled to a state social insurance orphan's pension and state orphan's pension;

2) individuals who receive social assistance pensions and state social insurance survivor's pensions to which they are entitled;

3) parents (foster parents), guardians, caretakers who receive social assistance pensions for nursing may also be entitled to state social insurance pensions and state pensions to which they are entitled.

Social assistance pensions shall be calculated according to the state pension base of LTL 138.

Amounts of social assistance pensions:

individuals recognised as the disabled of Group I shall receive pensions in the amount of 1,5 state social insurance pension base;

individuals recognised as the disabled of Group II and disabled children - in the amount of a state social insurance pension base;

individuals recognised as the disabled of Group III - in the amount of 0,5 state social insurance pension base.

Social assistance pensions to other individuals entitled to receive such pensions shall be paid in the amount of a state social insurance pension base.

Social assistance pensions shall be paid from the State Budget.

Social assistance pensions shall be paid irrespective of other income received.

Number of beneficiaries of social assistance pensions and allowances and the need for funds in 1996-2002

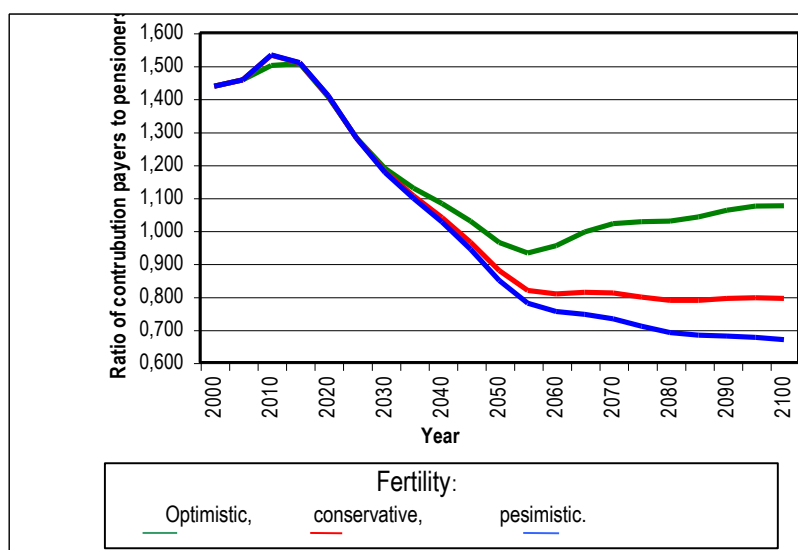
Type of payment	Number of beneficiaries (in thousands of people)					Need for funds per year (LTL million)				
	1998	1999	2000	2001	2002	1998	1999	2000	2001	2002
Social assistance pensions	39,63	43,78	46,52	47,93	49,05	67,29	75,62	79,32	81,36	86,02
Social pensions	11,39	10,37	9,50	8,77	8,16	12,02	10,90	10,07	9,26	8,57

Allowances	0,49	0,88	1,20	1,41	1,50	1,30	2,36	3,15	3,54	4,03
TOTAL:	51,51	55,03	57,22	58,11	58,71	80,61	88,88	92,54	94,16	98,62

Data of the Ministry of Social Security and Labour

2.4. IMPLEMENTATION OF THE PENSION REFORM

All Europe is concerned about the ageing of the population – this problem is also of urgency in Lithuania (see the diagram). Possibilities of the state social insurance budgets and social insurance contributions practically depend upon the number payers of social insurance contributions and pensioners. European Union institutions urge that Member States reform their pension schemes so as to ensure their long-term stability and to avoid influence of the population ageing phenomenon.



The reform of the pension scheme in Lithuania is oriented towards creation of a multi-stage pension scheme comprising the pension stage based on the principle of current financing and the stages with a so-called “cumulative” element. As a result of the reform the state pension scheme will be modified to a certain extent by discharging part of state obligations to pensioners through private suppliers – pension funds or life assurance enterprises.

On 3 December 2002 the Seimas of the Republic of Lithuania passed the Law on the Pension Scheme Reform (Official Gazette, 2002, No.123-5511), which creates legal preconditions for the reform of the pension scheme and defines its direction. The Law on the Pension Scheme Reform establishes that already from 1 January 2004 individuals will be able to participate in a new pension accumulation system. Individuals who decide to participate in this scheme will continue paying contributions to “Sodra”, and simultaneously they will be able to voluntarily transfer part of such contributions to the selected pension funds administered by management enterprises or life assurance companies. Participants of the new scheme in future will receive pensions from two sources – from the state and private system which as if becomes a part of the compulsory insurance, because funds will be accumulated from the compulsory contributions for social insurance of pensions.

This was the third version of the pension reform proposed by the Government. The previous two versions of the pension scheme reform were based on the compulsory accumulation of part of the insurance contribution in pension funds. According to the drafted version of the Law individuals under 30 or 40 years of age will not be obligated to participate in a multi-stage

pension scheme – they will be free to decide whether or not to participate in the accumulation of pensions. Differently from the neighbouring countries – Poland and Latvia – in Lithuania all individuals who are insured by full social pension insurance (i.e. for receiving the base and supplementary pension) will have the right to freely decide on transferring part of the social insurance contribution to the pension accumulation companies for accumulation of pensions. In addition, it is also important that an employed individual will not have to make additional payment; the only thing he (she) will have to do will be to select a company for accumulating the part of taxes paid by him (her). Individuals who pursuant to the applicable laws are insured only for the base pension will not enter the second stage of the pension scheme. However, it is worth noting that such individuals will not be deprived of the right to get the additional old age insurance cover – to this end they will be able to obtain such type of insurance from Sodra –for the supplementary part of the state social insurance pension, as well as from private life assurance companies availing themselves with tax benefits established by the Law on Income Tax of Individuals.

Speaking about the second stage of pensions (accumulation of pensions) attention should be paid to the fact that a certain compulsory element will be retained in the proposed scheme, because part of the social insurance contribution which now must be paid by individuals as participants in labour relations as well as their employers, will be transferred to the account opened with a pension fund or life assurance company. Moreover, individuals who decide to participate in the accumulation of pensions will be deprived of the possibility of withdrawal from scheme, except in cases of total disability.

Individuals will be free to select a pension fund management enterprise or a life assurance company operating in the Republic of Lithuania and possessing a respective license. To ensure that individuals are not discriminated on the basis of their age, the aforementioned Law does not establish any age limit for selecting the accumulation of pensions. Such conditions obligate respective public authorities to explain to the population of Lithuania via mass media that those individuals who have only a few years left until old age pension and whose wages are considerably less than the country's average, will not benefit from participating in the new scheme. To assist the individuals in determining whether participation in the accumulation of pensions will be beneficial to them, the Ministry of Social Security and Labour has developed an application programme. This programme will be widely available – it will be placed in the Internet and will be used by pension accumulation companies in offering their services.

Participation in the cumulative pension system will encourage individuals to be more responsible in taking care of their lives in old age. The future pension under the cumulative pension scheme practically depends upon the size of amounts payable to the pension fund. It should be noted that the principle of reallocation of income from less well paid to better-well paid will not apply in this scheme. As a result individuals will be encouraged to “legalise” their unofficial income and therefore it is expected that encouraging individuals to participate in the accumulation of pensions will partly reduce the evasion of payment of contributions.

Pursuant to the Law on the Pension Scheme Reform the first contribution for cumulative insurance in the first year of the reform will be 2,5 per cent – the equivalent of the amount paid at present by the insured for social pension insurance. The cumulative contribution rate will be increased on a yearly basis by one percentage point until it reaches 5,5 per cent in 2007. For an individual who decides to participate in the pension accumulation scheme will be subjected to the general social insurance contribution rate which now is 34 per cent (of which 31 per cent is covered by the individual's employer and 3 per cent – by the individual), therefore it will not change.

The question might arise why should a cumulative contribution be deducted from the present Sodra contribution if this is likely to result incur expenses on Sodra during the

transitional period. Maybe it will be more useful to accumulate funds for old age by means of additional contributions?

To answer this question the fact that the existence of the voluntary accumulation of pensions as such will not change the essence of the present pension scheme can be pointed out since it will be used only by those who receive larger income, whereas those less well-paid will find themselves offside, and therefore the effects of the demographic situation on the future pension scheme will not be addressed. It is not a secret that only smaller part of the population of Lithuania will be able to pay additional contributions.

In defining the structure of the pension reform heated discussions on its different aspects persisted for several years concerning the extent of accumulation of the social insurance contribution; the need to pay additional contributions at present; and whether this contribution should be accumulated in a private or state pension fund, etc.

The functioning of the Law on the Pension Scheme reform calls for adopting a series of new laws and to introduce respective amendments and supplements thereto.

To this end on 10 December 2002 the Republic of Lithuania Government passed the Resolution No. 1926 on the Plan of Measures Aimed at Preparing for the Pension Scheme Reform (Official Gazette, 2002, No. 118 – 5308) whereby a coordination commission for the implementation of the plan of measures to prepare for the pension scheme reform was formed. The Commission comprising representatives of the President's Office, Government, Ministry of Finance, Ministry of Social Security and Labour, Securities Commission, State Insurance Supervisory Authority under the Ministry of Finance, and State Tax Inspectorate under the Ministry of Finance was involved in the process of drafting laws necessary for the implementation of the accumulation of pensions. The outcome of the joint work of the aforementioned Commission is the Law on Accumulation of Pensions and a new version of the Law on Pension Funds (as renamed to the Law on Supplementary Voluntary Accumulation of Pensions) as well as amendments and supplements to other applicable laws. On 18 June 2003 these documents were approved by the Government and referred to the Seimas for urgent deliberation.

The scope of regulation of these Laws

In view of the fact that accumulation of part of the state social insurance contribution in the pension funds managed by pension accumulation companies forms part of social security financed with compulsory social insurance contributions, particular attention in the drafted laws is paid to the requirements regarding safe performance of pension accumulation companies.

The drafted Law on Accumulation of Pensions is aimed at ensuring that requirements for activities of the aforementioned companies engaged in accumulation of pensions are as uniform as possible. Pursuant to the applicable Law on Insurance life assurance companies shall have LTL 4 million authorised capital and in addition shall form an organisational fund (for operating expenses), which may not be less than LTL 1 million. The amount of authorised capital (at least EUR 300 thousand) established for management enterprises by virtue of the Draft Law on Accumulation of Pensions exceeds the authorised capital (EUR 150 thousand) provided for in the Council Directive 85/611/EEC of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS). In addition, to ensure liquidity of own capital of a management enterprise, management enterprises engaged in pension accumulation activities are required to invest at least 80 per cent of own capital in observance of the diversified investment requirements, i.e. into the financial market instruments, however in strict observance of statutory provisions.

Given the different nature of the pension accumulation companies, the assets owned by pension accumulation companies are subjected to additional requirements:

- Insurance companies engaged in pension accumulation activities are obligated to meet solvency reserve requirements on a regular basis, and
- Management enterprises must fulfil the capital adequacy requirements.

While pension accumulation companies assume the obligation of guaranteeing certain income for participants of pension funds managed by them, an insurance company is respectively obligated to additionally form sufficient technical provisions, and a management enterprise – to form sufficient guarantee reserve.

With a view to ensuring additional protection of the interests of individuals participating in the accumulation of pensions provided for in the Law on the Pension Scheme reform, pension accumulation companies engaged in accumulation of a part of the social insurance are required in all instances to provide the individuals with the opportunity for participating in a pension fund (conservative investment pension fund) the regulations whereof establish that pension assets shall be invested into the investment objects of guaranteed yielding capacity, i.e. into securities issued by the Governments of Lithuania or European Union Member States, etc.

The accounting of accumulated pension assets shall be carried out separately from other enterprise assets and the aforementioned assets will belong to the pension accumulation participants as partial joint ownership, therefore shall not be subjected to levying the recovery with regard to the company's obligations. Pension assets managed by management enterprises and life assurance companies will have to be kept with a special authority – Depository (a commercial bank possessing a license to engage in such activity). The depository will carry out the function of the protection of funds – it will be obligated to examine whether the transactions of the pension fund are valid and only then to effect the transfer of money against pension fund orders. A considerable attention is paid to the transparency of activities, providing for the mandatory annual audit, the participant's right to get familiarised with the results of the company's performance, mandatory notifications about personal pension account status.

Deductions from the pension assets shall only be possible if related with the pension fund management. All other expenses that are not provided for in the pension fund regulations or exceed the established limits will have to be covered from the account of the pension accumulation company.

Pension funds will be allowed to invest into securities of one issuer or into money market instruments no more than 5 per cent of net pension assets. Pension funds' investments into deposits in one credit institution will not exceed 20 per cent of net pension assets. Investments into securities issued by Lithuania and European Union Member States will not exceed 35 per cent of net pension assets.

With a view to ensuring competitiveness of pension accumulation companies and protection of property interests of the participants, the Draft Law establishes the limits for accumulation of pensions for the benefit of the enterprise. For the purposes of comparability of deductions from pension assets the Draft Law establishes that such deductions should not exceed 0,5 per cent (in a conservative investment pension fund) or 1 per cent (in other pension funds), and that maximum amount of deductions from cumulative contributions should be 10 per cent.

The Law on Accumulation of Pensions also limits services and promotional activities of pension accumulation companies, with a view to avoiding the likely influence of such companies and persons related with them on the decisions taken by potential participants and announcement of misleading information. To ensure that pension accumulation companies keep the participants informed about pension benefits available to them the Draft Law obligates the companies to use the pension benefits computer simulation programme developed by the Ministry of Social Security and Labour.

Since the principal aspects of the pension accumulation activities are regulated alongside the Draft Law on Amendments to the Law on Pension Funds submitted together with the Draft Law under consideration, in order to avoid repeating the same requirements established for pension accumulation companies, the Law on Accumulation of Pensions defines only specific features of the pension accumulation companies' activities, in addition to Draft Law on

Amendments to the Law on Pension Funds. Activities of management enterprises of pension funds will be fully regulated by the Draft Law on Amendments to the Law on Pension Funds which is submitted together with the Draft Law under consideration, and the Law on Accumulation of Pensions providing for specific features of activities. Meanwhile in case of insurance companies particular references are made to the Draft Law on Amendments to the Law on Pension Funds indicating what requirements of pension accumulation activities shall *mutatis mutandis* apply to this type of pension accumulation companies .

In drafting the Law on Accumulation of Pensions deliberations took place with regard to the amount of benefits to be paid to the pension funds' participants when they reach the pensionable age. Since the accumulation of pensions is financed with part of the insurance contribution of the state social insurance pension, attempts will also be made to maintain the nature of cumulative benefits as of pensions, i.e. to ensure that individuals receive them throughout their lifetime. Due to this reason the Draft Law on Accumulation of Pensions establishes that annuities shall be the compulsory benefit acquired for the accumulated pension assets. In view of the fact that some individuals due to certain reasons (too short accumulation period, long-term unemployment, etc.) will not be able to accumulate funds necessary for obtaining the minimum annuity throughout the entire period of their participation in the accumulation of pensions, the Draft Law provides for establishing a limit until which the obtaining of annuity will not be compulsory. In such a way the individuals whose base pension annuity (i.e. simple annuity) amount calculated for their accumulated funds according to the standard methods approved by the State Insurance Supervisory Authority under the Ministry of Finance is smaller than half of the amount of the state social insurance base pension, will not be subjected to the obligation to obtain the annuity, however, they will be allowed to withdraw the pension assets accumulated in the pension fund as a one-time or periodic pension benefit. On the other hand, another group of individuals during the entire period of participation in the accumulation of pensions may accumulate a relatively large amount of pension assets and their obligation to obtain the annuity for the total accumulated pension assets would be illogical. Therefore, the Law stipulates that the amount of pension assets exceeding a one-time contribution fixed for obtaining the base pension annuity in the amount of three state social insurance base pensions may be paid out as a one-time or periodic pension benefit.

The Draft Law on Accumulation of Pensions consistently follows the general principle that assets are being accumulated for old age, therefore all benefits will be obtained only upon reaching the pensionable age. To regulate the issue of the disposition of pension assets for individuals leaving for permanent residence to another state, the Law establishes that pension assets accumulated in the pension fund by these individuals shall not be paid out until they reach the pensionable age. Therefore the accumulation shall not apply in cases of state social insurance disability and survivor's/orphan's leaving the settlement of these matters for social insurance.

The Draft Law on Accumulation of Pensions stipulates that heirs of participants will inherit all amounts accumulated by those participants who do not reach the pensionable age or the amounts accumulated by participants who reach the pensionable age and enter into the agreement on payment of pension and not fully paid out (excluding payment of simple life annuity which is guaranteed only to the participant himself for his (her) life). It should be noted that certain countries who have reorganised their pension schemes establish that in the event of death of the participant of the pension accumulation scheme the accumulated amount is not paid out to the heirs of the deceased individual and are returned to the solidarity system.

The amount of the cumulative pension to be received by an individual in addition to the state pension will depend upon the accumulation period of the individual's income. Therefore, it should be emphasised here that the earlier a person begins accumulating the funds, the more favourable for him the participation in the pension accumulation will be. Individuals who will

soon reach the pensionable age should be careful in determining whether their participation in accumulation of pensions will be beneficial for them, because the social insurance pension for the period of the individual's participation in the accumulation scheme will be reduced commensurately to the contributions paid to Sodra. To help individuals to make up their minds, they will have the possibility to use the already mentioned benefit simulation programme in the branches of pension accumulation companies and in other places marked with the sign of the pension reform or to obtain such programmes via Internet and make respective calculations by themselves.

In addition, it is worth noting that individuals who are going to participate in the accumulation of pensions, the amount of the state social insurance pension will be smaller in consideration of the amount of the state social insurance pension contribution rate.

Individuals will be provided with the possibility to express their choice and to enter into the agreement with a pension accumulation company selected by them already this autumn. They will have to fulfil this task by 1 December of this year. Those who will not make up their minds until the established deadline, will be able to join the new system from 2005 or later, once they make up their minds and enter into the agreement on accumulation of pensions by 2004 and by 1 May of the next year.

Due to voluntary nature of accumulation of pensions it is difficult to envisage transitional costs of withdrawal of part of the social insurance contribution from the State Social Insurance Fund. The number of participants for the first year of the reform is forecasted quite small (about 6 per cent). Such situation will not result in large transitional costs of withdrawal of part of the social insurance contribution to be covered with the State Budget funds, and the country's financial market will be able to gradually "get used" to the growing "injections" from pension funds.

III. SOCIAL ASSISTANCE

3.1. SOCIAL ASSISTANCE TO FAMILIES AND CHILDREN

3.1.1. Legal base

The concept of social support⁷³ establishes that one of the tasks of the social policy is to take care that social support is provided only to those individuals who cannot manage without it. In promoting demographic processes the state can guarantee the necessary subsistence level and cover part of child maintenance expenses paying benefits for each child irrespective of the economic activity of parents (guardians).

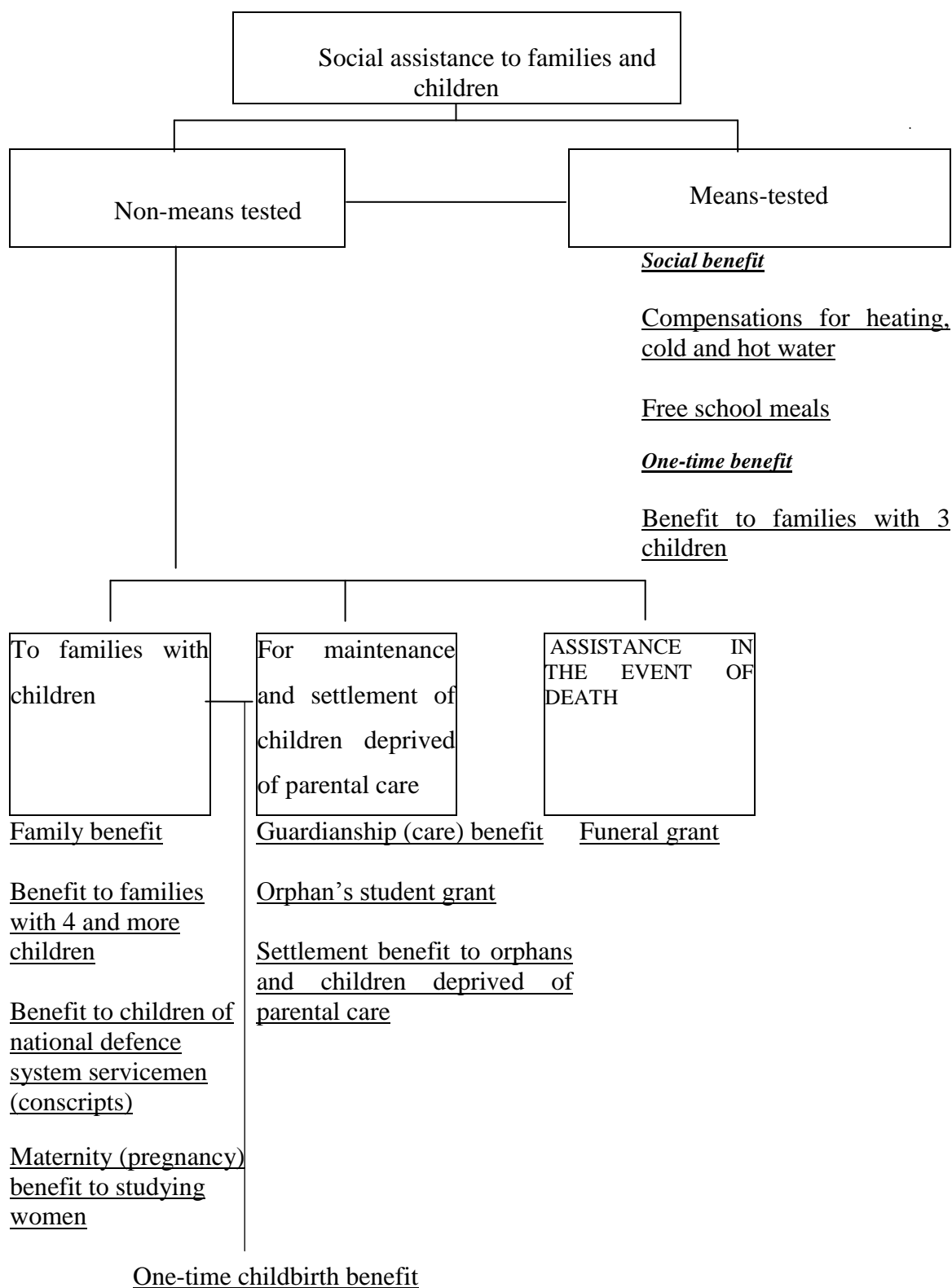
In Lithuania the system of financial social support to family and children⁷⁴ is based on the provision of non-means-tested and means-tested assistance paid allocated regardless of the family assets and income. The aforementioned assistance comprises:

- Benefits to families raising children;
- Benefits to children deprived of parental care (guardianship);
- Social benefit;
- Compensations for heating, hot and cold water;
- Free school meals;
- Funeral grant.

Classification and Types of Financial Social Assistance to Families and Children

⁷³ Republic of Lithuania Government Resolution No. 360 of 9 May 1994 on the Approval of the Concept of Social Assistance (Official Gazette, 1994, No.36-653)

⁷⁴ This part deals with support to families and children rendered in the form of financial benefits and compensations. Social services to families and institutional childcare are elaborated in other sections.



Payment of benefits to families raising children who are in greatest need of the state social support, as well as assistance to orphans and children deprived of parental care shall be regulated by the Republic of Lithuania Law on State Benefits to Families Raising Children⁷⁵.

⁷⁵ Republic of Lithuania Law No. I-621 of 3 November 1994 on State Benefits to Families Raising Children” (Official Gazette, 1994, No. 89-1706)

This Law establishes the types of benefits, their amounts and beneficiaries, sources of financing as well as liability for illegitimate obtaining of benefits. Pursuant to this Law benefits shall be paid to the established categories of families irrespective of their assets and income. Support to families shall be allocated in two main instances: until a child reaches the age of 3 years (0,75 MSL per month) and when the family is raising three and more children (1 MSL per month for 3 children adding 0,3 MSL for each subsequent child). Children deprived of parental care (guardianship) for whom the guardianship (care) is assigned are guaranteed support until the full legal during studies and for acquisition of a dwelling.

The right to benefits shall be enjoyed by the citizens of the Republic of Lithuania who permanently reside in the Republic of Lithuania, foreigners (foreign nationals or stateless persons) who possess a permit of permanent residence in the Republic of Lithuania; persons who by virtue of the Republic of Lithuania Laws are granted a refugee status. If only one of the parents satisfies the aforementioned conditions, the benefits established by the above referred Law shall be paid only if the child lives with such parent.

In observance of the aforementioned Law the Regulations for Awarding and Paying State benefits to Families Raising Children⁷⁶ defining a detailed procedure of payment of benefits.

Individuals who due to objective reasons do not have sufficient income for living shall be provided with means-tested assistance. The amount of financial social support depends upon established normative amounts and individual's income.

The right to social support shall be enjoyed by the citizens of the Republic of Lithuania, foreign nationals permanently residing in the Republic of Lithuania, and stateless persons, unless otherwise established by the Republic of Lithuania laws and intergovernmental treaties.

Financial social support to low-income families (individuals) consists of two parts:

- With a view to ensuring minimum subsistence of low-income individuals, a social benefit has been established by the Republic of Lithuania Law on Income Guarantees for Residents of the Republic of Lithuania⁷⁷. A social benefit shall be payable in observance of Social Benefit Allocation and Payment Regulations⁷⁸;

- Individuals in need who are not able to pay for the main utilities (heating, cold and hot water) are entitled to compensations established under the Law of the Republic of Lithuania on Reimbursement of Heating of a Dwelling (Individual House), Cold and Hot Water Costs to Low Income Individuals⁷⁹. The procedure of calculation of the aforementioned compensations is governed by the Methods of Calculation of Compensations for Heating of a Dwelling (Individual House), Cold and Hot Water Costs⁸⁰.

In addition, children from low-income families in schools of general education are provided with free meals. Organisation of free school meals is regulated by the Procedure for

⁷⁶ Republic of Lithuania Law No. I-621 of 3 November 1994 on State Benefits to Families Raising Children (Official Gazette, 1994, No. 89-1706)

⁷⁷ Republic of Lithuania Law No. I-618 of 27 September 1990 on Income Guarantees for residents of the Republic of Lithuania (Official Gazette, 1990, No. 30-711)

⁷⁸ Republic of Lithuania Government Resolution No. 441 of 17 April 2000 on Approving the Social Benefit Allocation and Payment Regulations (Official Gazette, 2000, No.33-936)

⁷⁹ Republic of Lithuania Law No. VIII-1131 of 8 April 1999 on Reimbursement of the Expenditures on Heating of a Dwelling (Individual House), Cold and Hot Water Costs to Low Income Individuals (Official Gazette, 1999, No.36-1062) Methods of Calculation of Compensations for Expenditures on Heating of a Dwelling (Individual House), Cold and Hot Water Costs (Official Gazette, 1999, No.52-1700)

⁸⁰ Republic of Lithuania Government Resolution No. 774 of 9 June 1999 on Approving the Methods of Calculation of Compensations for Expenditures on Heating of a Dwelling (Individual House), Cold and Hot Water Costs (Official Gazette, 1999, No.52-1700)

Organising Free School Meals at Schools of General Education for Children from Low-income Families⁸¹.

In the event of death of a permanent resident of Lithuania and birth of a dead child the burying individual is entitled to the funeral grant in the amount of 6 MSL (LTL 750). This funeral grant is established by the Republic of Lithuania Law on Assistance in the Event of Death⁸². 41 thousand of funeral grants were paid in 2002.

3.1.2. Structure of administration

Financial social support in Lithuania is granted through social support units established in all municipalities.

Municipal units of social support in their territory organise the implementation of laws establishing benefits and compensations of expenditures for heating of a dwelling and for water.

Since 2002 funds for social benefits established by laws are allocated from the state budget and transferred to municipalities in the form of a special donation. For the purpose of administration of the function concerning payment of benefits 4 per cent of funds were allocated by the State to municipalities.

Municipalities are entitled to provide financial support to low-income families only after having assessed the income of applying families and in separate instances also having tested their means. Therefore, by performing this function municipalities assume great liability for ensuring that the required support is granted to those individuals who are in greatest need.

Municipalities organise the provision of other different kinds of social support (one-time benefits, social services). They also render information and counselling about social services.

Families (single persons) who need support have to file a written application with a social support unit of their place of residence and furnish the required data about family income and also the supporting documents.

An orphan's stipend and the pregnancy benefit to studying women are awarded and paid by educational establishments from funds allocated from the State Budget to educational establishments.

Responsibility for organising free school meals at schools of general education and utilisation of purpose-oriented State Budget funds rests upon the founders of schools of general education. At the municipal level this function is delegated to the divisions of education.

3.1.3. Main characteristics

Families that have and raise children in the cases when they are experiencing the greatest need for support shall be paid the following benefits in accordance with the possibilities of the State Budget:

- *a one-time benefit for childbirth* for each newborn child;
- *a family benefit* payable on a monthly basis for each child under three years of age (unemployed parents receive this benefit since the birth of the child, and those employed – upon expiration of the time fixed for payment of maternity (paternity) benefit during maternity and childbirth as well as childcare leave as provided for under the Law on Sickness and Maternity Social Insurance or legal acts regulating occupational activities (officers of national defence and system of internal affairs, etc.);

⁸¹ Order No. 64/955 of 16 August 1999 of the Minister of Social security and Labour and of the Minister of Education and Science on Approving the Procedure for Organising Free School Meals at Schools of General Education for Children from Low-income Families (Official Gazette, 1999, No. 72-2245)

⁸² Republic of Lithuania Law No. I-348 of 23 December 1999 on Assistance in the Event of Death (Official Gazette, 1999, No. 73-1371)

- a benefit to families raising three and more children payable on a monthly basis for three and more children under 16 years and older until they graduate from day-time educational establishments. Families growing three children are entitled to this benefit provided the amount of family income per family member which is smaller than the amount thrice as large as income supported by the State and approved by the Government (LTL 405). Families growing four and more children receive the benefit irrespective of family income;

- a benefit for maintenance of children of the national defence system servicemen (conscripts) payable on a monthly basis for the duration of the parents' service.

Fixed amounts of family benefits:

One-time benefit for childbirth	6 MSL ¹	LTL 750
Family benefit	0,75 MSL	LTL 93,75
Benefit to families growing three and more children	1 MSL + 0,3 MSL for the 4 th and every subsequent child	LTL 125 + LTL 37,5 for the 4 th and every subsequent child
Benefit to children of conscripts	MSL 1,5	LTL 187,5

¹ MSL – minimum subsistence level the amount whereof is approved by the Government (as from 1 May 1998 MSL = LTL 125);

When Individuals use the received benefits for purposes, other than their direct purpose, instead they are provided with necessary products and consumables in view of the needs of children.

Children deprived of parental care (guardianship) who have been placed under care (guardianship) are entitled to:

- a *childcare (guardianship) benefit* payable on a monthly basis to the child's caretaker (guardian) for maintaining the child under care;

- a *one-time settlement benefit for orphans and children deprived of parental care (guardianship)* payable to orphans aged 18 and children deprived of parental care (guardianship) who were placed under guardianship until they reached the full legal age. This non-cash benefit is allocated for the acquisition of a dwelling or for settlement purposes transferring it according to the concluded benefit payment agreement;

- an *orphan's student grant* payable to unemployed students who have lost their parents when they reach the full legal age and until 24 years.

With a view to encouraging families to take care of children at home and in order to reduce the numbers of children in state welfare establishments (in such establishments children's' maintenance costs are twice as large), the support for children deprived of parental care (guardianship) was gradually increased from LTL 187,5 to LTL 500, and the settlement benefit – from LTL 2250 to LTL 6250. A childcare (guardianship) benefit was increased in 1999, and the orphan's student's grant and settlement benefit – in 2000:

childcare (guardianship) benefit ¹	4 MSL	LTL 500
orphan's student's allowance ²	4 MSL	LTL 500
settlement benefit for orphans and children deprived of parental care	50 MSL	for the 4 th and every subsequent child

¹ when a child placed under guardianship is entitled to the orphan's pension and (or) alimony, the benefit shall be equal to the difference of 4 MSL and the amount of these benefits;

² when a pupil (student) who has reached the full legal age and who until this age was placed under guardianship, receives the orphans' pension, the student's allowance shall be equal to the difference of 4 MSL and the amount of received orphans' pension.

In 2002 the amount of about LTL 261 million was allocated for the purpose of payment of benefits to all families raising children and to the children deprived of parental care: the

largest amount - LTL 193 million - was allocated for payment of benefits to families growing children, and LTL 68 million were paid in support of children deprived of parental care.

30 thousand one-time childbirth benefits were in 2002. Family benefits per month were paid to about 82 thousands of children aged under 3 years (2,4 per cent of all permanent residents of Lithuania), families growing 3 and more children were paid to 46 thousands of benefits (3,7 per cent of families in Lithuania), about 80 benefits per month were paid for maintenance of children of the conscripts, and the pregnancy benefit was paid to 240 studying women.

About 8,8 thousand childcare (guardianship) benefits were paid in 2002 per month (0,3 per cent of all permanent residents of Lithuania), a student allowance to orphans was paid to 2,2 thousands of orphans and pupils (students) deprived of parental care. In 2002 settlement benefits to orphans and children deprived of parental care were paid to 1,5 thousand of individuals deprived of parental care who have reached the full legal age.

Number of beneficiaries of, and expenses for, benefits to families growing children and children deprived of parental care in 2002

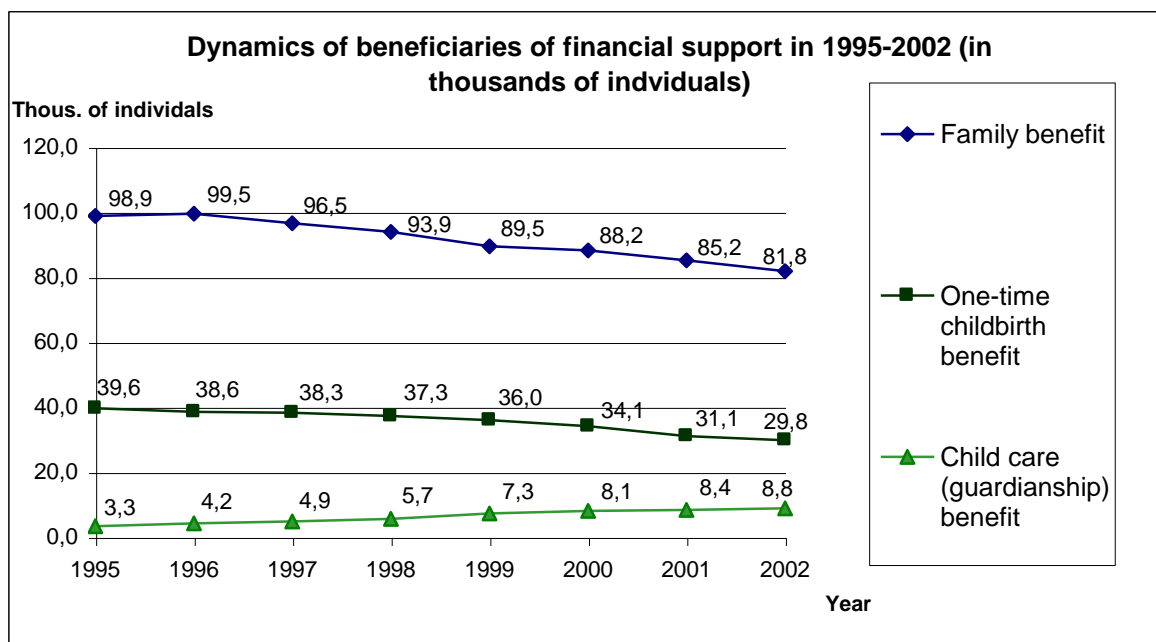
Seq. No.	Benefits	Number of beneficiaries*		Expenses LTL million
		In thousands of people	% of the number of permanent residents of Lithuania**	
I.	Total (1.1.+1.2.)	-	-	259
1.1.	To families raising children, of which:	-	-	193
1.1.1.	One-time childbirth benefit	29,8	0,9	22
1.1.2.	Family benefit	81,8	2,4	89
1.1.3.	Benefit to children of conscripts	0,08		0,16
1.1.4.	Benefit to families with 3 and more children	45,6	3,7	82
1.1.5.	Maternity (pregnancy) benefit to studying women	0,24		0,053
1.2.	For maintenance and settlement of children deprived of parental care:	-	-	68
1.2.1.	Childcare (guardianship) benefit	8,8	0,3	47
1.2.2.	Settlement benefit to orphans and children deprived of parental care	1,52	0,04	5,8
1.2.3.	Orphan's student allowance	2,2	0,1	13

* lines 1.1.1; 1.1.2; 1.1.3 and 1.2.1 specify the number of children for whom a respective benefit is allocated; and line 1.1.4 covers the number of families.

** number of permanent residents in Lithuania according to the data of 2001 census - 3469,1 thousand of individuals; for the purpose of indicating the beneficiaries of benefits to families with 3 and more children (line 1.1.4) percentage of the total number of families is indicated.

Dynamics of beneficiaries of social financial assistance between 1995 and 2002 reflects the tendency of the reduction of benefits paid to families with children (see the Figure). The numbers of one-time childbirth benefits and of family benefits for children aged under 3 years paid in 2002 compared with 1995 reduced by 18 and 17 per cent respectively. This is conditioned by the tendency of reduction in the total fertility rate in the country during the last years.

Given the growing numbers of children deprived of parental care, the increase of childcare (guardianship) benefit in Lithuania encouraged fostering of children in families and setting up foster families. In 2002, compared with 1995 the number of children raised in families, large foster families and non-governmental welfare establishments increased by a factor of 2,7.



Allocation of financial social assistance to low-income families (individuals) is carried out so as to ensure that support is received by those who are in greatest need, i.e. based on assessment of income of supported families. A social benefit shall be paid when the family's income does not exceed the amount of income financed by the State and established by the Government, i.e. a monthly amount of LTL 135 per family member. The amount of the benefit shall be calculated as 90 per cent of the difference between the amount of family income financed by the State and average monthly income of the family. If families fail to use the benefits received not for their proper purpose, social assistance may be provided by purchasing the most necessary products or consumables.

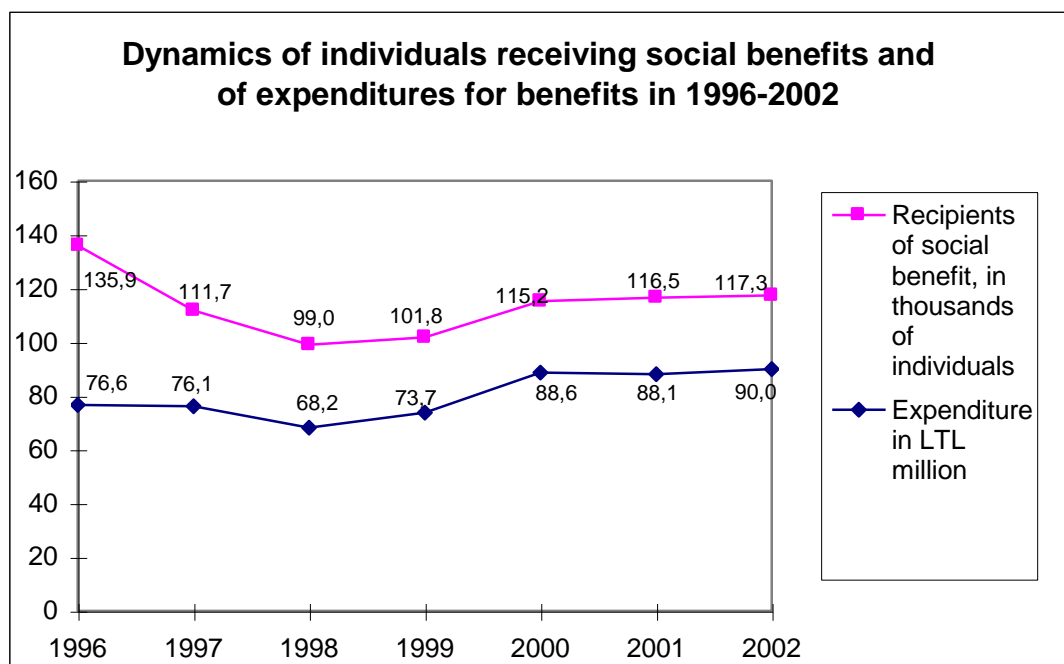
The system of compensation of expenses for heating of a dwelling and for water is organised on the basis of the principle which ensures that when the utilities prices grow low-income families do not have to pay more for such services: the price they pay for heating of a dwelling does not exceed 25 per cent of family income less minimum family income (LTL 125 of MSL per capita), for cold water during winter and summer seasons - maximum 2 per cent of family income, and for hot water - maximum 5 per cent of family income.

Social benefit and compensations are allocated in consideration of the reasons due to which the family does not have sufficient income for living. The right to receive support is granted to employed individuals, the disabled or persons who nurse them, pensioners, full time students of educational establishments, etc. The families of unemployed are allocated the aforementioned support when the adult family members receive the unemployment or education allowance or are engaged in public works or works financed by the Employment Fund. Families with children are provided with additional guarantees. Social support and compensations are not allocated to the family (a single person) which (who) has an individual farm of more than 3,5 ha area.

In 2002 social support per month was provided to 117 thousand of individuals on average (3,4 per cent of all residents of Lithuania).

Dynamics of the numbers of individuals receiving social benefits is conditioned by movement in the numbers of unemployed, changes in the individuals' income and minimum amounts (minimum monthly wage, base pension, etc.), also by other regional changes of socio-economic development. Analysis of the dynamics of individuals receiving social benefits between 1996 and 2002 shows that since 1998 the number of individuals receiving social benefit

started growing as well as expenses for this benefit (see Figure 6.1-3). The growth in numbers of social benefit recipients was mostly conditioned by the increased number of the unemployed. The average unemployment rate in 1998-2001 went up from 6,4 to 12,5 per cent.



Statistical information and data of different social surveys reflect the higher poverty level among families with children (every fifth pre-school aged child lives in a poor family), and in large families the poverty level 30 per cent). A social benefit is paid to about 7 per cent of all families growing children. The latter account for 85 per cent of all families receiving the social benefit.

In addition to the aforementioned financial support, children from poor families are also provided with other forms of support:

Children attending pre-school establishments are eligible to 50 per cent exemption of the fee payable for the child's maintenance in a pre-school establishment, when a child has only one of the parents, when a family raises three and more children, when the father is a serviceman of the military service, when a child is being raised in the family of schoolchildren or students in which one of the parents is attending a day-time educational establishment. Municipalities may provide for additional exemptions with regard to the aforementioned fee. By decision of municipalities low-income families may be fully exempted from payment of this fee.

Schoolchildren from low-income families at schools of general education are provided with free meals, and those from particularly low-income families are additionally provided with free breakfast and lunch. In order to receive free meals, the parents of children have to fill in written application with the school administration and to provide the necessary data about family's income and also the supporting documents. The right to free meals is determined in consideration of the amount of income earned by the family which is determined on the basis of average income of the family (a single person) calculated according to income of the last 3 months preceding the month of application. The right to free meals provided for schoolchildren from the families in which monthly family income per one member do not exceed the amount of 1,5 of the amount of state supported income (LTL 202,5) per month. One pupil is paid LTL 3 for lunch per day. Assignment of free school meals and assessment of family income is carried out at the beginning of calendar and school year. In separate cases when the family's financial standing worsens free meals may be assigned to children in the course of the school year and to

those children whose families' financial standing remains unchanged – for the whole school year.

State budget funds for free meals of schoolchildren are allocated since 1997. The financing allocated for this purpose on a yearly basis amounts to about LTL 60 million. Every year about 27 per cent of all pupils studying at schools of general education are provided with free meals.

Lump sum benefits are allocated in cases of poverty, loss of home, sickness, disability, force majeure and in other instances. The procedure and amounts of benefits are established by municipalities for their inhabitants in consideration of budget possibilities. In 2002 municipalities paid out one-time benefits to support about 51 thousand of individuals.

In 2002 about LTL 262 million were spent on support of low-income families (types of support are specified in Question B of this Article) (0,5 per cent of GDP). The largest part of these expenditures was allocated to compensate the costs for heating of dwelling and water (LTL 107 million) and to pay a social benefit (LTL 90 million).

Data for 1998-2002 presented in the table below show that about 0,5 GDP is spent in support of low-income individuals every year.

Indicators	1998		1999		2000		2001		2002	
	LTL m	%	LTL m	%	LTL m	%	LTL m	%	LTL m	%
GDP	43555	100	42608	100	44698	100	47498	100	50758	100
Support to low-income individuals	214.5	0.49	194.9	0.46	227.3	0.51	250.0	0.53	261.6	0.52
Of which:										
Social benefits	68.2		73.7		88.6		88.1		90.0	
Compensations for heating and water	81.8		61.2		74.8		98.3		107.0	
Free school meals	59.4		55.5		60.5		60.5		60.7	
Lump sum benefits	5.1		4.6		3.4		3.2		3.9	

3.1.4. Reforms

With a view assessing the effectiveness of indicators of state budget funds allocation to municipalities and expediency of the use of these funds a scientific survey was conducted in 2002. Results of the survey showed that provisions on free school meals should be defined more precisely. Using the information collected during the survey about free school meals organised by municipalities, in 2003 amendments and supplements will be introduced to the Procedure for the Organisation of Free School Meals in Schools of General Education for Schoolchildren from Low Income Families⁸³. These amendments should help to ensure purpose-oriented use of state budget funds allocated for organising free meals in schools of general education for schoolchildren from low-income families.

The Programme of the Government of the Republic of Lithuania covers the obligation to reform the system of state benefits to families and children as well as the system of support of low-income families.

The system of social security guarantees for families and children is not properly coordinated and effective. The principal objectives in formulating state policy in the sphere of support for families growing children and children deprived of parental care are as follows:

⁸³ Order No. 64/955 of 16 August 1999 of the Minister of Social Security and Labour and Minister of Education and Science on Approving the Procedure for the Organisation of Free School Meals in Schools of General Education for Schoolchildren from Low Income Families (Official Gazette, 1999, No.72-2245)

- To encourage families to grow and maintain their children providing support per each child until he (she) reaches the full legal age.
- To increase effectiveness of the system of support for children deprived of parental care by:
 - guaranteeing average subsistence level for children placed under guardianship (care);
 - increasing responsibility of close relatives for children who need support;
 - ensuring more purpose-oriented support at the beginning of independent life.
- To guarantee that benefits are used for the needs of children by:
 - strengthening responsibility of parents for maintenance of children;
 - developing social services to families and organising preventive work in social-risk related families.

At present about 16 per cent of individuals are living on a relative poverty level however not all of these individuals who due to objective reasons do not have the source of subsistence receive social support (e.g., not supported families of long-term unemployed). Social exclusion of long-term support beneficiaries is growing.

Allocation of support only in consideration of family income and disregarding its property encourages abuse.

With a view to guaranteeing support to those who are in greatest need the Draft Law on Financial Social Support to Low-income Families (Single Individuals) has been developed. Enactment of this Law is envisaged from 1 January 2004. Pursuant to this Law a single system of financial social support based on the principle of assessment of the family's income and property will be created to prevent abuse, extend the rights of municipalities and responsibilities of beneficiaries, apply social integration measures to the beneficiaries of support.

3.2. SOCIAL SERVICES

In Lithuania social services are understood as the provision of assistance in various non-monetary forms to individuals who due to their age, disability, sickness or social problems are incapable of taking care of themselves, by satisfying their vital needs and helping individuals to regain their capability of caring for themselves and integrating into society, or preventing likely social problems in the family and community. Social services are a component part of the system of social support.

Social services are organised and provided by individuals involved in social work: social workers, their assistants, organisers of social work, etc. Social work is a professional activity facilitating implementation of the goals of provision of social services. Therefore, in addition to the description of the system of social services of Lithuania, this section also deals with certain aspects of social work.

3.2.1. Legal base

Legal acts regulating social services

Social services were legalised in 1994 by the Government of the Republic of Lithuania Resolution on the Concept of Social Services⁸⁴. The concept provided a legal basis for creating the integrated system of social support, preparing territorial social programmes in municipalities, developing types of services alternative to those rendered by in-patient care institutions.

⁸⁴ Republic of Lithuania Government Resolution No. 360 of 9 May 1994 on the Concept of Social Services (Official Gazette, 1994 No. 36-653)

Legal basis for the organisation of the system of social services is established under the Law on Social Services⁸⁵ and subsequently adopted secondary legislation.

Principles and procedure of payment for social services are regulated by the Republic of Lithuania Government Resolution on Approving the Principles and Procedure of Payment for Social Services⁸⁶.

The Minister of Social Security and Labour issued the Order on Approving the Regulations on the Directions for Developing Social Services at Home and Increasing Work Efficiency of Residential Care Institutions⁸⁷ which established the directions for extending social services targeted at the development of home help services and services provided by in-patient care institutions.

Provision of home help services is regulated by the Social Security and Labour Minister Order on Approving the Methodical Material for Organising Social Services at Home⁸⁸.

Kinds and types of social services are provided for in the Catalogue of Social Services approved by orders of the Minister of Social Security and Labour⁸⁹.

Until 1 January 2003 activities of residential institutions of social services were regulated by the Minister of Social Security and Labour Order on Approval of General Requirements for In-patient Care Institutions⁹⁰, and as from 1 January 2003 - by the Minister of Social Security and Labour Order on Approving the Requirements for In-patient Care Institutions and the Procedure of Placement of Individuals into In-patient Care Institutions⁹¹.

Activities of institutions providing temporary social services are regulated by the Minister of Social Security and Labour Order on Approval of the Requirements for Institutions Providing Out-patient Social Services⁹².

In 2002 implementation of the social services reform was commenced⁹³. The purpose of this reform is to create legal, administrative and financial preconditions for more effective planning, provision and organisation of social services through ensuring the meeting of vital needs and encouraging individual to be active in looking for ways how to help themselves.

Legal acts regulating social work

With a view to coordinating the training of social security specialists with higher education and the need for such specialists, in 1992 the Government of the Republic of Lithuania passed the Resolution on Training of Social Security Specialists in Educational Establishments

⁸⁵ Republic of Lithuania Law No. I-1579 of 9 October 1996 on Social Services (Official Gazette, 1996 No. 104-2367)

⁸⁶ Republic of Lithuania Government Resolution No. 111 of 29 January 1998 on Approving the Principles and Procedure of Payment for Social Services (Official Gazette, 1998 No. 12-278)

⁸⁷ Order No. 137 of 4 September 1998 of the Minister of Social Security and Labour on Approving the Regulations on the Directions for Developing Social Services at Home and Increasing Work Efficiency of Residential Care Institutions (Official Gazette, 1998 No. 94 – 2621)

⁸⁸ Order No. 31 of 30 March 1999 of the Minister of Social Security and Labour on Approving the Methodical Material for Organising Social Services at Home (Official Gazette, 1999, No. 32-933)

⁸⁹ Order No. 112 of 117 September 1997 of the Ministry of Social Security and Labour on Approval of the Catalogue of Social Services (Official Gazette, 1998, No. 22-553), Order No. 70 of 10 July 2000 of the Minister of Social Security and Labour (Official Gazette, 2000, No. 65-1968), Order No. A1-71 of 28 April 2003 of the Minister of Social Security and Labour on Amendment to the Order No. 70 of 10 July 2000 of the Minister of Social Security and Labour on Approval of the Catalogue of Social Services (Official Gazette, 2003, No. 43-1989).

⁹⁰ Order No. 20 of 23 February 1999 of the Minister of Social Security and Labour on Approval of General Requirements for In-patient Care Institutions (Official Gazette, 1999, No. 28-818).

⁹¹ Order No. 97 of 9 July 2002 of the Minister of Social Security and Labour on Approving the Requirements for In-patient Care Institutions and the Procedure of Placement of Individuals to In-patient Care Institutions (Official Gazette, 2002, No. 76-3274).

⁹² Order No. A1-72 of 28 April 2003 on Approval of the Requirements for Institutions Providing Out-patient Social Services (Official Gazette, 2003, No. 43-1990).

⁹³ Republic of Lithuania Government Resolution No. 171 of 6 February 2002 on Approval of the Concept of the Social Services Provision Reform (Official Gazette, 2002, No. 15-564).

of Lithuania⁹⁴. Upon enforcement of this Resolution the training of social security specialists was commenced in Vilnius University according to the special curricula – through re-training (specialising) the specialists with humanitarian and medical higher education.

In 1994 the Government of the Republic of Lithuania passed the Resolution on the Concept of Social Support, which covers the social work development strategy and deals with the need to train professional social specialists.

The Law on Social Services for the first time legally defines professional social work and legalises the profession of a social worker.

The Minister of Social Security and Labour Order on the Qualification Requirements for Social Workers and Their Certification Procedure⁹⁵, as amended, regulates the sphere of activity of a social worker, defines the vision of the social work and its objectives, provides for the functions of a social worker. The issued orders clearly define the criteria for education, determining the length of service, skills upgrading, assessment of occupational activities of social workers, provide for social workers qualification categories and approve the procedure for awarding and approving them. Certification of social workers is carried out in observance of the aforementioned orders.

Social services in health care institutions are provided in observance of the Order of Minister of Health Care and Minister of Social Security and Labour on the Regulations of Supervision of Social Workers Activities in Health Care Institutions⁹⁶ which defines activities of social workers and work organisation in health care institutions.

The list of jobs of the workers of municipal branches of social support, Services for the Protection of the Rights of the Child, out-patient establishments of social services and other institutions was approved by the Minister of Social Security and Labour Order No.1¹ on Approving the List of Jobs of Social Workers⁹⁷. Organisation of social work in these institutions (branches, services) is recommended to be carried out having regard to the Job Standards of Social Workers approved by Order of the Minister of Social Security and Labour⁹⁸.

Procedure of assessment and recognition of occupational qualifications of social workers who have acquired education abroad is regulated by the Minister of Social Security and Labour Order on the Approval of the Commission for Assessing Occupational Qualification of a Social Worker and of its Regulations⁹⁹.

3.2.2. Structure of administration

Ministry of Social Security and Labour

The Ministry of Social Security and Labour implements the policy of social services and provides related proposals to the Government. The Ministry is involved in the functioning and development of the system of social services, prepares the required standards for provision of social services, drafts of state programmes of social services and other social assistance and coordinates and organises their implementation; participates in organising the raising of social

⁹⁴ Republic of Lithuania Government Resolution No. 152 of 10 March 1992 on Training of Social Security Specialists in Educational Establishments of Lithuania (Official Gazette, 1992, No. 15-418).

⁹⁵ Order No. 31 of 29 January 1998 of the Ministry of Social Security and Labour on Approving the Qualification Requirements for Social Workers and Their Certification Procedure (Official Gazette, 2002, No. 101-4521).

⁹⁶ Order No. 432/77 of 6 October 1999 of the Minister of Health Care and Minister of Social Security and Labour on the Regulations of Supervision of Social Workers Activities in Health Care Institutions.

⁹⁷ Order No. 1¹ of 4 January 2000 on Approving the List of Jobs of Social Workers (Official Gazette, 2000, No. 4-101).

⁹⁸ Order No. 38 of 5 April 2000 of the Minister of Social Security and Labour on Approving the Job Standards of Social Workers of Municipal Branches of Social Support, Home Help Service and Service for the Protection of the Rights of the Child (Official Gazette, 2000, No. 55-1611).

⁹⁹ Order No. 1 of 6 January 2003 of the Minister of Social Security and Labour on the Approval of the Commission for Assessing Occupational Qualification of a Social Worker and of its Regulations (Official Gazette, 2003, No. 3-83)

worker qualifications and their certification. By collecting and analysing information concerning social services the Ministry initiates methodological assistance, development of normative acts, dissemination of advanced experience in organising social services.

Social Institutions Supervision and Audit Department under the Ministry of Social Security and Labour

The main purpose of the Department is to increase effectiveness of activities of social institutions and of social programmes under implementation. With a view to attaining this objective the Department carries out the following main tasks: encourages implementation of new and effective systems of internal control, carries out supervision and audit of social services institutions, analyses the quality and economic efficiency of social services rendered by state institutions and monitors implementation of state social programmes.

Social Workers Training Centre under the Ministry of Social Security and Labour

The mission of the Centre is to provide social workers with the opportunity to develop in the occupational sphere and to generalise the experience of social work. The Social Workers Training Centre organises the provision of occupational knowledge to individuals involved in social work, carries out the certification of practices of social workers, accumulates and disseminates information about advanced work experience.

County Governors

In observance of the County Governance Law the county governor establishes, reorganises and liquidates county social support and welfare institutions and services and also institutions of special social services, supervises implementation of the general state social policy, prepares, coordinates and carries out county social programmes and social projects, exercises control over provision of social services in the institutions providing social services at the county level. County governors organise the awarding of qualification categories to social workers.

Municipalities

A municipality is the principal organiser of communal social services. A municipality analyses the need for social services of different social groups, works out annual plans of the types and scope of social services, provides allocations from its own budget for the financing of social services, collects and analyses information about individuals who need social services, assesses living conditions of individuals who apply for the provision of social services, establishes, reorganises, modifies and liquidates municipal social service institutions, foster families, controls within the limits of its competence the activities of the providers of social services, supplies information thereon.

A municipality is responsible for the provision of social services to the individuals who permanently reside in its territory. In urgent cases a municipality also provides social services to individuals who are not permanent residents of its territory.

All 60 municipalities have established their subdivisions (Social Support Divisions) tasked with the organisation of social services and other social support.

Non-governmental Organisations (hereinafter referred to as NGOs), Private Sector play an increasingly important role in rendering social services.

In organising the provision of social services the municipalities cooperate with NGOs which render such services. The Law on Social Services establishes that municipalities may conclude with NGOs, religious communities providing social services the agreements on conditions of rendering social services, control and financing thereof. Upon entry into such agreements with the municipality, NGOs must report on a yearly basis on the utilisation of allocated funds.

Organisations representing the interests of the disabled are particularly active participants in the process of provision of social services (Lithuanian Association of the Disabled, Society of the Disabled, Lithuanian Welfare Society for Persons with Mental Disabilities “Viltis” (Hope), Association of Mentally Handicapped People, etc.).

The programmes of social integration of the disabled are implemented by joint efforts of municipalities and NGOs of the disabled that are financed with the State Budget funds by the Council for the Affairs of the Disabled under the Government of the Republic of Lithuania. The Council being a collegiate body which reports to the Government coordinates medical, occupational and social rehabilitation and integration of the disabled. With a view to ensuring the full-fledged participation of the disabled in the public life, the Lithuania Council for the Affairs of the Disabled in concert with NGOs implements medical and occupational rehabilitation and social integration programmes in observance of the priority directions of the programmes of medical, occupational and social rehabilitation and integration of the disabled: development of the disabled; employment; adaptation of environment; formation of capabilities of the disabled to take care of themselves; availability of information and communications; medical rehabilitation and shaping social integration policy for the disabled.

The Youth Affairs Council under the Government of the Republic of Lithuania works according to the same principle. Programmes of youth NGOs financed with the State Budget funds encourage participation of young people in public life and provide assistance to problem groups of young people.

At present there are 1500 NGOs in Lithuania, of which about one third (31,1 %) provide social services. In 2002 the following social services institutions were established by NGOs: 30 old people care homes (672 individuals), 11 children care homes (375 children), 12 long-term social rehabilitation establishments for drug addicts (120 places). In addition, NGOs have established 80 day care centres for children (which provided services to about 1500 children), one or more day care centres for children providing services for the disabled are established almost in all municipalities.

3.2.3. Main characteristics

Right to social services, conditions and procedure for obtaining them

The Law on Social Services stipulates that the right to social services shall be enjoyed by citizens of the Republic of Lithuania, foreign nationals and stateless persons who have a permit of permanent residence in the Republic of Lithuania.

Article 4 of the Law provides for the cases in which social services shall be rendered, i.e. in case of poverty, if in accordance with other laws, the funds are insufficient; to children and orphans deprived of parental care; in cases of homelessness; unemployment; disability; temporary unemployment due to illness; to single-parent families or families with many children, where problems exist in raising the children; in cases of alcoholism and drug addiction; release from places of imprisonment prison, pre-trial detention (arrest), institutions of social and psychological rehabilitation; and in other instances when state support is required. The needs for social services are identified through case-by-case analysis so as to provide the services that are in greatest demand.

In order to be provided with social services, a person, his (her) family members or caretakers file a written application with the Social Support Division of the local municipality. Social services to an individual are assigned in observance of his (her) need for social services as assessed by a social worker of the municipality. The need is assessed in consideration of the individual's ability to take care of himself (herself), age, health condition, special needs, possibilities of being looked after by the family or relatives. Assessment of the individual's ability to take care of himself (herself) is a recommendation of the general nature which may be flexibly applied by every municipality in view of the its specific character and particular condition of the individual. Every municipality has an opportunity to develop a more elaborate

description of the individual's ability to take care of himself (herself), which helps to evaluate individual capacities and to determine the volume of provided services as well as the time needed for such provision.

Pursuant to the Law on Social Services the right to social services shall be implemented, when the head of the municipal social support division determines the type and scope of social services, upon the recommendation of social workers who have assessed the need for social services. A written approval or refusal to allocate a social service shall be furnished to the individual no later than within one month from the day of receipt of the request. In emergency situations, the chief of the municipal government administration shall adopt a decision on a priority basis and shall make his decision available to the public.

Social services to old people

Elderly people who account for about one fifth of our society are the main users of social services. In 2002 in-patient care services for old people were rendered in 94 old people care homes of different types (public, municipal, parish); by the year-end they hosted 4,7 thousand of individuals. Nearly the same number of old people (4,25 thousand) were provided with home services in 2002. About 1,2 thousand of individuals are settled in care homes for old persons. Almost half (42 per cent) of inhabitants of care homes are single – without children or relatives. Nearly 4 per cent of old people are settled in old people care homes only temporarily and regularly return home, to their relatives or caretakers.

When home help or community assistance services provided to individuals prove ineffective and fail to ensure the required degree of independence, such individuals are placed in old people care homes. Pensioners of Group I disability (individuals older than 75 do not need to be assigned a group of disability) who need care and nursing and who due to their disability are incapable to live on their own are referred to county care institutions.

The numbers of county care institutions have not changed during the past few years, however, those of municipal care homes for old people are growing. In 1991 there were only 3 municipal care institutions, whereas in 2002 municipalities had 53 care homes for old people. At present in-patient care services to old people are provided practically in all municipalities, providing 14 places of in-patient care (in 1990 – 6 places) per 10 thousand of Lithuanian residents.

Care establishments for old people (year end)

	1995	1999	2000	2001	2002
Care establishments for old people, total	64	93	93	93	94
in which inhabitants	3282	4250	4348	4428	4737
County care homes	9	8	8	8	8
in which inhabitants	1926	1750	1743	1760	1790
Municipal care homes	38	52	52	52	53
in which inhabitants	1027	1722	1774	1785	1955
Other care homes ¹	1	3	3	3	3
in which inhabitants	115	245	265	300	320
NGO care establishments	16	30	30	30	30
in which inhabitants	214	533	566	583	672

¹Veisiejai Boarding House, Care Home "Tremtinių namai" (Home for Deportees), Gerontology and Rehabilitation Centre

Particular need for social services is observed in rural areas, because individuals aged 60 and older account for about one fourth (23 %) of rural inhabitants.

Many municipalities for the purpose of addressing the old people care issues create social service establishments alternative to in-patient care – day care centres, community centres or

establish social services centres at in-patient care establishments which also provide out-patient services. At present about 15 day and community care centres provide services to old people in Lithuania. These day care establishments contribute to the improvement of the quality of life of old people, enabling them to communicate with each other, address together the arising problems helping in such a way themselves and other people.

Social services to the disabled

Given the in the recent years increase in the numbers of mentally handicapped individuals, the need for social services to this group of individuals also keeps growing.

In 2002 22 in-patient social care establishments for mentally handicapped adults provided services at the county level. These establishments hosted 5,2 thousand of inhabitants, of which about 30 per cent were placed under intensive nursing regime. By the end of 2002 about 50 inhabitants were settled in self-care homes established in 3 municipalities. Home help services were provided to 2,9 thousand of the disabled and their families. Day care services to adult individuals with disability are rendered by day employment and labour therapy centres, and family members of the disabled receive assistance provided by family support centres. According to the data of the Ministry of Social Security and Labour, in 120 different subordination daily care establishments for the disabled provided services in 2002.

By the end of 2002 652 children lived in mentally handicapped children and youth care establishments in 3 counties, at the municipal level disabled children were provided care services in specialised kindergartens, groups, specialised development centres.

More information about social services rendered to the disabled is provide in the section about the disabled.

Social services to individuals attributed to risk groups

Homeless individuals or individuals who are temporarily deprived of the possibility to use their home are provided with services of temporary residence establishments - night homes, crises centres, homes of temporary residence for mothers and children, etc. These establishments provide temporary shelter (for a period of up to 6 months), helping in addressing the problems of their clients to ensure that individuals return to the family or community in the shortest possible time. In 2002 compared with 1995 the number of beds in temporary residence establishments increased twice, whereas the number of people settled per year – by four times.

Temporary residence homes

	1995	1999	2000	2001	2002
Number of temporary residence homes	10	17	21	22	23
Number of beds in temporary residence homes	404	666	725	738	815
Number of inhabitants of temporary residence homes (year end)	288	486	640	623	751
Total annual number of inhabitants of temporary residence homes	608	1259	3432	1754	2390

At the end of 2002 751 individuals lived in temporary residence homes. The respective number individuals who lived in temporary residence homes registered during 2002 is 2,4 thousand people. About 76 individuals were additionally provided with one-night shelter every day.

Individuals attributed to risk groups and their families are provided with home help services. In 2002 such services were rendered to about 350 individuals and their families.

Social services to psychotropic substances addicts, victims of coercive prostitution and individuals of other risk groups are elaborated in the section on victims and social risk groups.

Social services to children

In 2002 social services to children deprived of parental care were rendered in 250 children's care establishments of different types and subordination: in infant homes, boarding schools of general education, county and municipal children care homes, family-type care homes for children, pre-school education care groups, etc. These establishments provided care to 7,7 thousand children.

In 2002 3 thousand children were deprived of parental care, of which 41 per cent were aged under 7 years. 1,4 thousand children (45%) were placed under family (personal) guardianship. About three fourths of these children were taken under care of close relatives. At the end of 2002 7,6 thousand children were under the guardianship of families. Family-type care homes for children (foster families) are established practically in all municipalities of the country. Last year 359 children lived in family-type care homes for children. In cases when there is no possibility to take care of a child in a family or foster family, a child is placed to a public or non-governmental care establishment. In 2002 the number of children increased almost in all children's care establishments. About 80 per cent of children living in children's care homes are orphans or deprived of parental care. Other children live in care homes due to different social problems existing in their families.

According to the data of the Ministry of Social Security and Labour, at the end of 2002 52 per cent of orphans or children deprived of parental care were placed under family guardianship, 2 per cent of them lived in foster families and 46 per cent – in different children's care establishments.

In implementing the Reform of the Provision of Social Services launched in February 2002 and approved by the Republic of Lithuania Government Resolution No. 171, the strategy of reorganisation of the children's care system will be developed providing for the main directions of development of the system of social services rendered to orphans and children deprived of parental care.

Social workers

According to the data of the Ministry of Social Security and Labour at present in Lithuania has about 30 thousand social services beneficiaries provided with social services by care establishments or at home by about 5 thousand social workers. Social workers are employed in Social Affairs Divisions, municipal divisions of social support, Neighbourhoods, establishments of social services. Social work is also performed in other spheres – health care establishments, educational institutions, law enforcement bodies, etc.

Social work in Lithuania is carried out by social workers, social pedagogues, special teachers, psychologists, specialists of public administration, nursing staff and other specialists.

About 2 thousands of certified specialists of social work with university, college or higher education work in Lithuania. About two thirds (70 %) of them are involved in social work.

In implementing the Programme of Certification of Social Workers Practitioners without Social Work Education for 1999-2002 skills upgrading courses were organised. 3,7 thousand of individuals engaged in social work have already completed training according to this Programme.

According to the data of the Ministry of Social Security and Labour, 94 per cent of social workers provide counselling services and perform preventive functions (early warning of the conflict situation). About 88 per cent of social workers carry out the diagnostic (identifying and evaluating a social problem), and 87 per cent – educational (educating the society on social matters) functions. Organisational (mobilising resources for addressing the problem), warning

(notifying the management about emerging problems) and socio-therapy (changing social environment of the client) functions are carried out by 79 per cent of social workers.

3.2.4. Envisaged reforms

Social services provision reform

Social services provision reform is under way since 2002. The purpose of the reform is to create legal, administrative, financial preconditions for more effective planning, to render and organise social services ensuring the primary needs and encouraging the individual to look for the ways how to help himself.

The reform is carried out in stages. The principal measures ensuring implementation of the reform will be prepared in 2002-2004. In 2005 these measures will be revised and used as a basis for drawing up a plan of measures for subsequent ensuring the implementation of the reform for 2005-2010.

Implementation of the reform will cover the division of the functions and liability between different managerial levels (ministries, county governors, municipalities) in the sphere of organisation of social services; the creation of preconditions for municipalities and county governors to plan the delivery of social services establishing the balance between community needs and financial resources; the development of a single system of determining the individual's need for social services through enforcement of statutory liability for assessment of the need for social services; the change of the procedure of financing of social services to ensure that financing is provided to social services, other than to the establishments rendering such services in observance of the general principle – assessing the need for social services and determining the extent of services limited by costs; the implementation of social services procurement model; the creation of mechanism for appealing against an individual.

In implementing the measures of the social services provision reform the following legal acts will be drafted:

New version of the Republic of Lithuania Law on Social Services,
New version of the Principles and Procedure of Payment for Social Services,
Principles and Procedure of determining the Individual's Need for Social Services,
Recommendations for County Governors and Municipalities for Planning of the Provision of Social Services,
Standards of Social Services, etc.

3.3. CHILD GUARDIANSHIP AND ADOPTION

Guardianship and adoption of children is a component part of the system of the protection of the rights of the child and of the family and children social security system. The following services provided in this sphere comprise:

- assistance to families attributed to a social risk group¹⁰⁰ and children from such families;
- temporary guardianship of children aimed at eliminating the reasons due to which the child is temporarily separated from the family and to return the child back to the biological family;

¹⁰⁰ At present a social risk related family is defined as the family in crisis because one or both parents of the child, other family members living along his (her) parents are addicts to psychotropic substances; gambling; do not take care of their children, permit the vagrancy and mendicancy; by reason of disability, lack of social skills, and difficult social condition of both parents or one /single parent are not able or do not know how to take care of children; parents use psychological, physical or sexual coercion or utilise the family and children support received from the state for the purposes, other than the interests of the family (children).

- permanent guardianship aimed at creating new permanent family relations in another family either associated or not associated with the child by family relations;
- adoption aimed at establishing statutory relations between a child and the parents in accordance with the law, upon termination of the relations between the child and his (her) biological parents in the manner established by laws¹⁰¹.

3.3.1. Legal base

A child is a human being under 18 years of age unless otherwise established by laws. Due to their special status children represent an exceptional group of individuals. Children, likewise adults, enjoy the same inherent political and civil rights, however being legally incapable children are not able to represent their rights by themselves. The rights of the child are protected and the child is represented by his (her) parents or statutory representatives, or by the State, where public interests are concerned.

Child guardianship matters are regulated under Part VII “Guardianship an Care” of Book Three “Family Law”¹⁰² of the Republic of Lithuania Civil Code enacted on 1 July 2001”.

A child may be deprived of parental care due to different reasons: both parents or the single parent are dead, parents are temporarily incapable to take care of the child by reason of illness, arrest, imposed court sentence or because of other valid reasons; parents neglect him, do not take proper care of him, are not bringing him up properly, have a negative influence on the child and exert mental or physical coercion; a child is foundling and attempts to establish his parental and close family relations have failed, etc.

Pursuant to the requirements of the Civil Code an institution of the protection of the rights of the child, upon having obtained information about the child who needs guardianship (care) must guarantee the establishment of guardianship for the child within three days.

The rights of the child deprived of parental care shall be guaranteed by a guardian (caretaker). The guardian (caretaker) is a statutory representative of the child (ward) protecting the latter’s rights and legitimate interests. The laws provide for the administrative liability of the guardian (caretaker) for the default on established obligations or for their discharge in violation of the child’s interests, or by decision of the administration of municipality or court such guardian may be deprived of the rights of guardian (caretaker), and also for furnishing false information about the need to protect the rights and interests of the child, precluding the establishment of the guardianship (care) for a child and failure to provide information about violations of the rights of child committed by parents, other statutory representatives of the child and other persons.

The Civil Code enforces the following types of child guardianship (care):

- temporary guardianship (care);
- permanent guardianship (care).

and distinguishes the forms of child guardianship:

- family guardianship (care);
- foster guardianship (care);
- institutional guardianship (care).

¹⁰¹ Adoption conditions and procedure, individual and mutual property rights and duties of the biological parents of the child, foster parents and foster children is regulated under Chapter XIII “Family Law” of Book Three of the Civil Code (Official Gazette, 2000, No.74).

¹⁰² The Civil Code of the Republic of Lithuania was passed on 18 July 2000 By Resolution No. VIII-1864 of the Seimas, and its Book Three – Family Law – was published in Official Gazette, 2000 No. 74-2262 and No.82 and came into affect as from 1 July 2001 superseding the Republic of Lithuania Family and Marriage Code adopted in 1969 by the Supreme Council of the Republic of Lithuania. The Republic of Lithuania Law No. VIII-674 on Child Guardianship was also invalidated (Official Gazette, 1998, No.35-933).

By virtue of laws priority is give to child's guardianship in the family or in the environment which is close to family environment.

Adoption procedures in the Republic of Lithuania are carried out in observance of the following legal acts:

- Constitution of the Republic of Lithuania,
- The Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption (1993)¹⁰³,
- United Nations Convention of the Rights of the Child (1989)¹⁰⁴,
- Civil Code of the Republic of Lithuania,
- Code of Civil Procedure of the Republic of Lithuania¹⁰⁵,
- Procedure of Adoption Record in the Republic of Lithuania¹⁰⁶,
- Regulations of the Adoption Agency under the Ministry of Social Security and Labour¹⁰⁷,
- General Regulations of the Child's Rights Protection Agencies¹⁰⁸.

The Civil Code also introduces numerous new conditions for adoption of which the most important and also mostly influencing the fulfilment of child adoption procedures are as follows:

- for the adoption of a child, a written consent shall be required from the adoptive child's parents, guardians (caretakers) (with the exception of the state care institution) approved by court who establishes the effects of adoption and the right to revoke the given approval;
- the age of the adopters shall be maximum 50 years, older persons shall be permitted to adopt child only in exceptional cases;
- unmarried individuals shall also be permitted to adopt children only in exceptional cases;
- requirement to assess the preparedness for adoption and to draw a conclusion on the adopters' eligibility to become the adoptive parents;
- the requirement to maintain the secrecy of adoption has been replaced by the adoption confidentiality emphasising its limits and establishing the right of the child to know his origin;
- the possibility to place the child into the family prior to adoption;
- the possibility for foreign nationals to adopt a child who is a citizen of the Republic of Lithuania only in cases when within six months of the child's entry into the List of Adoptable Children no applications from the Republic of Lithuania citizens have been received to adopt the child or to place the child under their guardianship. This requirement is consistent with the provision of the Preamble of Hague Convention and in subitem b, Article 21 of the United Nations Convention of on the Rights of the Child, which stipulates that "inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin";

¹⁰³ The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) (Official Gazette, 1997, No.101-2546)

¹⁰⁴ The United Nations Convention on the Rights of the Child ("*Valstybės žinios*", (Official Gazette), 1995, No.60-1501)

¹⁰⁵ Code of Civil Procedure (Official Gazette, 2002, No.36-1340, No. 42)

¹⁰⁶ Republic of Lithuania Government Resolution No. 1422 of 10 September 2002 on the Approval of Adoption Record in the Republic of Lithuania (Official Gazette, No.90-3858)

¹⁰⁷ Republic of Lithuania Government Resolution No. 1674 of 23 October 2002 on Approving the Regulations of the Adoption Agency under the Ministry of Social security and Labour (Official Gazette, No. 104-4632),

¹⁰⁸ Republic of Lithuania Government Resolution No. 1983 of 17 September 2002 on Approving the General Regulations of the Child's Rights Protection Agencies

- when a child is adopted by foreign nationals, all required measures should be taken to ensure that the adoption does not result in improper financial gain for those involved in it. This requirement enforces the provisions of subitem d, Article 21 of the United Nations Convention on the Rights of the Child and of Article 8 of the Hague Convention;
- procedure of recognition of adoption which takes place abroad.

The Civil Code does not establish the grounds for annulment of adoption thereby ensuring even better protection of the child's the rights and legitimate interests of the child. Pursuant to Article 3.227 of the Civil Code the adopters shall be recognised as legitimate adoptive parents of a child as from the moment of enforcement of court decision on adoption and shall have no right to seek adoption annulment. The Code also stipulates that adoption of a child discontinues mutual rights and obligations of the child and his biological parents and relatives.

Upon enforcement of the Civil Code establishing new institutes of the family law and the Codes of Civil procedure the court practices in hearing disputes on children and other family law-related cases is different. With a view to ascertaining whether courts duly apply the rules of material and procedural law in hearing the disputes on the child's home when his parents live separately, also violations and mistakes made and to providing recommendations on application and interpretation of law, the Senate of the Supreme Court of the Republic of Lithuania on 21 05 2002 passed the Ruling on the Application of Laws in Court Practices for the Purpose of Determining the Place of Living for Minors Whose Parents Live Separately and approved the Review of the Application of Laws in Court Practices Purpose of Determining the Place of Living of Minors Whose Parents Live Separately. This Review also covers the analysis of the role of courts in paying adequate attention to identifying and assessing the wishes of the child, in determining the contents of the child's interests and serving summons, notices and other documents when one of the parents resides abroad.

As a result of enforcement of the new version of the Civil Code and of the Code of Civil Procedure, the court in addition to its main function – settlement of disputes – has also assumed protective functions unrelated with the settlement of legal disputes but of importance with a view to protecting the rights of individuals (issuance of permits, approval of cats and applications, property administration control, application of inheritance procedures, etc.). A particularly important role is placed on court when protecting the rights of children, legally incapable individuals and individuals of limited legal capacity, and of the spouses.

The following legal acts relevant for organising the guardianship of children have been passed on the basis of the Civil Code:

- Regulations for Organising the Child's Guardianship, regulating the principles or organisation of guardianship (care) of the child deprived of parental care, and the procedure of selection, preparation, appointment or dismissal from office, establishment and cessation of the child's temporary guardianship (care)¹⁰⁹;
- Foster Family Regulations governing the issues of child guardianship in foster family¹¹⁰;
- Temporary Child Guardianship Regulations regulating conditions of establishment of the temporary guardianship of a child¹¹¹.

These legal acts are aimed at creating legal preconditions for the family child care priority against institutional childcare.

On 12 November 2002 The European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children¹¹²

¹⁰⁹ Government Resolution No. 405 on Approving the Regulations of the Child's Guardianship (Official Gazette, 2002, No. 35-1275)

¹¹⁰ Government Resolution No. 1037 on Approving the Foster Family Regulations (Official Gazette, No. 70-28880)

¹¹¹ Minister of Social Security and Labour Order No. 56 on Approving the Temporary Child Guardianship Regulations (Official Gazette, 68-2798)

¹¹² European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (1980) (Official Gazette, 2002, No. 126-5732)

according to which the Ministry of Justice was appointed a central authority tasked with the performance of the functions provided for in the Convention.

3.3.2. Structure of Administration

In strengthening *coordination of the child's rights protection policy at the central level*, the Seimas of the Republic of Lithuania on 24 September 2002 passed the Law on Amendment and Supplement to Articles 59 and 61 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child obligating the Government to assign the sphere of management of the child's rights protection to the competence of one ministry.

The resolution of the Government on assigning the sphere of management of the child's rights protection to the competence of one ministry was passed on 6 February 2003 delegating this function to the Ministry of Social Security and Labour and also establishing the competence and functions in the sphere of implementation of the child's rights protection for other ministries (Ministry of Education, Ministry of Interior, Ministry of Justice, and Ministry of Health Care).

The Family, Children and Youth Department of the Ministry of Social Security and Labour performs the functions of inter-institutional coordination and cooperation in the sphere of protection of the child's rights, also the functions of accumulating and analysing information about children and methodical management of municipal child's rights protection agencies. The aforementioned Department is also responsible for the implementation of social policy related with the provision of social assistance to families and children attributed to the risk group, child guardianship and adoption, as well as for planning of specialised assistance to children - victims of violence and coercion. This work is being carried out through preventive programmes implemented in decentralised manner at municipal level. Child guardianship and adoption is a part of the child's rights protection system. Responsibility for coordinating the implementation of this system at the governmental (central) level rests upon the Children and Youth Division of the Family, Children and Youth Department of the Ministry of Social Security and Labour¹¹³.

In implementing the aforementioned Law on 6 February 2003 the Government passed the Resolution No. 194 attributing the sphere of management of the child's rights protection to the Ministry of Social Security and Labour. According to this Resolution particular attention was given to cooperation between public and municipal authorities and accumulation of information on the matters of protection of the rights of the child.

For the purpose of performing the functions of inter-institutional cooperation and being responsible for the matters of child guardianship and adoption and accumulating the related information, the Ministry of Social Security and Labour every year collects, classifies and analyses the information from Child's Rights Protection Agencies on families attributed to the risk group and on child guardianship. This information is gathered according to the approved statistical record form¹¹⁴, used for recording data on social risk group families and number of children growing in such families, number of children placed under guardianship and reasons for establishment of guardianship, place designated for guardianship (family, foster-family and institutional guardianship), also social characteristics of guardians, and reasons for cessation of guardianship. Collected information is broken down by age groups of children.

The principal institution *at the municipal level* responsible for the protection of the rights of the child, is an administrative subdivision of the municipality – the Child's Rights Protection Agency (hereinafter referred to as the Agency) which in the manner established by

¹¹³ Family, Children and Youth Department of the Ministry of Social Security and Labour was established in October 2002 after respective reorganisation of the Social Support Department into two Departments: Social Integration Department and Family, Children and Youth Department

¹¹⁴ Minister of Social Security and Labour Order of 3 February 2003 on Approving the Statistical Record Form on Child Guardianship (Care) (Official Gazette, 2003, No, 15-630)

laws implements the protection of the rights of the child, protects the child's rights and interests, organises and supervises the guardianship (care) of children deprived of parental care, and also addresses adoption matters attributed to their competence.

These institutions perform diversified functions which particularly increased upon enactment of the new Civil Code, Code of Civil Procedure, Criminal Code, Code of Criminal Procedure, Code of Enforcement of Penalties and after Lithuania's ratification of the number of international conventions relate with the protection of the rights of the child and family relations.

The work of Agencies is regulated by the Regulations approved by Government resolution.

On 24 September 2002 the Seimas of the Republic of Lithuania passed the Law on Amendment to the Law on Local Self-government¹¹⁵, by virtue of which the protection of the rights of children and youth as from 1 January 2003 became the state function (assigned to municipalities). In 2003 the amount of LTL 6,67 million was allocated for the purpose of implementing this function, of which LTL 1 million – for 25 new jobs in municipal Children's Rights Protection Agencies.

In 1998 Lithuania ratified the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption (1993). In implementing this Convention a state adoption institution – the Adoption Agency was established at the Ministry of Social Security and Labour in 2000, followed by respective amendments to the Republic of Lithuania legal acts regulating the intercountry adoption process.

The primary function of the aforementioned institution was coordination and ensuring that the intercountry adoption is carried out in observance of the provisions of 1996 Hague Convention, nevertheless, the Adoption Agency was also tasked with the coordination of national adoption matters, handling all adoption-related statistical information and maintaining the Register of Adoptable Children.

The recording of adoptable children is regulated by the Procedure of Adoption Record in the Republic of Lithuania approved by the Government which establishes that citizens of the Republic of Lithuania permanently residing abroad and foreign nationals willing to adopt a child in Lithuania must apply with the Adoption Agency via the national central authority of their place of residence or with a service accredited by said authority. This provision is consistent with the requirements provided for in Article 14 of the 1993 Hague Convention.

Adoption of children by foreign nationals should be addressed adhering to the requirements set out in Article 16 of 1993 Hague Convention and Par. 3, Article 20 of the UN Convention on the Protection of the Rights of the Child and in consideration of the desirability of continuity in a child's upbringing and of the child's ethnic, religious, cultural and linguistic background. Such requirement is also enforced in Par. 5, Article 3.224 of the Civil Code and in item 52 of the Procedure of Adoption Record of the Republic of Lithuania.

3.4. INTEGRATION OF THE DISABLED

3.4.1. Legal base

On 28 November 1991 the Seimas of the Republic of Lithuania passed the Law on the Social Integration of the Disabled¹¹⁶, which regulates the establishment of disability, medical, vocational and social rehabilitation for disabled persons, the adjustment of conditions for the

¹¹⁵ Law on Amendments and Supplements to Articles 7 and 8 of the Republic of Lithuania Law No. IX-1095 on Self-government (Official Gazette, 2002, No. 96-4171)

¹¹⁶ Republic of Lithuania Law on the Social Integration of the Disabled passed by the Seimas of the Republic of Lithuania on 28 November 1991 (Official Gazette, 1991, No. 36-973)

disabled, as well as the development and education of the disabled, and shall establish legal, economic and organizational guarantees for the occupational, vocational and social rehabilitation of the disabled. This Law also defines the concept of total disability, establishes the main criteria according to which a disabled of Group I and a disabled child under 16 years of age are recognised as totally disabled, fixes the amounts of nursing benefits for totally disabled individuals and for individuals nursing them as well as the procedure of allocation and payment of such benefits.

In observance of the aforementioned Law the Government of the Republic of Lithuania passed the Resolution No. 253 of 7 April 1992 on Approving the Directions of the National Programme of Medical, Occupational and Social Rehabilitation of the Disabled for 1992–2002 and approved the Directions of the National Programme of Medical, Occupational and Social Rehabilitation of the Disabled for 1992–2002. These legal acts are the main documents reflecting the development of social integration of the disabled in Lithuania.

Legal status of the disabled is also governed by the Republic of Lithuania laws and Constitution with certain specific spheres being regulated by separate laws or secondary legislation enforcing special rules of law. The beginning of the process of integration of the disabled was not without mistakes trying to enforce the status of the disabled in laws adopted solely for them. This resulted in the artificial creation of the problem because of the failure to apply other laws in different spheres of life of the disabled (e.g., education and employment of the disabled, etc.).

Presently miscellaneous spheres of life of the disabled are regulated by about 70 legal acts. Provisions of the Law on the Social Integration of the Disabled have been transposed to the principal legal acts governing the matters of health care, pensions, provision of compensatory equipment, prosthetic and orthopaedic assistance transportation privileges, labour relations, development, sports, social services, allocation of funeral grants, compensation of lost deposits, utilities, tax benefits, adaptation of environment and other issues.

On 31 December 1992 the Government of the Republic of Lithuania passed the Resolution No. 994 on the Conception of the Reorganisation of Privileges¹¹⁷ in approval of the conception of reorganisation of privileges establishing the principles of reorganisation of the system of material guarantees and privileges applicable to the disabled.

Republic of Lithuania Law on Profit Tax¹¹⁸, Republic of Lithuania Law on Value Added Tax¹¹⁹, Republic of Lithuania Law on Taxes on Profits of Legal Persons¹²⁰, Republic of Lithuania Provisional Law on Income Tax of Natural Persons¹²¹, and the Procedure of Issuance of Mandatory Parents to Natural Persons approved by the Republic of Lithuania Government Resolution No.1094 of 13 September 2000 on the Procedure of Issuance of Mandatory Parents to Natural Persons¹²² establish tax allowances for the disabled and to the enterprises of their public organisations or enterprises which employ the disabled.

On 23 June 1994 the Seimas of the Republic of Lithuania ratified the International Labour Organisation Convention (No. 159) concerning Vocational Rehabilitation and Employment (Disabled persons) (1991)¹²³. Each member of the International Labour Organisation undertakes to provide a disabled person with a possibility for maintaining suitable work, occupational career and to seek social integration of such person.

¹¹⁷ Republic of Lithuania Government Resolution No. 994 of 31 December 1992 on the Conception of Reorganisation of Privileges (Official Gazette, 1993, No. 3-65)

¹¹⁸ Republic of Lithuania Law on Profit Tax (Official Gazette, 2001, No. 110-3992)

¹¹⁹ Republic of Lithuania Law on Taxes on Value Added Tax (Official Gazette, 1994, No. 3-40; No. 28-490)

¹²⁰ Republic of Lithuania Law on Taxes on Profits of Legal Persons (Official Gazette, 1990, No. 24-601)

¹²¹ Republic of Lithuania Provisional Law on Income Tax of Natural Persons (Official Gazette, 1990, No. 31 – 742)

¹²² Republic of Lithuania Government Resolution No.1094 of 13 September 2000 on the Procedure of Issuance of Mandatory Parents to Natural Persons (Official Gazette, 2000, No. 79-2390)

¹²³ International Labour Organisation Convention (No. 159) concerning Vocational Rehabilitation and Employment (Disabled persons) (1991) (Official Gazette, 1996, No. 30-741)

Republic of Lithuania Law on Support of the Unemployed¹²⁴ and the Republic of Lithuania Labour Code¹²⁵ establish additional employment guarantees for the disabled.

Republic of Lithuania Law on State Social Insurance Pensions¹²⁶, Republic of Lithuania Law on Social Assistance Pensions¹²⁷ and Republic of Lithuania Law on Sickness and Maternity Social Insurance¹²⁸ establish the procedure of the provision of pensions and compensation of income in cases of temporary loss of ability to work for the disabled.

Republic of Lithuania Law on Social Services¹²⁹ stipulates the types of social services provided in the Republic of Lithuania, conditions for organising, rendering and obtaining these services, relations of the providers and receivers of social services, and principles of financing of social services.

Republic of Lithuania Law on Special Education¹³⁰ establishes the structure of the system of Special Education as well as administration and management of early and pre-school, general, supplementary, vocational college, university and adult education of persons with special needs.

Republic of Lithuania Law on the Health System¹³¹, Republic of Lithuania Law on Health Insurance¹³², Republic of Lithuania Government Resolution No. 430 of 14 April 2000 on the Procedure of Compensation for the Provision of Individuals with Orthopaedic Equipment¹³³, Procedure for the Provision of Compensatory Equipment approved by the Social Security and Labour Minister Order No. 57 of 18 April 2002 on Approving the Procedure for the Provision of Compensatory Equipment and the List of Nomenclature of the Compensatory Equipment for Individuals with Mobility Disabilities¹³⁴, as well as other legal acts govern the procedure of treatment of the disabled, their provision with medications, prosthetic-orthopaedic articles and compensatory equipment as well as the procedure of medical rehabilitation.

Republic of Lithuania Law on Transportation Privileges¹³⁵ establishes the categories of individuals entitled to privileges in passenger transport, the types of privileges, the procedure and sources for compensating travelling expenses and for remunerating income lost by carriers as a result of application of the privileges. Social Security and Labour Minister Order No. 92 of 20 October 2000 on Approving the Procedure for Paying Compensations to Individuals with Mobility Disabilities for Expenses of Travelling, Acquisition of Special Motor Vehicles and Technical Adaptation Thereof¹³⁶ establishes the procedure for compensating for individuals suffering from mobility disabilities the costs of acquisition and adaptation of special motor cars.

Order No. 226/49 of 28 April 2000 passed by the Minister of Health Care and the Minister of Social Security and Labour on Approval of the Procedure for Determining the Long-term and Permanent Loss of Ability to Work (Disability)¹³⁷ regulates the establishment of

¹²⁴ Republic of Lithuania Law on Support of the Unemployed (Official Gazette, 1991, No. 2 – 25)

¹²⁵ Republic of Lithuania Labour Code (Official Gazette, 2002, No. 64-2569)

¹²⁶ Republic of Lithuania Law on State Social Insurance Pensions (Official Gazette, 1994, No. 59-1153)

¹²⁷ Republic of Lithuania Law on Social Assistance Pensions (Official Gazette, 1994, No. 96-1873)

¹²⁸ Republic of Lithuania Law on Sickness and Maternity Social Insurance (Official Gazette, 2000, No. 111-3574)

¹²⁹ Republic of Lithuania Law on Social Services (Official Gazette, 1996, No. 104-2367)

¹³⁰ Republic of Lithuania Law on Special Education (Official Gazette, 1998, No. 115-3228)

¹³¹ Republic of Lithuania Law on the Health System (Official Gazette, 1994, No. 63-1231; 1998, No. 112-3099)

¹³² Republic of Lithuania Law on Health Insurance (Official Gazette, 1996, No. 55-1287)

¹³³ Republic of Lithuania Government Resolution No. 430 of 14 April 2000 on the Procedure of Compensation for the Provision of Individuals with Orthopaedic Equipment (Official Gazette, 2000, No. 33-931)

¹³⁴ Social Security and Labour Minister Order No. 57 of 18 April 2002 on Approving the Procedure for the Provision of Compensatory Equipment and the List of Nomenclature of the Compensatory Equipment for Individuals with Mobility Disabilities (Official Gazette, 2002, No. 47-1827)

¹³⁵ Republic of Lithuania Law on Transportation Privileges (Official Gazette, 2000, No. 32-890)

¹³⁶ Social Security and Labour Minister Order No. 92 of 20 October 2000 on Approving the Procedure for Paying Compensations to Individuals with Mobility Disabilities for Expenses of Travelling, Acquisition of Special Motor Vehicles and Technical Adaptation Thereof (Official Gazette, 2000, No. 96-3049)

¹³⁷ Order No. 226/49 of 28 April 2000 passed by the Minister of Health Care and the Minister of Social Security and Labour on Approval of the Procedure for Determining the Long-term and Permanent Loss of Ability to Work (Disability) (Official Gazette, 2000, No. 36-1011)

disability groups I, II and III, conditions of reimbursement of expenses incurred as a result of acquisition of a special motor car and (or) transport expenses, conditions of losing occupational ability, time limits for establishing the disability, reasons of disability and documents necessary to determine them.

The current problems related with rehabilitation, supply of compensatory equipment, provision of social services, adaptation of environment and dwelling arise as a result of the gaps in laws regulating the system of health care, social services, science and education, and other laws due to the failure to clearly specify the groups of individuals who should be provided with certain services, the cases in which such services should be provided, absence of single sources of financing and uniform financing procedure.

Republic of Lithuania Government Resolution No. 160 of 12 February 2001 on Approval of the Concept of the Reform of Establishment of the Disability Status, and Social Security Measures for the Disabled¹³⁸ approved the concept of establishment of disability and reform of social security measures for the disabled. The purpose of this reform is to change the procedure of establishment of disability so as to create conditions for more correct and effective application of social security measures to the disabled with a view to restoring their ability to work, self-dependence and integrating them into the society.

The developed legal base facilitated in addressing the most urgent problems of the disabled, however, due to objective and subjective reasons (economic reasons, lack of knowledge and experience, seeking to receive privileges) these attempts were not always successful. The last three years saw the movement from quantitative increase in privileges which stimulated the mood of dependants and encouraged pensioners to obtain a disability group towards consistent application of rehabilitation (medical, occupational, social), environmental adaptation, development, employment and provision of social services.

On 7 June 2002 the Government of the Republic of Lithuania passed the Resolution on Approving the National Programme of the Integration of the Disabled into the Society for 2003-2012¹³⁹. This Programme has been developed in observance of the Republic of Lithuania Law on the Social Integration of the Disabled and the United Nations Organisation's Standard Rules on the equalisation of Opportunities for Persons with Disabilities. The purpose of this Programme is to seek equal opportunities for the disabled through planning the actions of their social integration in line with the international and national policy objectives and obligations of the State and providing for the strategy of implementation of these actions.

3.4.2. Structure of administration

Shaping of the disabled rights protection policy and implementation of the programmes should be carried out in cooperation and consultation with different authorities and groups representing the interests of the disabled of the protection of the rights of the disabled.

Responsibility for the status of the disabled is divided among different institutions of Lithuania. The Ministry of education and Science is responsible for education and development, the Ministry of health care – for health care and medical rehabilitation of the disabled, the Ministry of Environment – for adaptation of environment and dwelling, the Ministry of Economy – for support of business of the disabled. Counties and municipalities are tasked with the provision of social service and social support. The sphere of competence of the Ministry of Social Security and Labour covers the issues of social integration of the disabled, financial social support, social services, employment and social insurance. In most instances, however all disabled-related problems are referred to the Ministry of Social Security and Labour.

¹³⁸ Republic of Lithuania Government Resolution No. 160 of 12 February 2001 on Approval of the Concept of the Reform of Establishment of the Disability Status, and Social Security Measures for the Disabled (Official Gazette, 2001, No. 15-452)

¹³⁹ Republic of Lithuania Government Resolution No. 850 of 7 June 2002 on Approving the National Programme of the Integration of the Disabled into the Society for 2003-2012 (Official Gazette, 2002, No. 57-2335)

State Medical Social Experts Commission (SMSEC) at the Ministry of Social Security and Labour establishes the disability status and degree of loss of ability to work for individuals aged under 16 years. The Commission also decides on the fact of disability, its type, reason, time of its character, cause, time of origin, group, term, and degree of the person's loss of general or vocational capacity to work; the means for the medical, vocational and social rehabilitation of the disabled person; the conditions and character of the development, training and work of the disabled person; the necessity of permanent nursing for the disabled person; special compensational means for the disabled person, recognition of total disability, establishment of the right to acquire a special, motor car and (or) compensation of transport costs.

State Social Insurance Fund – payment of compensations to the disabled for expenses for pensions, acquisition of a special motor vehicle and (or) transport costs.

Labour Exchanges – issues of placement of the disabled into jobs, their employment and re-training. In Lithuania the Disabled are employed in usual jobs or in the specialised workplaces equipped for them. The requirements for the workplaces and occupations of the disabled have been worked out by the Ministry of Health care and the Ministry of Social Security and Labour. The Law on Support of the Unemployed stipulates that the disabled individuals are entitled to additional guarantees in the labour market. On proposal of the Labour Exchange municipalities annually establish for the employers the quotas for employment of individuals with disability Groups I and II or quotas for the creation of additional jobs for the disabled. Employment of a disabled individual whose integration into work requires special efforts of the employer can be equated to employment of maximum 3 disabled individuals by the labour exchange. The disabled enjoy the pre-emption right to all services provided by a territorial labour exchange, payment of unemployment benefits, labour market vocational training, organisation of works financed by the Employment Fund, support for individuals willing to undertake their own business. Vocational training and re-training of the disabled is carried out in the labour market training services, specialised training centres, vocational training and education establishments, and therefore is available only to the individuals with minor disabilities.

National Centre of Compensatory Equipment for the Disabled – supplies the disabled with compensatory equipment. The founder of the Centre is the Ministry of Social Security and Labour of the Republic of Lithuania. The principal tasks of the Centre – improvement and development of the system of compensatory equipment, analysis of needs, accumulation of information, provision of methodical assistance, international cooperation, organisation of procurement of compensatory equipment and its maintenance, establishment of quality standards of the compensatory equipment.

Orthopaedic enterprises have entered into agreements with the Ministry of Social Security and Labour on Implementation of the Programme for Supplying Individuals with Orthopaedic and Compensatory Equipment. In accordance with the applicable Procedure, individuals with Group I disability, disabled children, and individuals entitled to social support are compensated 100 per cent of the base price of the orthopaedic equipment, and individuals of disability Groups II and III as well as pensioners are compensated 80 per cent of said price.

Counties are responsible for implementing the policy of social integration of the disabled in the spheres of social maintenance, education, culture, sports, and health care. They also carry out national and regional programmes.

Municipalities are responsible for carrying out public administration and for the provision of public services for all individuals who reside in the municipality's territory, including the disabled. Municipalities are obligated to ensure the discharge of the functions assigned to them by virtue of laws with regard to the disabled: organisation of general education for the disabled children, youth and adults, provision of social services and other social support to the disabled, creation of conditions for the integration of the disabled into the community, development and implementation of municipal health programmes, primary individual and

public health care, preparation of tourism, housing, small and medium business development programmes, administering state support for housing purposes, provision of social dwelling, etc.

Lithuanian Council of the Disabled Affairs under the Government of the Republic of Lithuania (hereinafter referred to as the Council). This Council is formed on parity principle from representatives of 6 largest public organisation of the disabled and 6 ministries and shall function in accordance with the Republic of Lithuania Law on the Social Integration of the Disabled. Activities of the Council are financed from the State Budget and are aimed at implementing the Republic of Lithuania Law on the Social Integration of the Disabled and other legal acts related with the integration of the disabled. The Council addresses the matters falling within its competence, performs other functions established by laws and resolutions of the Government, finances from the State Budget funds and by way of tender the programmes of public organisations and public authorities of the disabled aimed at meeting special needs of the disabled and at medical, occupational and social rehabilitation all over the country.

The Council, for the purpose of discharging its obligations and principle provisions of its activities, renders targeted proposals to the Republic of Lithuania Seimas and Government, ministries and other authorities with regard to the implementation of regulatory acts and initiates the preparation of respective draft legal acts, actively participates in addressing the issues of rehabilitation and integration of the disabled at the national and international level.

Non-governmental organisations of the disabled maintain cooperation with the Lithuanian Council of the Disabled Affairs and implement the programmes of social integration of the disabled according to the priority directions. These organisations are well aware of the lack of certain services and the need for such services, therefore their programmes are aimed at providing assistance to the individuals with the most severe disability through programmes of social services, formation of independent life, medical rehabilitation, availability of communications and information.

3.4.3. Main characteristics

The disabled is an individual who due to a congenital or acquired physical or mental defect, are totally or partially incapable of taking care of his (her) private or social life, enjoying his rights and fulfilling his duties. Irrespective of the cause, type and degree of manifestation of disability the disabled enjoy the same rights likewise other individuals. The State is obligated to provide additional support and guarantees for the disabled who are not capable of enforcing their rights on their own. These individuals must be protected from all types of exploitation, discrimination, or from all types of behaviour which is insulting or disdainful with regard to them.

The disabled may use the guarantees enforced by virtue of the aforementioned legal acts as soon as their disability group is established.

The Republic of Lithuania Law on the Social Integration of the Disabled provides that disability shall be established:

For individuals under 16 years of age – by consultative commissions of physicians in the national health system individual health care establishments providing health care services to children the regulations of which are approved by the Ministry of Health Care of the Republic of Lithuania.

For individuals from 16 years of age – the State Social Medical Expertise Commission the Regulations of which are approved by the Government of the Republic of Lithuania.

Total disability is recognised by the disability establishment commissions according to the List of functional conditions due to which a total disability of an individual is established.

First group of disability shall be established for individuals who due to distinctly manifested functional disorders of their organism are not capable of taking care of personal and social life and who need regular nursing, care and help of other people. Individuals of Group I disability suffering from the most severe health disorder shall be recognised as totally disabled.

Totally disabled individual – is an individual of any age whose physical and mental disability totally prevents him from orientation, movement, work, integration and being economically independent. This condition of the organism of the disabled attributed to Group I is the most severe.

Second group of disability is established for individuals who due to distinct functional disorders of their organism are partly incapable of taking care of personal and social life and who need occasional help of other people.

Third group of disability is established for individuals who due to quite serious functional disorders of their organism are deprived of at least 1/3 of their ability to work, experience the impairment or loss of their occupational qualification, and also in case of certain conditions of the organism when the occupation factor is disregarded.

Lately more and more individuals are being recognised as the disabled due to one or another sickness. Particular growth is observed in numbers of people of the workable age who are recognised as disable for the first time. This is caused not only by deterioration of their health condition, but also by economic and social problems: unemployment, limited system of vocational rehabilitation system, and over-developed system of social privileges and guarantees. Older people apply for the recognition of disability also because of the possibility to use privileges provided for the disabled, difficult material condition and other social factors.

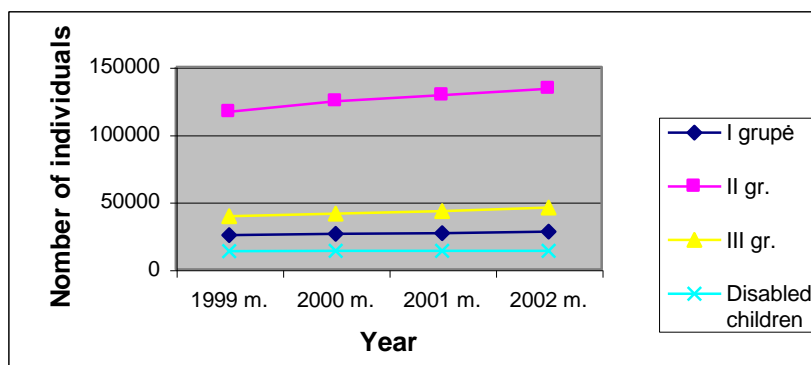
Nevertheless, serious health disorders are the main reason of disability.

The system of financial support and privileges does not stimulate the disabled to work and often result in seeking the establishment of disability in order to improve their financial standing or to avail themselves of the provided guarantees.

Disability establishment at present is the only regulated way of assessment of the individuals' health condition closely related with the systems of pensions, privileges and rehabilitation and ensuring though small, but actual income. In future, upon change of the disability establishment procedure conditions will be created for more fair and effective application of social security measures to the disabled with a view to restoring their ability to work, self-dependence, to integrate them into the society and to associate the disability pensions with lost working income.

Social guarantees provided to the disabled can be classified into two main groups – financial support and social services. The system of pensions, social assistance pensions, different consultations and privileges is directly related with the establishment of disability. Since for the purpose of determining the disability the medical factor prevails, the pension amount and the right to other material assistance are related with the disability group.

Quantitative development tendencies of the disabled by disability groups in Lithuania in 1999-2002



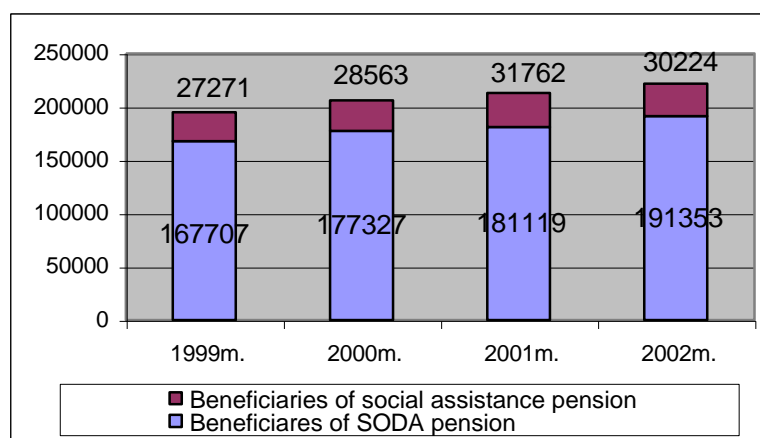
Data of the State Social Insurance and of the Ministry of Social Security and Labour

By providing financial measures of social security the State partially compensates income lost due to the disability. Laws of the Republic of Lithuania provide for the state social insurance disability pension, social assistance pension, certain privileges, compensations and benefits. The

right of the disabled to receive the state social insurance disability pension is regulated by the Law on the State Social Insurance Pensions which establishes the requirement to have minimum state social insurance pension period on the day of establishment of disability.

Entitlement to the social assistance pension applies only to those disabled who have no right to receive the state social insurance pension or the state pension of larger or the same amount. The ability to work which is maintained by the individual and the occupational factor are given minor consideration. Depending upon the group of disability the disabled are provided with miscellaneous privileges and social guarantees. One of the principal rights – entitlement to the disability pension. In observance of the applicable Procedure the disabled are entitled to receive the state social insurance (hereinafter referred to as SODRA) disability pensions and social assistance pensions.

Quantitative development tendencies of the disabled receiving SODRA and social assistance pensions in Lithuania in 1999-2002



Data of the State Social Insurance and of the Ministry of Social Security and Labour

More and more beneficiaries receive SODRA disability pensions in Lithuania. In 2002 compared with 1999 their numbers increased by 14 per cent and accounted for 191353 beneficiaries of pensions.

The number of social assistance disability pension beneficiaries is growing at a slower pace. Since 1999 it went up by 10 per cent and made up 30224 beneficiaries of pensions.

A totally disabled individual is awarded and paid a nursing benefit in the amount of the state social insurance base pension. Nursing benefits are allocated and paid from the State Budget irrespective of other pensions and income received by the totally disabled individual or his caretaker.

A system of privileges has been developed and is working. In most cases the privileges are aimed at satisfying the needs characteristic of all low-income individuals of the country, other than for compensating the individual's disability. Different laws and statutory legal acts have legalised numerous privileges and social guarantees for the disabled. Funds for the financing of privileges are allocated through respective public authorities. The largest part of the funds is allocated for ensuring the guarantees of financial standing of the disabled – more than 80 per cent of the total funds allocated for the financing of privileges provided to the disabled. About 10 per cent of the funds are used for meeting specialised needs – adaptation of environment and dwelling, special compensatory equipment, care establishments, transport privileges, acquisition of special motor vehicles, etc. About 5 per cent of said funds are allocated for the development, vocational training, cultural and sports activities of the disabled and about 1,5 per cent of the funds – for rehabilitation purposes.

More than half of all expenses for the disabled is covered by the State Social Insurance Fund. The State Budget of the Republic of Lithuania finances about 16 per cent and municipal budgets – about 8 per cent of said expenses.

Entitlement to receive compensation for travelling expenses is established for individuals who suffer from distinctly manifested disorder of the motor function under certain conditions of the organism. The aforementioned individuals are entitled to the compensation of travelling costs in the amount of 0,25 minimum subsistence level (MSL) and the right to reimbursement accounting for 32 MSL of the costs of acquisition and technical adaptation of special motor vehicles at least once in 6 years, provided that these individuals can drive these vehicles by themselves.

The right to acquire a travel ticket with discount. Depending upon the established group of disability the disabled are entitled to a single ticket for travelling in distant regular transport busses, passenger trains and a single or monthly registered ticket for travelling in local regular transport buses and trolleybuses and regular transport ships, as well as ferry tickets with 80 or 50 per cent discounts.

According to the data of the SMSEC about 30 per cent of all individuals who suffer from disability due to motor dysfunction are provided with orthopaedic and compensatory equipment. More than one third of the disabled children also suffer from the motor dysfunction. These individuals need special equipment and surrounding installations. Compensatory equipment is necessary not only for rehabilitation, but also for disability prevention and treatment purposes.

By virtue of the Law on the Social Integration of the Disabled, the Government of the Republic of Lithuania is tasked with the establishment of the procedure for the provision of prosthetic aid to the disabled, their supply with orthopaedic means, deaf-mute, blind and other compensatory equipment and the task to arrange such provision is assigned to the Ministry of Social Security and Labour. The establishment of the National Centre for Compensatory Facilities is worth noting here. On 14 April 2000 the Government of the Republic of Lithuania passed the Resolution No. 430 whereby it approved the Procedure for Compensating the Expenses of the Provision of Individuals with Orthopaedic Equipment and the Methods for Fixing the Base Prices of the Orthopaedic Equipment Financed from the State Budget. In accordance with the procedure established by the Ministry of Social Security and Labour individuals are able to acquire the orthopaedic equipment in enterprises and undertakings of the Republic of Lithuania engaged in manufacturing of these facilities or supplying orthopaedic equipment from other states.

Total base price of the orthopaedic equipment included in the List of Orthopaedic Equipment Nomenclature approved by the Ministry shall be compensated for the disabled of Group I, children under 16 years of age, members of families receiving social benefit, individuals who have acquired complex orthopaedic equipment included in the List of Orthopaedic Equipment Nomenclature approved by the Ministry.

80 per cent of the base price is compensated for the disabled of Groups II and III and pensioners.

Other individuals who need the orthopaedic equipment for treatment, rehabilitation and preventive purposes shall be compensated 50 per cent of the base price.

Additional guarantees in the sphere of labour relations – the disabled are entitled to additional privileges and guarantees as regards their placement to, and dismissal from work, longer annual and unpaid leave, etc.

Individual health care. Depending upon the acquired group of disability the disabled are entitled to full or partial compensation of the base price of medications and individual health care facilities from the Compulsory Health Insurance Fund.

Social services represent one of the key forms of social support. Social services are provided in observance of the Law on Social Services and the Catalogue of Social Services approved by order of the Minister of Social security and Labour. The disabled shall be provided with miscellaneous social services aimed at helping them to live independent lives: translation to the language of fingers, provision of compensatory equipment, assistants, attendants, adaptation of dwelling premise, transport, provision of information and counselling, home help, home nursing, care, financial, catering, provision with indispensable articles, etc.

Development. More and more disabled children undergo development together with their teenagers at pre-school educational establishments and schools of general education. Children with special training needs are also provided with the opportunity to study at specialised schools, specialised boarding schools, specialised pre-school establishments, groups and specialised development centres. The disabled children are educated in specialised establishments (centralised and communal). Out of 100 disabled children 15 receive communal services and about 30 children are provided with in-patient institutional services.

Employment. It should be admitted that employment is one of the principal ways of social integration and of fighting against discrimination. Restructuring and privatisation of the country's economic entities and rapid development of market relations particularly affected the disabled. Inadequate vocational training of workers, obsolete technologies and uncompetitive products conditioned the ongoing deterioration in the production of the enterprises of public organisations of the disabled numbers of employed disabled of which reduced by 3-4 times during the past twelve years. At present about 28 thousand of the disabled with established disability groups are employed in the country. Their numbers however keep reducing.

Primary disability tendencies of individuals of working and pensionable age in Lithuania in 1999-2002



Data of the State Medical Social Expertise Commission

Special measures are taken all over the world to help the disabled to avail themselves of the employment options and in particular in a single labour market. We still face many challenges in this sphere. Social and economic partners are insufficiently involved in the organisation of practical training and assessment of acquired qualifications. Methods of assessment of vocational skills (retained or acquired) to be used in determining the possibility and effectiveness of occupational rehabilitation are missing. Mutual cooperation between regional (county), public administration structures and separate parts of the complex rehabilitation system is underdeveloped. Individuals suffering from severe disability undergo re-training or acquire new occupations on the initiative of non-governmental organisations which is supported by the Lithuanian Labour Exchange and the Lithuania Council for the Disabled Affairs at the Government of the Republic of Lithuania. The Republic of Lithuania laws also establish the additional mechanism of the disabled individual's entitlement to employment; however, given the growth of disabilities and the prevalence of serious forms of disability those individuals who suffer from serious disability face particular difficulty in finding a job. Actual employment is available for individuals with minor disabilities. Inadequate development of other employment forms (labour therapy, general employment) prevent the disabled from active competition in the labour market. Legal acts regulating employment do not provide for sufficient economic preconditions promoting the employment of the disabled, therefore, the employers are

often not interested in employing the disabled, and the latter on their part are often not interested in looking for a job and getting employed.

The bulk of the structure of primary disability comprises the individuals of working age with the established group of disability. Assessment of primary disability tendencies among the persons of working age shows that their numbers remained practically unchanged and its movements are minor, which cannot be said about the primary disability of the individuals of pensionable age which fluctuates more depending upon the economic situation and privileges applicable during the given year, likewise repayment of deposits of reacquisition of land.

With a view to improving the condition in the sphere of employment of the disabled the concept of the Law on Social Employment Undertakings has been worked out. The main purpose of this concept is to regulate the legal status, conditions of establishment, specific character of activities and forms of the provision of financial assistance of enterprises which employ the disabled and other individuals of limited working ability (prisoners, long-term unemployed, individuals released from places of imprisonment). It is envisaged that undertakings of a new legal form will not be established, and that the status of a social employment undertaking will be granted to enterprises which are going concerns, employ individuals of limited working ability and satisfy the conditions established under law will acquire. An undertaking, which acquires this status in the manner established by law, will concurrently become entitled to a certain economic support from the State. The Strategic Planning Committee of the Government practically approved this concept and instructed to develop the draft law on Social Employment Undertakings at the beginning of 2003.

Adaptation of environment for the disabled has not been sufficiently realised so far. Changes taking place in the environment adaptation system testify to the established legal basis for such adaptation, however, the development of this system is not balanced. The process of adaptation of public roads, means of railway, air and water transport in view of the needs of the disabled should be speeded up. Public transport services provided to the disabled do not conform to current requirements. Each municipality and certain non-governmental organisations of the disabled have specially accommodated minibuses procured using the state budget funds, however, the special transport services for old people and the disabled are still lacking.

To summarise, the establishment of disability is closely related with the system of pensions, compensations, privileges and miscellaneous social guarantees which partly conditions the tendencies in the growth of the numbers of the disabled.

3.4.4. Reforms

At present disability in Lithuania is being established exclusively relying on the medical factor. Establishment of disability is still insufficiently related with the loss of individual's working ability and working income, however, it still entitles to state social insurance and social assistance pensions, privileges and social services. As a result social security funds and means are used irrationally. Pensions and privileges as a rule are awarded to individuals who have not lost their ability to work and working income, and seriously disabled individuals are not always provided with necessary rehabilitation facilities.

These and other problems called for the reforms in this sphere. The applicable unreformed procedure of establishment of disability precludes the development of social integration opportunities for the disabled, improvement of their social security, more effective utilisation of social services, undermines disposition towards active rehabilitation.

In implementing the Republic of Lithuania Government Resolution on the Approval of the Conception of the Reform of Disability establishment and Social Security measures for the Disabled the action plan – schedule of the reform implementation measures has been worked out.

The purpose of the reform is to change the procedure of establishment of the disability creating preconditions for more firm and effective provision of social security services to the disabled with a view to restoring their ability to work, self-dependence and social re-integration.

The reform is being implemented in the following directions:

- Determining the degree of the loss of working ability and of special needs (separating the establishment of special needs and extent of their satisfaction from the establishment of ability to work),
- Awarding pensions to the disabled (for the purpose of addressing the issues of awarding of pensions, the allocation of social insurance pensions and occupational accidents insurance benefits will be related with the degree of loss of ability to work and the factors of loss of working income),
- Responding to employment issues (settlement of employment problems will be aimed at developing different forms of employment: employment, labour therapy and overall employment),
- Replacing guarantees with special assistance measures (many existing privileges will be replaced with miscellaneous measures of social security for satisfying special needs of the disabled which will facilitate ensuring more effective social security and opportunities for full-fledged integration into the society).

One of the principal applicable documents for the purpose of implementation of the reform is a new version of the Law on the Social Integration of the Disabled which is being prepared now. The purpose of this Law is to guarantee equal treatment and opportunities for the disabled in the society through establishing the grounds of social integration of the disabled harmonised with the Republic of Lithuania Constitution and international legal norms and principles.

The Law will regulate the establishment of disability, loss of ability to work and special needs, define the principal rights and obligations of the disabled, provide for the main directions of the social integration of the disabled and measures of their implementation, and designate authorities responsible for social integration of the disabled.

The Law will enforce the provision stipulating that the fact of disability should be established for children aged under 18, rather than younger than 16 years of age to provide them with longer-term social guarantees. The degree of disability of children will be differentiated and the amount of pensions as well as social guarantees and satisfaction of special needs will depend upon the degree of disability. It is also envisaged to establish that the loss of ability to work for individuals of pensionable age should not be established, entitling such individuals only to compensation of special individual's needs resulting from disability and old age. In the sphere of social security financial benefits the disability status is related with absence of ability to earn own working income, since a pensioner is already entitled to receive the state social insurance old age pension and there are no any reasons for replacing income with monetary compensation "related with disability". When these individuals are not eligible to the old age pension they should be otherwise compensated the shortage of income necessary for normal living and not to associate it with the individual's disability.

For the purposes of the reform PHARE Twinning Project "Reform of Establishment of Disability and Awarding of Pensions in Lithuania" was launched. The project is aimed at reforming the existing system of establishment of disability and allocation of pensions to the disabled seeking full integration of the disabled into the labour market and public life and ensuring equal rights and opportunities for them.

The principle recommendations of the Project experts are as follows:

- providing conditions for assessing and satisfying special needs of an individual arising from limited functions, activity, participation and other circumstances and helping experts to provide detailed recommendations for institutions establishing the group of disability in consideration of loss of ability to work,

- Developing clear, comprehensible and operating universal model aimed at workers and unemployed, distinguishing however only between the pecuniary social insurance and financial social support. Social pensions represent social support which may not be specially designated for the disabled. It should be the last resort of income.
- Benefits and privileges, other than social insurance or social support should be included into such existing systems likewise systems of taxation, social support and benefits in-kind, regardless of the disability group,
- A disabled individual should be willing withdraw from the system of social support as soon as possible,
- Establishing disability groups for individuals who have reached 18 years of age, rather than from 16 years.
- Awarding pensions to the disabled should be associated with the loss of working income and ability to work.

With a view to ensuring as maximum effectiveness and quality of the aforementioned reform, on order of the Ministry of Social Security and Labour the Institute of Labour and Social Research conducted a survey of assessment of special needs and analysis of the need. The survey covered the analysis and assessments of different aspects of special needs and special measures to satisfy them. The survey will facilitate in developing the methods of application of special needs. Application of such methods is meant to reflect our systemic assessment of the extent, structure, specific character of the needs of every disabled individual and measures provided by us to help such individual to become as more self-dependent as possible without applying for help to surrounding people.

The Institute of Labour and Social Surveys also carried out the surveys of occupational rehabilitation of the disabled, their provision with compensatory equipment, economic condition of totally disabled individuals and the needs for social support .

3.5. SOCIAL SUPPORT FOR VICTIMS AND SOCIAL RISK GROUPS

3.5.1. Legal base

1. Republic of Lithuania Law on State Support for the Participants in the Armed Struggle (Resistance) (25 11 97, No. VIII-541, (Official Gazette, 1997, No.114-2868).
2. Republic of Lithuania Government Resolution on State Support for the Participants in the Armed Struggle (Resistance) – Voluntary Servicemen (12 02 98, No. 177, (Official Gazette, 1998, No. 17-419).
3. Republic of Lithuania Law on State Support for the Families of the Perished Participants in the Struggle against the 1940 – 1990 Occupations, 06 10 98, No. VIII-871, (Official Gazette, 1997, No. 92-2543).
4. Republic of Lithuania Law on the Legal Status of the Victims of 1939-1990 Occupations, 30 06 97, No. VIII-342, (Official Gazette, 1997, No. 66-1609; 2000, No. 5-129).
5. Republic of Lithuania Government Resolution on State Support for the Families of Perished Participants in the Struggle against the 1940 – 1990 Occupations (04 02 99, No. 128, (Official Gazette, 1999, No. 15-397).
6. Republic of Lithuania Government Resolution on the Disbursement of the European Development Bank Loan Aimed at the Acquisition of Flats for the Families of Rehabilitated

Political Prisoners and Deportees Returning to Lithuania (04 12 01, not yet published in Official Gazette).

7. Republic of Lithuania Government Resolution on Disbursing to Municipalities the Republic of Lithuania State Budget Allocations Provided to the Ministry of Social Security and Labour for the Purpose of the Acquisition of Flats for the Families of Rehabilitated Political Prisoners and Deportees Returning to Lithuania in 2001 (21 08 02, No. 1304, (Official Gazette, 2002, No. 83-3572).
8. Republic of Lithuania Government Resolution on the Outline of Activities of the Government of the Republic of Lithuania as Regards the Return to Lithuania of the Political Prisoners and Deportees and Families Thereof and on Providing Them with Flats and Jobs (11 01 92, No. 19, (Official Gazette, 1992, No. 11-286).
9. Republic of Lithuania Law on the Indemnification of Damage Caused as a Result of the USSR Occupation (13 12 2000, No. VIII-1727, (Official Gazette, 2000, No. 52-1486).
10. Republic of Lithuania Law on the Recognition of the Legal Status of the Defenders of Independence of the Republic of Lithuania and other Victims of the USSR Aggression Perpetrated on 11-13 January 1991 and Subsequent Events (04 01 2000, No. VIII-1517, (Official Gazette, 2000, No. 5-124).
11. Republic of Lithuania Government Resolution on the Indemnification of Damage to Individuals Deported during World War II for Forced Labour Purposes or were Committed to Ghettos and other Places of Imprisonment and to the Individuals Illegally Evicted from One Place to Another in the Territory of Lithuania (12 08 91, No. 327, (Official Gazette, 1991, No. 26-706).
12. Republic of Lithuania Government Resolution on One-time Benefits and Privileges to the Individuals Who Sustained Damage in the Elimination of the Consequences of the Accident at the Chernobyl Nuclear Power Plant (18 02 98, No. 198).
13. Republic of Lithuania Law on Transportation Privileges (30 03 2000, No. VIII-1605, (Official Gazette, 2000, No. 32-890).
14. Republic of Lithuania Government Resolution on the Approval of the Programme of Social Adaptation of the Convicts and Individuals Released from Places of Imprisonment, Institutions of Corrective Labour, Social and Physical Rehabilitation for 2001-2004 (25 10 99, No. 1179, Official Gazette, 1999, No. 91-2676).
15. National Programme for Control of Drugs and Prevention of Drug Addiction for 1999-2003 approved by the Republic of Lithuania Government Resolution No. 73 of 23 01 2001, Official Gazette, 2001, No. 8-235).
16. Republic of Lithuania Government Resolution on the Programme for Control and Prevention of Trafficking in People and Prostitution for 2002-2004 (07 01 02, No. 62, Official Gazette, 2002 No. 6-231).
17. Republic of Lithuania Government Resolution on the Programme of the Social Integration of the Roma in Lithuania for 2000-2004 (01 07 2000, No. 759, Official Gazette, 2000, No. 54-1580).

3.5.2. Administration

The division does not have directly subordinate institutions; the division maintains cooperation with different institutions (ministries, counties, municipalities, non-governmental organisations, etc.).

3.5.3. Main characteristics

A. State support to the participants in armed (struggle) resistance – voluntary servicemen

State pensions

First degree state pension (at present it amounts to LTL 552, i.e. in the amount of 4 base pensions)

Legal base: Law on State Pensions of the Republic of Lithuania (22 December 1994, No. I-730)

One-time benefits

a) Individuals who sustained injuries in the struggle of armed resistance or became disabled due to such injuries:

- Disabled of Group I – LTL 14400;
- Disabled of Group II – LTL 11520;
- Disabled of Group III – LTL 8640;
- Individuals injured in struggles – LTL 5600;

b) the benefit payable upon death of a voluntary serviceman is equal to 20 minimum subsistence levels (a present its amount is LTL 2500).

3. Legal base: Republic of Lithuania Law on State Support for the Participants in the Armed Struggle (Resistance) (25 11 97, No. VIII-541, in force since 01 01 1998).

One-time benefits to the families of perished participants in the 1940-1990 occupation

a) volunteers who perished in the battle field, at the time of arrest, during investigation before enforcement of the court judgement or who were sentenced to death and for whom the sentence was executed – LTL 20000;

b) participants in the struggles for freedom, who have perished at the time of arrest, during investigation before enforcement of the court judgement or who were sentenced to death and for whom the sentence was executed, volunteer servicemen who died in imprisonment after enforcement of court judgement – LTL 15000;

c) participants in the struggles for freedom, who died in imprisonment after enforcement of court judgement – LTL 12000.

Legal base: Republic of Lithuania Law on State Support for the Families of the Perished Participants in the Struggle against the 1940 – 1990 Occupations (06 10 98, No. VIII-871, validity period 01 01 1999 – 31 12 2003).

Individuals willing to obtain the aforementioned on-time benefits have to apply with Social Support Branches of municipalities.

State pensions for victims paid to political prisoners, deportees and participants in the fights for freedom

- a) payment of the state pension for victims in the established manner (in the amount of the state pension base, at present – LTL 138);

b) individuals who became disabled in the course of illegal imprisonment or deportation, during acts of resistance and struggle against soviet occupation:

- Disabled of Group I – in the amount of 2 state pension bases;
- Disabled of Group II - in the amount of 1,5 state pension base;
- Disabled of Group III - in the amount of 0,75 state pension bases until pensionable age (upon reaching the pensionable age - in the amount of 1 state pension base).

Legal base: Republic of Lithuania Law on State Pensions (22 December 1994, No. I-730)

Note. In observance of the Republic of Lithuania Government Resolution No. 7 829 of 3 July 1998 on Approving the List of Repressive Structures, Services and Positions during 1939-1990 Occupations for Serving in which the Individuals shall not be Awarded State Pensions for Victims, individuals who worked in the above listed structures and serves in the aforementioned positions are not entitled to state pensions for victims.

Transportation privileges for political prisoners, deportees, participants in the fights for freedom, and voluntary servicemen

Voluntary servicemen, upon reaching the age of 70 and older are entitled in accordance with the established procedure to acquire with 80 per cent discount a single or monthly registered ticket for local (urban or suburban) regular transport busses and trolleybuses, local transport ordinary trains with sitting accommodation carriages.

Political prisoners, deportees, participants in the fights for freedom, voluntary servicemen younger than 70 years of age are entitled in accordance with the established procedure to acquire with 50 per cent discount a single or monthly registered ticket for local (urban or suburban) regular transport busses and trolleybuses, local transport ordinary trains with sitting accommodation carriages.

Legal base: Republic of Lithuania Law on Transportation Privileges (30 March 2000, No. VIII-1605).

Health care of political prisoners, deportees, participants in the fights for freedom, and voluntary servicemen

The aforementioned individuals are insured with the state funds and entitled to the reimbursement of the expenses of the reimbursable medicines and medical aids, prescribed for the outpatient treatment in accordance with the procedure established by the Ministry of Health of the Republic of Lithuania

Legal base: Republic of Lithuania Law on Health Insurance (31 May 1996, No. I-1343).

B. State support to victims of aggression perpetrated during January 11-13 1991 and subsequent events

Individuals who sustained serious or moderate injuries, families of victims (individuals who perished or became disabled) in the fights for freedom of the Republic of Lithuania as a result of aggression perpetrated during 11-13 January 1991 and subsequent events are entitled to 50 per cent tax relief for flat rent and utilities: cold water, sewerage, hot water, natural, liquefied gas, electric energy, heating of dwelling houses, operating costs, telephone subscription fee, land under a multifamily apartment allocated to such individuals. Compensations are also paid for 50 per cent of the purchasing price of the standard fuel amount, as well as the maximum compensatory price and installation costs of hot and cold water and gas meters. All expenses are covered from urban (regional) municipal budgets.

Legal base: Republic of Lithuania Law on Additional Social Guarantees for Families of Participants Who Sustained Injuries in the Struggle for Freedom of the Republic of Lithuania as a Result of Aggression Perpetrated during 11-13 January 1991 and Subsequent Events, No. I-954.

Family members of the diseased and defenders who became disabled are entitled to acquire 50 per cent discount a single or monthly registered ticket for local (urban or suburban) regular transport busses and trolleybuses, local transport ordinary trains.

Legal base: Republic of Lithuania Law on Transportation Privileges (30 March 2000, No. VIII-1605).

The state pension for victims are awarded to mothers of persons who perished as result of aggression, perpetrated 11 – 13 January 1991 and subsequent events, who have reached the age of 50 or are certified as disabled, and their fathers, who have reached the pensionable age or have been certified as disabled are entitled to the state pension for victims in the amount of 4 state pension bases (LTL 552);

individuals assigned Group I disability - in the amount of 4 state pension bases (LTL 552);

individuals assigned Group II disability - in the amount of 3 state pension bases (LTL 414);

individuals assigned Group III disability - in the amount of 2 state pension bases (LTL 276);

State pensions for widows and orphans of victims shall be awarded to persons who perished due to aggression perpetrated 11 – 13 January 1991 and subsequent events to orphans (children or adopted children) up to 18 years of age, as well as those over 18, provided they became disabled prior to their 18th birthday and also, for students and pupils of secondary schools and registered according to the established procedure, universities, non-university level colleges and full time departments of vocational schools, until they complete these schools, but not extending beyond age 24; to widows, who have not remarried, regardless of their age (amended 4 November 1997). State pensions of victims for survivors and orphans shall also be awarded upon the death of a person certified disabled as result of aggression perpetrated January 11-13, 1991 and subsequent events.

Legal base: Republic of Lithuania Law on State Pensions, 22 December 1994, No. I-730

The victims insured with compulsory health insurance are compensated full base price of the essential medicines and medical aids. The List of Diseases approved by MHC includes the Post-traumatic Stress Syndrome treated with medication prescribed free of charge.

Legal base: Republic of Lithuania Law on Health Insurance, 21 May 1996, No. I-1343.

The victims of 16 November 1998 are entitled to freely dispose of the restored income.

Legal base: Republic of Lithuania Law on the Restoration of Savings of the Population, 5 June 1997, No. VIII-240.

C. State support to individuals who in the years of occupations were committed to ghettos, concentration camps and deported for forced labour purposes

One-time benefits

Individuals who in the course of World War II were deported for forced labour purposes, committed to ghettos and other places of imprisonment, or their successors shall be entitled to the benefit in the amount of LTL 20 per month spent in the places of forced labour, ghettos and other places of imprisonment, including minors committed to places of fascist forced imprisonment. The benefit shall be payable by tax inspectorates of the town (district) in the territory of which the above-specified individuals lived before deportation, upon submission of the certificate on time spent in the places of forced labour or imprisonment issued by the Prosecutor General's Office of Lithuania.

Legal base: Republic of Lithuania Government Resolution on the Indemnification of Damage to Individuals Deported during World War II for Forced Labour Purposes or were Committed to Ghettos and other Places of Imprisonment and to the Individuals Illegally Evicted from One Place to Another in the Territory of Lithuania (12 08 91, No. 327).

State pensions for victims

Individuals who in the course of World War II were deported for forced labour purposes outside former USSR boundaries or were committed to ghettos and concentration camps and who receive the state social insurance pension shall also be entitled to the state pension for victims upon presentation of the certificate issued by the Prosecutor General's Office of Lithuania. The state pension for victims in the amount of the state pension base (LTL 138 at present) shall be awarded to the individuals who have reached the old age pension age or attributed to the disability Groups I or II.

Pensions paid to individuals who became disabled during their deportation for forced labour purposes or during their stay in ghettos and concentration camps (the reason of disability shall be established by the State Medical Expertise Commission):

- Disabled of Group I – in the amount of 2 state pension bases (LTL 276);
- Disabled of Group II – in the amount of 1,5 state pension base (LTL 207);
- Disabled of Group III – in the amount of 0,75 state pension base (LTL 103,5) until pensionable age (upon reaching the pensionable age - in the amount of 1 state pension base).

Legal base: Republic of Lithuania Law on State Pensions, 22 December 1994, No. I-730

Note. The list of ghettos, concentration camps and other camps of forced type is approved by the Centre for the Investigation of Population Genocide and Resistance of Lithuania (Didžioji 17/1, Vilnius).

Health care

Former inmates of the ghetto and juvenile prisoners of the fascist forced confinement institutions and individuals deported for forced labour purposes shall be insured with compulsory health insurance. The aforementioned individuals are insured with the state funds and entitled to the reimbursement of the expenses of the reimbursable medicines and medical aids, prescribed for the outpatient treatment in accordance with the procedure established by the Ministry of Health of the Republic of Lithuania.

Legal base: Republic of Lithuania Law on Health Insurance (21 May 1996, No. I-343).

Transportation privileges

Former prisoners of ghettos, concentration camps or forced camps of other types are entitled in the established manner to acquire with 50 per cent discount a single or monthly registered ticket for local (urban or suburban) regular transport busses and trolleybuses and local transport ordinary trains with trains with sitting accommodation carriages.

Legal base: Republic of Lithuania Law on Transportation Privileges (30 March 2000, No. VIII-1605).

D. State support to victims who participated in the elimination of the consequences of the accident at the Chernobyl Nuclear Power Station

State pensions for victims

Pursuant to Article 11 of the Republic of Lithuania Law on State Pensions, individuals - participants in eliminating the consequences of the accident at the Chernobyl Nuclear Power Station who as a result have become the disabled of Groups I or II or who have reached the pensionable age shall be entitled to the state pensions to victims in the amount of one state pension base (the presently applicable amount of the state pension base is LTL 138).

In addition, by virtue of Article 13 of the aforementioned Law, individuals who have become the disabled as a result of the effects of works related with the elimination of the consequences of the accident at the Chernobyl Nuclear Power Station shall be paid the state pension for victims as follows:

Disabled of Group I – in the amount of 2 state pension bases (LTL 276); Disabled of Group II - in the amount of 1,5 state pension bases (LTL 207) and Disabled of Group III - in the amount of 0,75 state pension bases (LTL 103,5).

One-time benefits

Payment of one-time benefits to the individuals who participated in the elimination of the consequences of the accident at the Chernobyl Nuclear Power Station will be continued in consideration of the worsening health condition of one-time benefits by virtue of the Republic of Lithuania Government Resolution No. 198 of 18 February 1998 on One-time Benefits and Privileges to the Individuals Who Sustained Damage in the Elimination of the Consequences of the Accident at the Chernobyl Nuclear Power Station.

The aforementioned Resolution establishes the following amounts of benefits for individuals who apply for the benefit for the first time:

- individuals recognised disabled, provided their disability is related with participation in eliminating the consequences of the accident at the Chernobyl Nuclear Power Station:

Group I disabled – LTL 7200; Group II disabled - LTL 5760; Group III disabled - LTL 4320;

- individuals who have contracted a disease related with participation in eliminating the consequences of the accident at the Chernobyl Nuclear Power Station – LTL 2880;

- upon death of the individual as a result of participation in eliminating the consequences of the accident at the Chernobyl Nuclear Power Station – LTL 14400 (paid in equal portions to the family members of the diseased individual - spouses, children and parents).

In addition the above specified Resolution also contains the provision which entitles the aforementioned individuals to receive larger amount of benefit due to the worsened health condition, respectively paying the resulting difference (e.g. by virtue of legal acts applicable earlier an individual who has contracted a disease related with participation in eliminating the consequences of the accident at the Chernobyl Nuclear Power Station received the compensation in the amount of LTL 2880. Recognition of such individual as the disabled of Group III in the established manner would entitle him to the difference of LTL 1440 (LTL 4320-LTL2880=LTL1440).

Pursuant to the procedure established by the Resolution the right to receive compensations shall be enjoyed by individuals who permanently reside in Lithuania and who were sent for works of elimination of the consequences of the accident at the Chernobyl Nuclear Power Station by decision of military commissariats or their workplaces.

Upon payment of one-time benefits, the municipalities taking into consideration the fact whether such individuals have received compensations in accordance with the Republic of Lithuania Law on Social Support for Individuals Injured during Mandatory Military Service in the Soviet Army and to the Families of Individuals who perished while serving in this Army (22 07 1945 – 31 12 1991) and the Republic of Lithuania Government Resolution on Compensations and Privileges for Individuals Who Sustained Damage in Eliminating the Consequences of the Accident at the Chernobyl Nuclear Power Station shall reduce compensations by amounts already paid out.

Health care

Condition of health of individuals who participated in eliminating the consequences of the accident in the Chernobyl Nuclear Power Station is examined and treatment for them is provided at the National Sapiega Hospital to the sphere of competence of which the Chernobyl Medical Centre is attributed. Decision on whether a disease is related with the participation in the elimination of the consequences of the accident in the Chernobyl Nuclear Power Station is taken by a special National Medical Experts Commission according to the results of examination and in observance of entries made in the medical case history. This Commission also provides conclusions on whether the death of the individual is related with the elimination of the

aforementioned consequences. For the purpose of determining a disability group and reason the patients are referred to the territorial social expertise commissions according to their residence (registration) address.

Pursuant to the Republic of Lithuania Law on Health Insurance the health insurance cover for individuals who have contributed to the elimination of the consequences of the accident in the Chernobyl Nuclear Power Station shall be financed from the State Budget funds; in addition, these individuals (reserve and compulsory military servicemen temporarily sent for works performed in the area within 30 km distance from the Chernobyl Atomic Power Station) are compensated full base price of the essential medicines and medical aids (according to the List of the Essential Medicines and Medical aids approved by the Ministry of Health).

Municipalities of cities and districts once a year cover from their budgets the expenses related to sanatorium/resort treatment of individuals who participated in eliminating the consequences of the accident in the Chernobyl Nuclear Power Station, to the extent these expenses exceed the amount of reimbursement of sanatorium/resort treatment established under the Law on Health Insurance.

ARTICLE 12 /paragraph 3

*“With a view to ensuring the effective exercise of the right to social security, the Contracting Parties undertake:
3. “To endeavour to raise progressively the system of social security to a higher level.”*

Question A

Please describe any measures taken to establish higher social security standards, in particular any measures raising the system to a higher level than that of the European Code of Social Security.

Please also provide information in relation to the standards of the Protocol to the European Code of Social Security and / or the revised European Code of Social Security.

See paragraph 1 of Article 12.

The Republic of Lithuania is continuously improving its social system to achieve the highest possible standards. Lithuania is preparing to ratify the European Social Code and has prepared a preliminary report which covers the description of the system of social security in relation to the requirements of the European Code of Social Security (the report is enclosed). In terms of certain benefits Lithuania exceeds the requirements set out in the European Code of Social Security. This is evidenced by the fact that the report enclosed in the annex has been developed using the data of 2000, whereas the following years saw only the improvement of the social security system in Lithuania.

Employment policy

During the last years the Programme of Increasing Employment in the Republic of Lithuania for 2001- 2004 is being successfully implemented. The work in this area covered the implementation of measures in support of geographically balanced economic development, promotion of investments, improvement of support for regional business, taking care of the qualification of the workforce and orientation thereof towards the local market.

In 2002, for the first time since 1997, the growth of unemployment was successfully curbed. The average rate of unemployment in 2002 accounted for 11,3 per cent and was by 1 percentage point lower than in 2001. This reduction was conditioned by successfully implemented projects of local employment initiatives, good organisation of public works (in

2002 48 thousands of individuals were engaged in public works), larger number of individuals participating in the programmes of supported works.

Introduction of amendments to the Law on Support of the Unemployed in 2002 conditioned the movement from passive to active support of the unemployed.

Certain changes in the sphere of payment for work are also being implemented in Lithuania. Improvement of the system of payment for work is aimed at ensuring that conditions of payment for work for civil servants, officials and other workers of the institutions financed with the state and municipal budget funds are based on equal criteria and principles.

Laws of the Republic of Lithuania guarantee the payment for work for the employees of enterprises that have gone bankrupt or are under bankruptcy. In 2001 the Guarantee Fund was established. In implementing the provisions of the Guarantee Fund, the claims of 20,6 thousands of employees with regard to the arrears of payment for work and other benefits were partially satisfied.

Social insurance

In order to improve the material status of pensioners, the base pension was twice increased in the course of 2000. From 1 April the base pension was increased to LTL 142, and from 1 September – to LTL 147. As a result of the growth of the base pension the amounts of state social insurance pensions as well as social assistance pensions paid to the disabled children and for the individuals disabled since childhood, social assistance benefits, nursing benefits payable to the totally disabled individuals as well as state pensions to the military servicemen paid to the individuals who were injured or contracted diseases while in the compulsory military service were also increased.

At present Lithuania is implementing the social insurance pension reform. Formation of a new pension insurance stage based on cumulative and voluntary principles is under way. The purpose of insurance based on these principles is to supplement the existing system of state social insurance and to create the possibility for improving the pensionable maintenance of individuals in future.

Social assistance

In 2002 the Programme for Implementing the Poverty Reduction Strategy was developed in which priority is given to active poverty reduction measures: vocational training and education of the workforce, increasing the opportunities for employment and economic activity.

The Draft Law on Financial Social Support to Low-income Families (Single Persons) was prepared in 2002 providing for the creation of a single system of financial social support base on income and property assessment.

In 2002 the Concept of the Provision of Social Services was approved and its implementation was commenced. To improve the quality of social services in 2002 the qualification of social workers was raised through better planning, administration and delivery of social services.

Question B

As far as any other changes in the social security field are concerned, especially in so far as they are not aimed at bringing the system to a higher level, please indicate the following elements:

- *the nature of the changes (field of application, conditions for granting allowances, amounts of allowance, lengths, etc.);*
- *the reasons given for the changes, the framework of social and economic policy they come within and their adequacy in the situation which gave rise to them;*
- *the extent of the changes introduces (categories and numbers of people concerned, levels of allowances before and after alteration);*

- *the existence of measures for those who find themselves in a situation of need as a result of the changes made (this information can be submitted under Article 13).*
-

The system of social security in Lithuania is being continuously improved implementing ongoing changes with a view to attaining the higher standards.

See paragraph 1, Article 12.

ARTICLE 12 / paragraph 4

“With a view to ensuring the effective exercise of the right to social security, the Contracting Parties undertake:

4 To take steps, by the conclusion of appropriate bilateral and multilateral agreements, or by other means, and subject to the conditions laid down in such agreements, in order to ensure:

- a) equal treatment with their own nationals of the nationals of other Contracting Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Contracting Parties;*
- b) the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Contracting Parties. “*

[The Appendix to the Charter states the words: ...and subject to the conditions laid down in such agreements ...” in the introduction to this paragraph are taken to imply inter alia that with regard to benefits which are available independently of any insurance contribution a Contracting Party may require the completion of a prescribed period of residence before granting such benefits to nationals of other Contracting Parties.]

Question A

Please give the list of bilateral and multilateral agreements as provided for in this provision and indicate how they allow, for the various social security benefits, the implementation of the principles provided for in sub-paragraphs a) and b).

1. General treatment

Bilateral agreements were firstly entered into with those states between which the migration of individuals was the greatest (Belarus, Latvia, Russia, the Ukraine). The present system of bilateral agreements covers about 85 per cent of individuals in the total number of immigrants.

Bilateral social security agreements of the Republic of Lithuania apply to all individuals who are subjected to the laws of one or more states. Therefore, in addition to citizens of the contracting states, the agreements also cover foreigners, including citizens from the states – Contracting Parties to the Charter.

Agreements with the Czech Republic, Estonia, Latvia, Finland, and the Ukraine provide for maintaining the social security rights being acquired and already acquired by the migrants by summing up the insurance periods for entitlement to benefits to ensure payment for benefits to individuals in foreign countries. These agreements are based on the principle of proportionality of benefits. Agreement with Russia is based on the territorial principle envisaging the observance of the principle of proportionality as from 2005. Agreements concluded with the Netherlands and Poland establish that acquired rights will be maintained by paying the already allocated benefits to individuals abroad.

2. Bilateral Social Security Agreements of the Republic of Lithuania

2.1 Social Security Agreement between the Republic of Lithuania and the Czech Republic, 1999.

2.2 Social Security Agreement between the Republic of Lithuania and the Republic of Estonia, 1996.

2.3 Social Security Agreement between the Republic of Lithuania and Finland, 2000.

2.4 Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Latvia on Cooperation in the Field of Social Security, 1993.

2.5 Agreement of the Republic of Lithuania and the Kingdom of Netherlands on Payment of Social Security benefits Abroad, 2002 (not yet enforced).

2.6 Agreement of the Republic of Lithuania State Social Insurance Fund Board (SODRA) and the Polish Social Insurance Office (ZUS) on Payment (Transfer) of Pensions to Individuals Entitled to Them and Residing in Poland or Lithuania, 1992.

2.7 Agreement between the Government of the Republic of Lithuania and the Government of the Russian Federation on the Pensionable Maintenance, 1999.

2.8 Social Security Agreement of the Republic of Lithuania and the Ukraine, 2001.

Types of social security covered by bilateral agreements are indicated in the below presented table.

Agreements in force with the Republic of Lithuania in area of social security

Country	Medical care	Sickness and maternity (cash benefit)	Old-age benefit	Invalidity benefit	<u>Survivor's benefit</u>	Work accident and occupational disease benefit	Unemployment benefit	Family benefit	Funeral grant
Czech Republic		+	+	+	+	+	+	+	+
Estonia	+	+	+	+	+	+	+	+	+
Finland		+	+	+	+	+	+	+	+
Latvia		+	+	+	+	+	+	+	+
Netherlands		+	+	+	+	+		+	
Poland			+	+	+				
Rusia			+	+	+				
Ukraine		+	+	+	+	+	+	+	+

European Temporary Social Security Agreements ETS 12 and ETS 13 are applicable in Lithuania since 1 December 1999. In observance of the obligations assumed by the Republic of Lithuania, Article 1 of the European Temporary Agreement ETS 12 applies to the laws and other legal acts regulating old age, disability, survivor's, orphans' and social pensions. Article 1 of the European Temporary Agreement ETS 13 applies to the laws and other legal acts regulating sickness and maternity (paternity) benefits, unemployment benefits, benefits payable in the event of death and benefits to families growing children.

After Lithuania becomes a member of the EU, the social security matters of migrants with 25 present and future Member States of the EU, and also with the Iceland, Liechtenstein and Norway will be handled in observance of the European Union law.

Question B

Please indicate whether, in the absence of any bilateral or multilateral agreements, the nationals of other Contracting Parties concerned are granted the implementation of the principles provided for in sub-paragraphs a) and b) for the various social security benefits.

Pursuant to the Republic of Lithuania laws social security benefits are allocated in consideration of the period of social insurance, the status of a permanent resident, or citizenship. The laws do not provide for the possibility of reducing any benefit due to the fact that its recipient is a foreigner or resides abroad.

1. Health insurance (medical assistance)

The Republic of Lithuania Law on Health Insurance citizens of the Republic of Lithuania and foreign nationals as well as stateless persons who are permanent or temporary residents in the Republic of Lithuania, provided they are legally employed in the Republic of Lithuania, and also their family members. The insured persons, regardless of their citizenship, enjoy equal rights to medical services.

2. Sickness and maternity benefits

The Republic of Lithuania Law on Sickness and Maternity Social Insurance establishes that sickness and maternity social insurance cover shall be provided to natural persons irrespective of their citizenship and permanent residence status. Therefore, foreigners who permanently or temporarily reside in Lithuania, including citizens of the Contracting Parties to the Charter shall be entitled to sickness and maternity benefits if they satisfy the conditions established by law. Payment of sickness and maternity benefits to individuals abroad is not limited.

3. State social insurance old age, disability, survivor's and orphan's pensions

Pursuant to the Republic of Lithuania Law on State Social Insurance Pensions the payment of State social insurance old age, disability, survivor's and orphan's pensions shall be based on compulsory state social insurance. The right to these pensions shall be enjoyed by the insured individuals who permanently reside in the Republic of Lithuania. In this case the citizenship of the individual does not matter. Therefore, foreigners who are permanent residents of the Republic of Lithuania have equal rights with the citizens of the Republic of Lithuania.

For a pensioner who has been awarded an old age, disability, survivor's and orphan's pension while residing in Lithuania, the payment of pension shall be continued after he moves abroad, irrespective of the beneficiary's citizenship. Therefore, all foreigners, including nationals of states - Contracting Parties to the Charter shall also be entitled to the aforementioned benefits.

In the event of entitlement to the pension acquired while living abroad, pensions shall be allocated only to the citizens of the Republic of Lithuania These pensions shall also be allocated to the nationals of the states with which social security agreements have been concluded or which are parties to the European Union Temporary Social Security Agreements ETS 12. When Lithuania joins the EU, the aforementioned pensions will be allocated to the citizens of the EU Member States who become entitled to them while residing abroad.

4. Social assistance pensions

By virtue of the Republic of Lithuania Law on Social Assistance Pensions the right to draw the social assistance pensions shall be enjoyed by the permanent residents of Lithuania. Therefore, foreigners are also entitled to these pensions, including nationals of states - Contracting Parties to the Charter whose permanent place of residence is in Lithuania. Social assistance pensions to foreign states shall not be paid neither to the Republic of Lithuania citizens, nor foreign nationals.

5. State pensions

The Republic of Lithuania Law on State Pensions establishes the following state pensions:

- 1) state pension to the President of the Republic;
- 2) first and second degree pensions of the Republic of Lithuania;
- 3) state pension to persons who are victims;
- 4) state pensions to officials and military personnel;
- 5) state pension to scientists;
- 6) state pensions to judiciary.

The above listed state pensions are not related with payment of social insurance contributions and are paid from the State Budget. In addition, the beneficiaries of state pensions who are insured with the state social insurance are entitled to receive state social insurance pensions.

Entitlement to draw state pensions (except for state pension to scientists) shall be granted only to the citizens of the Republic of Lithuania. The right to receive the state pension to scientists shall be enjoyed by the permanent residents of Lithuania who have been awarded a nostrified scientific degree or a pedagogical title.

State pensions (except for state pensions for victims and scientists) shall be payable to their beneficiaries who move to live abroad. State pensions for victims and scientists shall be payable only to the beneficiaries who are permanent residents of the Republic of Lithuania).

6. Benefits in cases of accidents at work and occupational diseases

In observance of the Republic of Lithuania Law on Social Insurance of Occupational Accidents and Occupational Diseases insurance shall be provided to natural persons irrespective of their citizenship and status of permanent residence. Foreigners who are permanent or temporary residents of Lithuania, including nationals of the states – Contracting Parties to the Charter are entitled to the benefits in case of accident at work or occupational disease without any restrictions, if they satisfy the conditions established by law.

7. Unemployment benefits

The Law of the Republic of Lithuania on Support of the Unemployed awards the right to unemployment benefits to the Republic of Lithuania citizens and foreigners who have satisfied the conditions established by this Law. It means that nationals of the states – Contracting Parties to the Charter are entitled to unemployment benefits on equal terms with the Republic of Lithuania citizens. Unemployment benefits shall not be paid to individuals residing abroad.

8. State benefits to families with children

The Republic of Lithuania Law establishes that the right to state benefits to families growing children shall be paid to permanent residents of Lithuania. Nationals of the states – Contracting Parties to the Charter shall be awarded the right to state benefits if they have a permit of permanent residence in Lithuania.

If one of the parents is a permanent resident of Lithuania, state benefits to families growing children shall be paid only if the child lives together with him (her). Benefits to families growing children shall not be paid to individuals residing abroad.

9. Funeral grants

By virtue of the Republic of Lithuania law a funeral grant payable in support in the case of death of an individual shall be paid upon death of a citizen of the Republic of Lithuania whose permanent place of residence is in Lithuania, and to a foreign national who possesses a permit for permanent residence in Lithuania.

Question C

Please indicate the length of the prescribed period of residence before nationals of Contracting Parties become eligible for benefits which are available independently of any contribution.

The Republic of Lithuania Laws on social security do not directly stipulate the time period of the foreign nationals' residence in Lithuania necessary in order to become entitled to social security benefits. When benefits are allocated on the basis of the permanent residence status, the duration of a foreign national's residence in Lithuania depends upon the time period established for the acquisition of the status of a permanent resident.

Article 18 of the Republic of Lithuania Law on the Legal Status of Aliens stipulates that a foreigner who is intending to reside in Lithuania for longer than 3 months during a half-year period must obtain a permit of temporary residence in Lithuania. The permit shall be issued for one year and extended.

Pursuant to Article 22 of the above referred Law in order to acquire the right to become a permanent resident of Lithuania, a foreigner must be in possession of a permit of temporary residence in the Republic of Lithuania for the last five years. This condition shall not apply to foreigners who are members of the family of a national of the Republic of Lithuania when they come together with him for permanent residence in the Republic of Lithuania.

On the basis of family reunification a foreigner shall be issued a permit of permanent residence in the Republic of Lithuania on condition that a foreigner has been living in Lithuania for the last two years provided.

In order to become entitled to social security benefits based on the permanent residence status, a foreign national must have been living in Lithuania without interruptions for the past five years, and in family reunification cases – for two years.

ARTICLE 13: THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE

Republic of Lithuania legal normative acts

1. Laws

- Constitution of the Republic of Lithuania
- Legal basis for the development of social services is provided by the Law on Social Services adopted in 1996 (Official Gazette, 1996, No. 104 – 2367).
- Republic of Lithuania Law on Amendment to the Law on Health Insurance, No. IX-1219 (Official Gazette, 2002, No.123-5512).
- Republic of Lithuania Law on Health System (Official Gazette, 1998, No. 112-3099).

- Republic of Lithuania Law on Health Care Institutions (Official Gazette, 1998, No. 109-2995).

2. Secondary legislation

- Republic of Lithuania Government Resolution No. 360 of 9 May 1994 on the Concept of Social Support enforced the provision of social services (Official Gazette, 1994, No. 36). The concept established legal basis for developing the integrated system of social support, to prepare territorial social programmes in municipalities, to extend the cope of social services predominant in the in-patient social care establishments.
- Social Security and Labour Minister's Order No. 137 of 4 September 1998 on the Directions for Developing Social Services at Home and on the Approval of the Regulations for Improving Efficiency of Work in the In-patient Care Establishments (Official Gazette, 1998, No. 94 – 2621) established the directions for developing social services oriented towards extending the scope of home-help services and services rendered in the in-patient care establishments.
- Principles and procedure of payment for social services is regulated under The Principles and Procedure of Payment for Social Services approved by the Republic of Lithuania Government Resolution No. 111 of 29 January 1998 (Official Gazette, 1998, No. 12 – 278).
- Classification of social services by nature and types is provided under the Social Services Catalogue approved by the Social Security and Labour Minister's Order No. 70 of 10 July 2000 (Official Gazette, 2000, No. 65 – 1968).
- Provision of home-help services is governed by the Methodical Material for Organising Social Services at Home approved by the Social Security and Labour Minister's Order No. 31 of 30 March 1999 (Official Gazette, 1999, No. 32 – 933).
- Until 1 January 2003 the activities of in-patient social services' establishments were regulated by the General Requirements for the In-patient Care Establishments approved by the Social Security and Labour Minister's Order No. 20 of 23 February 1999, and from 1 January 2003 – by the Requirements for the In-patient Social Care Establishments and the Procedure for Placing Individuals to the In-patient Social Care Establishments approved by the Social Security and Labour Minister's Order No. 97 of 9 July 2002 (Official Gazette, 2002, No. 76-3274).
- Activities of out-patient social services' establishments are regulated by the Requirements for the Out-patient Care Establishments approved by the Social Security and Labour Minister's Order No. A1-72 of 28 April 2003.
- On 5 April 2000 the Minister of Social Security and Labour issued Order No. approving the Performance Requirements for Social Workers of the Municipal Social Support Branch, Home-help Service and Child's Rights Protection Agency (Official Gazette, 2003, No. A1-71).
- Minister of Social Security and Labour Order No. 1-1 of 4 January 2000 on Approval of the List of Jobs for Social Workers (Official Gazette, 2000, No. 4 – 101).
- Qualification requirements applicable to social workers are defined by Minister of Social Security and Labour Order No. 31 of 29 January 1998 on Approval of the Qualification Requirements and Procedure of Certification of Social Workers (Official Gazette, 1998, No. 15 – 364; 2001, No.22-754; 2001, No. 92-3216).
- In February 2002 the reform of the provision of social services was launched approved by the Republic of Lithuania Government Resolution No. 171 of 6 February 2002.
- Minister of Health Care Order No. 49 on Amendment to the Minister of Social Security and Labour Order No. V-100 of 28 January 2000 (Official Gazette, 2003, No.17-750).
- Republic of Lithuania Minister of Health Care Order No. 37 of 20 January 2000 on Approval of the Procedure of the Provision of Emergency Medical Assistance Services

and of the List of the Emergency Medical Assistance Services (Official Gazette, 2000, No.7-203).

ARTICLE 13/ paragraph 1

“With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake:

- 1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition.”*

Question A

Please describe the general organisation of the current public social and medical assistance schemes.

Social services

Social services in Lithuania were enforced by virtue of the Republic of Lithuania Government Resolution of 9 May 1994 on the Concept of Social Support. Upon approval of the social support concept social support was divided into the following three component parts: financial assistance, assistance in kind and assistance in services. Legal basis for the development of social services is provided for by the Law on Social Services and subsequently adopted secondary legislation. The list of the general and special social services and their content is defined by the Social Services Catalogue approved by Order No. 70 of 10 July 2000 of the Minister of Social Security and Labour.

The key task of the system of social services is the provision of assistance in various non-monetary forms as well as in care funds to individual who cannot take care of themselves (for example, single old persons, families facing social problems, children deprived of parental care, orphans, individuals released from places of imprisonment, and other social groups of individuals. The system of social support is organised so as to strengthen the activity of individuals and responsibility for themselves and their families.

The basic goal of social services is to satisfy the vital needs of an individual and to create living conditions that do not debase human dignity, when the individual himself is incapable of accomplishing this. The ultimate goal of social services is to return to individuals a capability of caring for themselves and integrating into society.

The right to social services shall be held by:

- 1) citizens of the Republic of Lithuania;
- 2) citizens of other states and individuals without citizenship, who have a permit of permanent residence in the Republic of Lithuania.

In observance of the Republic of Lithuania Law on Social Services social services shall be provided in the following cases:

- 1) poverty, if in accordance with other laws, the funds are insufficient;
- 2) children and orphans who have lost the care of their parents;
- 3) homelessness;
- 4) unemployment;
- 5) disability;
- 6) temporary unemployment due to illness;
- 7) only one-parent families or in families with many children, where problems exist in raising the children;

- 8) alcoholism and drug addiction;
- 9) upon return from prison, pre-trial detention (arrest), institutions of social and psychological rehabilitation;
- 10) cases of misfortune;
- 11) other instances stipulated by law or other legal acts, when state support is required.

Social services shall be awarded to the individual upon having assessed his (her) need for social services. Such need is determined in due consideration of the individual's self-dependence, age, his (her) health condition, special needs, possibilities of the family and relatives to take care of such individual. Social services are assigned irrespective of the individual's income and property.

Provision of social services in terms of their duration is not limited.

Medical assistance

The present system of public social support and health care is regulated by the Republic of Lithuania Law on Health System, Republic of Lithuania Law on Health Care Institutions and Republic of Lithuania Law on Health Insurance.

Pursuant to Article 6 of the Republic of Lithuania Law on Amendment to the Law on Health Insurance, the right to health care financed from the compulsory health insurance fund budget shall be enjoyed by citizens of the Republic of Lithuania, nationals from other states and stateless persons permanently residing in the Republic of Lithuania, also foreign nationals and stateless persons from other states temporarily residing in the Republic of Lithuania, provided they are legally employed in the Republic of Lithuania, as well as their family members.

Par. 4, Article 6 of the Republic of Lithuania Law on Health Insurance lists individuals considered as insured with public funds:

- persons entitled to any type of pension established by virtue of the Republic of Lithuania laws;
- persons of working age who are registered with the labour exchange of their place of residence; unemployed individuals of working age who have the required state social pension insurance period established by laws for obtaining the state social insurance old age pension;
- women who in the manner established by laws have been granted a pregnancy and childbirth leave and unemployed women for 70 days during their pregnancy (after 28 weeks of pregnancy and more) before delivery and 56 days during the post-natal period;
- mothers (fathers in single-parent family) until their children become 8 years of age, and also mothers (fathers in single-parent family) with two or more children until the latter become of age;
- persons under the age of 18 years;
- full-time students of schools of general education, professional education, higher schools and higher educational institutions;
- persons supported by the state who are entitled to social benefit;
- individuals recognised as the disabled in the manner established by legal acts;
- individuals suffering from contagious diseases dangerous to the public; participants in the struggle (resistance) against occupations, rehabilitated political prisoners, deportees; individuals who participated in eliminating the consequences of the accident at the Chernobyl Atomic Power Station; former prisoners of ghettos or underage prisoners of fascist places of forced imprisonment; priests of traditional religious communities recognised by the State, students of ecclesiastical educational establishments and beginners serving monastic formation in monastery noviciates;
- participants in the Afghanistan war.

The above listed individuals shall be considered as individuals insured with state funds. They shall be provided with free individual health care services in the manner established by laws (providing financing from the Compulsory Health Insurance Fund budget).

The system of compulsory health insurance, individuals insured with the state funds, compensation of expenses for individual health care services, medicines and medical aids from the Compulsory Health Insurance Fund budget shall be regulated by the Republic of Lithuania Law on Amendment to the Law on Health Insurance, No. IX-1219 (“*Valstybės žinios*” (Official Gazette), 2002, No.123-5512). Pursuant to Article 10 of the aforementioned law, resources of the Compulsory Health Insurance Fund budget shall be allocated for reimbursement of expenses for medicines intended for out-patient treatment included in the List of Diseases and Compensated Medicines for their Treatment and of Compensated Medicines as well as medical aids covered by the List of Compensated Medical Aids. The aforementioned expenses shall be compensated in 100%, 90%, 80% or 50% depending upon complexity of health disorder.

Expenses for medicines and medical aids used in the in-patient individual health care establishments for treatment of patients insured with mandatory health insurance shall be financed from the resources of the Compulsory Health Insurance Fund budget, excluding the cases when the insured on his (her) or initiative and on recommendation of his physician chooses medicines or medical aids more expensive than those established under treatment methods. In such case the insured must pay to the health care establishment the difference of the prices of medicines prescribed by the physician and medicines and medical aids chosen by the patient.

In observance of the Law on Value Added Tax, individual and public health care services provided by health care institutions are exempted from value added tax. Medicines and medical aids the list whereof is approved by the Government of the Republic of Lithuania are subjected to the preferential tariff of the value added tax.

Attributed to measures guaranteeing the right to support and assistance is the Republic of Lithuania Health Care Minister’s Order No. 49 on Amendment to the Health Care Minister’s Order No. V-100 of 28 January 2000 on the Approval of the List of Compensated Medicines (Official Gazette, 2003, No.17-750) and the Republic of Lithuania Health Care Minister’s Order No. 37 on Approving the Procedure of the Provision of the Basic Medical Aid Services and the List of the Basic Medical Aid Services (Official Gazette, No.7-203).

Republic of Lithuania Law on Health System regulates the national health system of Lithuania, its structure, the basic principles of individual and public health care organisation, of ensuring the supervision of the health care guaranteed by the state or local authorities (free health care), and of health support.

Pursuant to Article 47 of the Republic of Lithuania Law on Health System (Official Gazette, 1998, No.112-3099) services of health care guaranteed by the State (free health care) shall be financed from the compulsory health insurance fund, state or municipal budgets, municipal health funds. Attributed to health care guaranteed by the State (free health care) shall be the basic medical aid.

Pursuant to Article 49 of the Republic of Lithuania Law on Health System citizens of the Republic of Lithuania, foreign nationals and stateless persons permanently residing in the Republic of Lithuania shall have the right to individual health care guaranteed by the State (free health care). Basic medical aid shall be provided to permanent residents in the NHSL institutions free of charge irrespective of whether or not they are insured by compulsory health insurance, also regardless of their place of residence.

Question B

Please provide detailed information on the different types of social and medical assistance, specifying for each one:

- *its form (benefits in cash and/or in kind);*
- *the categories of persons covered and the number of persons who were in receipt of assistance during the reference period;*

- *the conditions for the granting of assistance, the criteria used to assess need, the procedure for determining whether a person is without adequate resources, and the body which decides when assistance is to be granted;*
 - *as far as possible, information demonstrating the adequacy of the assistance with respect to the cost of living.*
-

Financial support provided to individuals and their families

The system of financial social support to individuals in Lithuania comprises support provided irrespective of the family's property and income or means-tested support . That is:

- benefits to families growing children;
- benefits to children deprived of parental care;
- social benefit;
- compensations for heating, cold and hot water costs;
- free school meals;
- funeral grant.

The state system of support to families (benefits to families growing children and to children deprived of parental care is described in Question A, Article 12. In this Article we include information about the right to social support for individuals who do not have sufficient funds for their living.

Individuals who due to objective reasons do not have sufficient subsistence funds shall be supported in consideration of their available income. Entitlement to social support is enjoyed by the Republic of Lithuania citizens, foreign nationals and stateless persons permanently residing in Lithuania, unless otherwise established under the Republic of Lithuania laws or intergovernmental treaties.

Social benefit shall be paid when family's income do not exceed the amount of state-supported income fixed by the Government, i.e. LTL 135 per family member per moth. The amount of the benefit shall be calculated as 90 per cent of the difference between the amount of the state-supported income of the family and average monthly income thereof. When the family fails to use the received social benefit for its proper purpose, it may be replaced by benefits in kind, that is by purchasing of the main foodstuffs or consumables.

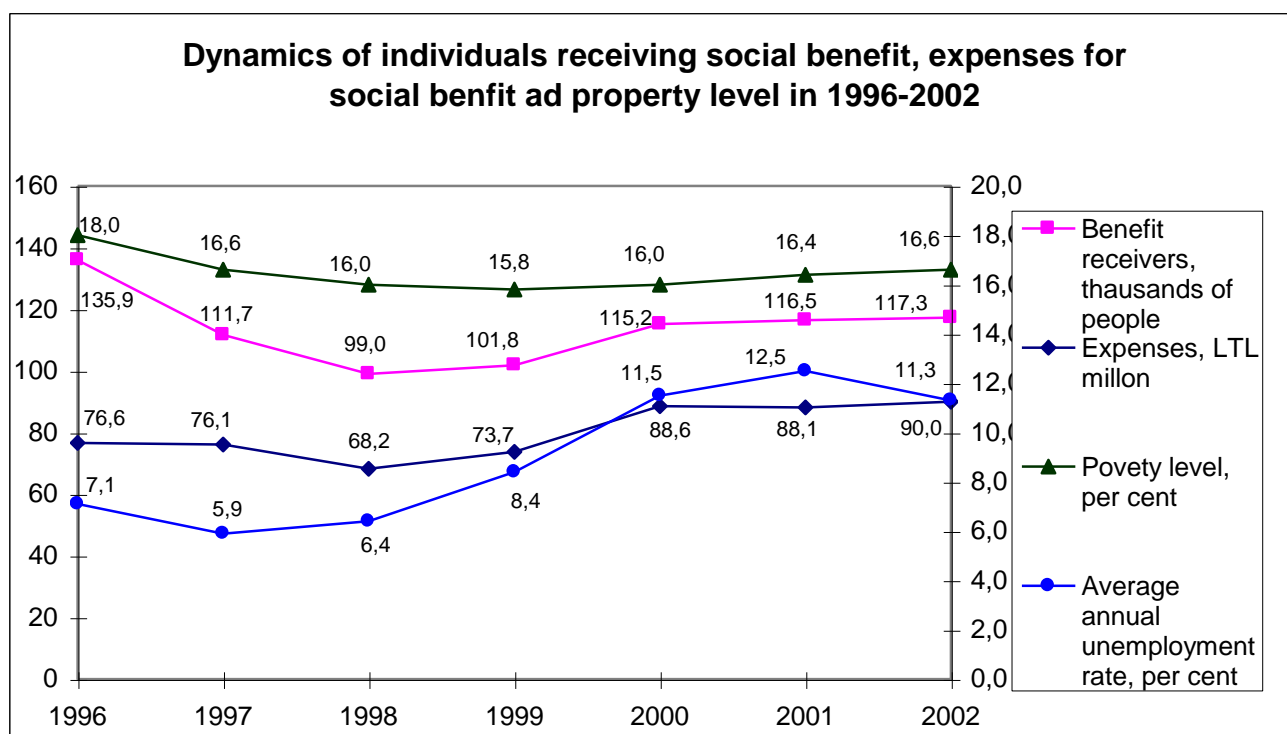
About 117 thousand of individuals received social benefits in 2002 per month (about 3,4 per cent of all permanent residents of Lithuania).

Dynamics of the numbers of recipients of social benefit is conditioned by changes in the number of the unemployed, variable income of individuals and minimum rates (minimum monthly wages, base pensions, etc), other regional changes in the country's socio-economic development. Analysis of the dynamics numbers of recipients of social benefit for 1996-2002 period shows that from 1998 the number of recipients of social benefit started growing and as well expenditures for this benefit (see the Figure). The increase in numbers of recipients of social benefit was mainly conditioned by the growth of poverty rate¹⁴⁰ and average annual unemployment rate. The data of the Figure show that the average annual unemployment rate in 1998-2001 grew from 6,4 to 12,5 per cent, poverty rate dropped from 16 to 16,5 per cent. Unemployment rate downturn to 11,3 per cent in 2002 did not have material effects on reaching the reduction of the poverty rate. Average monetary disposable income per household member in 2002 compared with 2001 went up inconsiderably (3,9 per cent, i.e. from LTL 346,1 to LTL 359,7 per month). In 2002 compared with 2001 the number of social benefit recipients went up, though moderately.

¹⁴⁰ Poverty rate calculated as 50 per cent of the average consumer costs.

Low-income families (single persons) are entitled to *compensations for heating and hot and cold water costs*. The system of compensation is based on the principle which ensures that even upon growth of utilities prices low-income families do not have to pay more: for heating of dwellings they pay maximum 25 per cent of the family's income less minimum income of the family (MSL per capita –LTL 125), for cold water in summer and winter seasons - maximum 2 per cent of the family's income, and for hot water - maximum 5 per cent of said income.

Social benefit and compensations are allocated in consideration of reasons due to which the family lacks income for its subsistence. Entitlement to support is enjoyed by employed individuals, the disabled or individuals nursing them, pensioners, full-time students of educational establishments, etc. Unemployed families are allocated the aforementioned support when the adult family members receive the unemployment or education benefit or are engaged in public works or works supported by the Unemployment Fund and 6 months after payment of said benefits or performance of works. Families with children are entitled to additional support. A family (single person) in possession of an individual farm larger than 3,5 ha area shall not be entitled to the social benefit and compensations.



Social benefit is allocated and paid by social support divisions of municipalities. After having examined conditions of life and completed a life conditions investigation certificate, municipalities are authorised to allocate social benefit and compensations on their own discretion and to those families for which the applicable procedure does not provide such allocations.

Families (single persons) willing to receive support must file a written application with the social support division according to their place of residence and submit the required data on the family's income and also the supporting documents. Social benefit and compensation amounts are determined on the basis of average income of the family (a single person) calculated according to the income of 3 last months preceding the month of application. Social benefit and compensations to the family (a single person) are allocated for 3 months beginning from the month in which the family (a single person) applied for the support, if at the time of application the family members (a single person) were (was) entitled to the social benefit and compensations. After completion of payment of the allocated social benefit and compensations,

for repeat allocation of support the family (a single person) can apply from the next month within 3 coming months period, providing new documents about family members and family's (a single person's) income. Should the repeat application for a social benefit and compensations be filed later than within 3 months of the end of payment of the previously allocated social benefit and compensations, the benefit is allocated and paid beginning from the month of application.

Children from low-income families studying at schools of general education are provided with *free school meals*, and those from particularly low-income families are additionally provided with free breakfast and lunch. In order to receive free meals, the parents of children have to file a written application with the school administration and to provide the necessary data about family's income and also the supporting documents. The right to free meals is determined in consideration of the amount of income earned by the family which is determined on the basis of average income of the family (a single person) calculated according to income of the last 3 months preceding the month of application. The right to free meals is enjoyed by schoolchildren from the families in which monthly family income per one member do not exceed the amount of 1,5 of state supported income (LTL 202,5) per month. One pupil is paid LTL 3 for lunch per day. Assignment of free school meals and assessment of family income is carried out at the beginning of calendar and school year. In separate cases when the family's financial standing worsens free meals may be assigned to children in the course of the school year and to those children whose families' financial standing remains unchanged – throughout the school year.

State budget funds for free meals of schoolchildren are provided since 1997. The financing allocated for this purpose on a yearly basis amounts to about LTL 60 million. Every year free meals are enjoyed by about 27 per cent of all pupils studying at schools of general education.

One-time benefits are allocated in cases of poverty, loss of home, sickness, disability, force majeure and in other instances. The procedure and amounts of one-time benefits are established by municipalities for their inhabitants in consideration of the budget possibilities. In 2002 municipalities paid out one-time benefits to support about 51 thousand of individuals.

Social services to individuals and their families

The Law on Social Services establishes that individuals and families shall be provided with the following general services:

- 1) provision of information and consultation;
- 2) assistance at home;
- 3) nursing care at home;
- 4) care funds, denoting the funds allocated for payment of the social services provided.

These services are provided to individuals so as to help them to live independently in their homes and to avoid the provision of special social services. Municipalities also organise the provision of other general services: catering, individual hygiene services, transport services, services of translation to the language of signs, provision with compensatory equipment and other services.

Special social services shall be provided for individuals in instances, wherein general social services prove ineffective.

5. Special social services comprise those services, which are provided for by individual care purposes:

- 1) at in-patient care and nursing institutions;
- 2) in rehabilitation institutions;
- 3) day care institutions;
- 4) temporary residence institutions;

5) other social care institutions

Provision of information, counselling. Services of the provision of information and counselling are provided free of charge to individuals in social services or at the client's home. Information about system of social support is provided and disseminated to community members.

Social workers – consultants and experts - of social support divisions of municipalities, separate services and institutions rendering miscellaneous social services provide information and counselling services free of charge.

Organisation of catering. The service to individuals who due to limited income, poverty, insufficient self-dependence or disability cannot subsist on their own. In view of the individual's material condition, social status, property, health condition, family status, etc. the following services may be rendered:

delivery of hot meals,
catering in a canteen, community centre or other catering enterprise,
issuance of vouchers for free acquisition of foodstuffs,
iron rations.

Special transport services. These services are organised according to the particular needs to individuals who due to disability, sickness or old age have motor function problems and cannot use the public or individuals means of transport. Services are provided with special purpose motor cars adapted for transportation of disabled individuals.

Procedures of payment for these services and of their provision are established by the municipality.

Provision with compensatory equipment. Compensatory equipment is selected and provided to the disabled or old people according to the recommendations of the individual health care institutions' physicians.

Dwelling and environment adaptation services. These services are provided with a view to ensuring maximum self-dependence of the disabled and old people by adapting the dwelling and environment to the individual's disability: widening the doors of dwelling premises, installation of floor sloping, adaptation of the bathroom, toilet, other environment, etc.

Home-help. This service is provided to old and elderly people, the disabled, children from families facing social problems, individuals attributed to risk groups and other persons with a view to creating normal conditions of life and opportunities to live full-fledged life at home. In view of the degree of self-dependence the following services may be provided to individuals: flat upkeep, individual hygiene and care services, purchasing of foodstuffs and cooking, payment of flat rent and utilities fees, call for a doctor, purchase of medications, laundering, changing linen, organisation of household works, etc.

Home-help organisation procedure is established by each municipality. It approves the list and prices of services. Amount of the fee for the services depends upon family's income, number of family members, health condition of the beneficiary of services, type of services and duration of their provision and other circumstances.

Individuals in municipalities which due to objective reasons cannot provide home-help services may be paid care funds. These funds have strictly defined designation and are provided to the individual to pay for the home-help services received. By decision of the municipality, care funds are allocated in consideration of the individual's health condition, need for services and their type, marital status and place of residence.

Day care services. These services are provided in day care establishments: day centres for children, day centre for elderly people, community centre, day centre for the disabled, day home for individuals attributed to the risk group, etc. The clients of the above listed establishments should be developed, have rest or engage in certain working activities. If necessary, such establishments may organise the provision of individual health care, lodging and other services.

Social rehabilitation services to individuals attributed to risk groups. These services are rendered to individuals released from places of imprisonment, institutions of social rehabilitation, alcohol or drug addicts, HIV/AIDS infected individuals, family members of individuals from families attributed to risk groups, etc. in day care establishments: social adaptation service, social-psychological assistance service (consulting room), family assistance service. The purpose of these services is to restore the individuals' biosocial functions deranged as a result of different risk factors, to restore relations with the surrounding environment and community and to help their family members.

Social rehabilitation services to the disabled. These services are rendered to the disabled and their families in day care institutions: day centre for the disabled, children's development centre, rehabilitation centre, social rehabilitation centre, labour therapy centre, job centre, occupational training centre, occupational employment centre, family support centre. The purpose of these services is to develop physical and mental abilities of the disabled, to facilitate their social integration, providing social, pedagogical, legal and other assistance to the disabled and their families.

Temporary residence services (high social risk). These services are provided in temporary residence establishments to individuals without place of residence or temporarily unable to use it: night homes, crises centres, temporary accommodation establishments for mothers and children, temporary homes for underage mothers with children, refugee reception centre, social integration centre, reintegration centre, etc. The clients are placed in these establishments for up to 6 months period and sometimes longer until the reasons of their placement in such establishment are eliminated or problems settled and until individuals return to the family and /or community.

The amount of payment for these services is established by the founder in observance of the applicable legal acts.

In-patient care services to children. These are services rendered in the child care establishments: temporary care homes for children, foster-families, child care homes, child care groups intended for longer or permanent stay of children, when the children are orphans deprived of parental care or due to certain circumstances cannot live at home. The above listed establishments admit and take care of children older than 3 years of age.

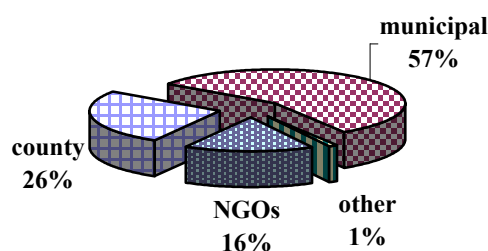
In-patient services to the disabled. These services are provided to the disabled individuals in the following establishments: care homes for mentally disabled children, care homes for the disabled youth, care home for mentally handicapped adults, self-dependent life homes, etc. intended for temporary or permanent settlement of the disabled who need care, nursing and are not capable of living at their homes or independently.

In-patient services to old people. These services are provided in old people care establishments (care homes for old people, boarding-houses, specialised care and nursing homes or units, special care homes, self-dependent life homes), intended for temporary or permanent settlement of old people when they are no longer able to take care of themselves and need regular care and nursing.

Other services. These comprise services rendered on discretion of municipalities in view of the specific needs of individuals and possibilities of municipalities when the above listed services prove insufficient (for example, the disabled are provided with the services of translation into the finger language, attendant's services, vouchers to the bathhouse, supply with indispensable articles, etc.).

There are about 500 different types (in-patient care, temporary residence, day care, mixed-type social services, etc.) social services establishments in Lithuania aimed at different social groups of individuals. Social services in the social services establishments are rendered to more than 20 thousand of individuals, whereas about 9 thousand of individuals receive services at home. Also, about 200 thousands of individuals avail themselves of other social services rendered by municipalities: free catering, supply with indispensable articles (clothing, footwear), individual hygiene, transport, etc.

Social services establishments by subordination in 2001 per cent



More than half (57 per cent) of the beneficiaries of social services are provided with services of in-patient social services establishments, 25 per cent of them receive home-help services and only 18 per cent of the beneficiaries avail themselves of services delivered in the community care institutions.

The founders of social services institutions are county governors, municipalities, non-governmental and other organisations financed from different sources (state budget or municipal budgets, state funds, the founder's proceeds, charity, etc.).

All social services with the exception of information and counselling are paid. Payment for services is regulated by the Republic of Lithuania Government Resolution No. 111 of 29 January 1998 on the Approval of Principles and Procedure of Payment for Social Services. The amount of payment for social services depends upon the type of services, client's family income, number of family members, health condition of the client, duration of the provision of service, establishment type and other circumstances.

The amount of payment for special social services varies between 20 and 80 per cent of the average service price per month. The aforementioned Procedure establishes the cases of providing these services free of charge. Municipalities are authorised to exempt the beneficiaries from payment for home-help services or to reduce it. Majority of municipalities render free home-help services (clients cover only about 2 per cent of the expenses for social services provided at home).

Payment for special social services rendered in the in-patient care institutions accounts for up to 80 per cent of the individual's income, and may not exceed the amount of pension bases. In the structure of funds of the in-patient care establishments the amount of the percentage

of charge due from individuals depends upon the subordination of the institution: the charge due from individuals in county and municipal subordination care institutions accounts for 14 per cent, and in non-governmental organisations – for about 35 per cent of the care institution's resources.

Special social services provided in day care institutions are paid for by the clients depending upon the institution type and the beneficiary's (family's) income. In the manner established by the founders individuals may be exempted from payment for services.

Question C

Please indicate the means by which the right to assistance is secured, indicating whether individuals may uphold the right before an independent body..

Financial assistance

To ensure minimum subsistence of low-income individuals the Republic of Lithuania Law on the Individuals' Income Guarantees has established a social benefit.

Low-income individuals who are not able to pay for the essential services (heating, cold and hot water) are subjected to the compensations provided for under the Republic of Lithuania Law on the Compensation of Dwelling (Individual House) Heating, Cold and Hot Water Costs to Low-income Individuals.

Social support divisions of municipalities, in observance of the aforementioned Laws take decisions on entitlement to the social benefit.

Until 2002 the aforementioned benefits and compensations were paid from municipal budgets. Municipalities often suffered the shortage of funds and effected delayed payments of benefits and compensations. In view of the fact that calculation and payment of benefits and compensations established by laws is the function of the state (assigned to municipalities), as from 2002 the funds for calculation and payment of benefits and compensations are allocated from the state budget and transferred to municipalities in the form of a special purpose-oriented subsidy. This is also aimed at ensuring timely payment of calculation and payment of benefits and compensations.

Organisation of free school meals is regulated by the Procedure for Organising Free Meals in Schools of General Education for Children from Low-income Families approved by Order of the Minister of Social Security and Labour of the Republic of Lithuania and by the Minister of Education and Science of the Republic of Lithuania. Responsibility for organising free school meals and utilisation of purpose-oriented state funds rests upon the founders of schools of general education (municipalities and counties).

The above referred legal acts stipulate that disputes on allocation of social support shall be heard in the manner established by laws.

In the event of refusal to allocate financial support to the individual, individual's disagreement with the amount of allocated social support or when the allocated social support is not provided, such individual has the right to appeal against actions (failure to act) of state or municipal officials with the administrative court of the Republic of Lithuania in the manner established under administrative cases legal procedure.

The above specified Law stipulates that prior to applying with the administrative court, the actions (failure to act) of state or municipal officials may be contested in the institution carrying out extra-judiciary advance hearing of disputes.

Appeals (applications with regard to the actions (failure to act) of state or municipal officials in the sphere of public administration according to the pre-trial procedure are heard by municipal public administrative disputes commissions, county administrative disputes commissions and by the General Administrative Disputes Commission.

A municipal administrative disputes commission is formed for 3 years by municipality's decision from 5 members of whom at least the Chairperson and the Secretary must have higher legal education. Candidates to the municipal administrative disputes commission are nominated by the mayor of the municipality. A county administrative disputes commission is formed for 4 from 5 members with higher legal (state or municipal officials as well as individuals without such status). The General Administrative Disputes Commission is formed for 4 years from 5 members who must have higher legal education. Candidates to the General Administrative Disputes Commission are nominated by the Minister of Justice.

Appeals of individuals on legitimacy of actions of municipal officials and on legitimacy and validity of their refusal or delaying to carry out the actions falling within their competence are deliberated by municipal and county public administrative dispute commissions. In all cases the individuals involved in disputes arising between them and officials from the Ministry of Social Security and Labour have the right to apply with the General Administrative Disputes Commission.

Decisions of municipal and county administrative disputes commissions and of the General Administrative Disputes Commission may be appealed against with respective administrative district courts.

Social services

Social services are allocated in observance of the individual's need for social services which is determined by a social worker from the municipality. The need is assessed in consideration of the individual's ability to take care of himself (herself), age, health condition, special needs, family's and his relatives' possibilities to take care of such individual. For example, in observance of the Methods of Assessment of the Individual's Ability to Take care of Himself (Herself) for the Purpose of Providing Home Help Services approved by the Minister of Social Security and Labour Order No. 31 of 31 March 1999, the individual's condition is assessed in observance of 10 self-dependence valuation criteria. These criteria are taken as a basis for establishing for each individual the degree of capabilities and the need for assistance which are subsequently divided into 4 levels of self-dependence of an individual (A, B, C, D). Assessment of self-dependence is a recommendation of a general nature which may be flexibly applied by each municipality in consideration of the type of municipality and particular situation of an individual. Each municipality is recommended to develop a more detailed description of assessment of self-dependence of an individual permitting to determine his (her) capacities, to quantify the required services and time needed for their provision.

The uniform methods for assessing the individual's need for allocation of services to be applied in social services establishments have not been developed yet. According to the established practice, for the purpose of determining the need for in-patient and day care services, municipal social workers draw up an individual's life conditions assessment certificate which reflects the overall assessment of the individual's self-dependence, age, health condition, special needs and family's or relatives' possibilities to take care of such individual.

In implementing the Social Services Provision Reform launched in February 2002 and approved by the Republic of Lithuania Government Resolution No. 171 of 6 February 2002, the development of a uniform system of assessment of the individual's need for social services through establishing the social worker's individual responsibility for assessing the need for social services.

By virtue of Article 8 of the Law on Social Services the right to social services shall be implemented, when the head of the social department of the municipal administration allocates the type and scope of social services, upon the recommendation of social workers who have assessed the need for social services. A written approval or refusal to allocate a social service shall be furnished to the individual no later than within one month of the day of receipt of the request. In emergency situations, the head of the municipal administration shall adopt a decision on a priority basis and shall make his decision public.

An individual shall be entitled to appeal against the decision of the social department of the municipal administration on allocation of social services with the municipal administrator or court no later than within three months of adoption of the decision. The municipal administrator's decision may be appealed against with the administrative court. The Seimas Ombudsmen shall investigate citizens' complaints concerning the abuse of office and bureaucracy of officers of state government and administration institutions, local government institutions, military and other institutions equated to them. Every citizen shall have the right to file a complaint with the Seimas Ombudsman about the abuse of office or by bureaucracy of the officer of the state or municipal institution which comes within the competence of the Ombudsman.

Question D

Please give the amount of public funds (central government or local authorities) allocated to social and medical assistance as well as the percentage of GDP this represents, and, if possible, give an estimation of the amount of private funds devoted assistance.

In 2001 the funds allocated for care and welfare purposes in Lithuania accounted for 3,7 per cent of the state and municipal budget expenditures or 16,9 per cent of the funds allocated for social security, care and welfare.

About 12 per cent of funds designated for social support are allocated for social services.

Provision of social services is financed from state and municipal budgets, special funds, enterprises, institution or organisation funds, payments for social services, charity (contributions) and other resources.

State and municipal budget expenditures on social security, welfare affairs and services

	1999			2000			2001		
	LTL thous.	%	%	LTL thous.	%	%	LTL thous.	%	%
Expenditures on social sphere	4769066	100.0	x	4807570	100.0	x	5006145	100.0	x
Expenditures on social security, welfare affairs and services	1023648	21.5	100.0	1116316	23.2	100.0	1081832	21.6	100.0
Social security	725241	15.2	70.8	803044	16.7	71.9	829527	16.6	76.7
Care and welfare	177591	3.7	17.3	185097	3.9	16.6	182963	3.7	16.9
Care and welfare institutions for children	43450	0.9	4.2	44461	0.9	4.0	43615	0.9	4.0
Care homes for old people (boarding houses)	35801	0.8	3.5	36734	0.8	3.3	35643	0.7	3.3
Care institutions for the disabled	71626	1.5	7.0	75737	1.6	6.8	74004	1.5	6.8
Other care and welfare institutions and means	17143	0.4	1.7	18660	0.4	1.7	20877	0.4	1.9
Institutions rendering home help services to individuals entitled to social support	9571	0.2	0.9	9504	0.2	0.9	8825	0.2	0.8

Other functions of social security and welfare	104119	2.2	10.2	112278	2.3	10.1	53605	1.1	5.0
Maintenance of central and municipal institutions	14238	0.3	1.4	13967	0.3	1.3	14629	0.3	1.4
Research and research institutions	2459	0.1	0.2	1930	0.0	0.2	11091	0.0	0.1

Source: Statistical Yearbook of Lithuania, 2002, p.608

State and municipal expenditures for social security, care and welfare in 2002

	LTL thous.	%	%
Expenditures on social affairs	5336632	100,0	X
Expenditures on social security, welfare affairs and services	1108851	20.8	100.0
Social security	842343	15.8	76.0
State pension to the President of the Republic	79	0.0	0.0
First and second degree pensions of the Republic of Lithuania	14455	0.3	1.,3
State pension to victims	148533	2.8	13.4
State pensions to officials and military personnel.	67072	1.3	6.0
State pension to scientists	10023	0.2	0.9
Social assistance pensions	98510	1.8	8.9
Personal pensions	243	0.0	0.0
Social benefits	90658	1.7	8.2
Compulsory insurance contributions for individuals insured with state funds of compulsory social pension insurance	41191	0.8	3.7
State family benefits	249871	4.7	22.5
Benefits in case of death	30900	0.6	2.,8
Nursing benefits	17991	0.3	1.6
Funds for financing of privileges provided to individuals of different categories	24990	0.5	2.3
Other payments of social support	47829	0.9	4.3
Care and welfare	190004	3.6	17.1
Children care and welfare institutions	41797	0.8	3.8
Care homes for old people (boarding houses)	40321	0.8	3.6
Care institutions for the disabled	78379	1.5	7.1
Other care and welfare institutions and means	21065	0.4	1.9
Institutions rendering home help services to individuals entitled to social support	8442	0.2	0.8
Other functions of social security and welfare	52841	1.0	4.8
Maintenance of central and municipal institutions	22657	0.4	2.0
Scientific research works and scientific institutions	1008	0.0	0.1

Data of the Department of Statistics under the Government of the Republic of Lithuania

State budget funds are allocated for social services:

- financing the targeted programmes,
- directly financing of the existing services (social services institutions of the county level: care homes for children, old people and mentally handicapped individuals).

In observance of the Republic of Lithuania Government Resolution No. 202 of 19 February 1998 the Social Services Infrastructure Development Programme for 1998-2003 has been launched and is under implementation now. The purpose of this Programme is to develop

communal social services network through establishment of institutions intended for the most vulnerable groups of individuals: mentally or physically handicapped individuals, children deprived of parental care and families facing social problems, individuals attributed to risk groups, etc. For the purpose of implementation of the Programme the best projects developed by municipalities and non-governmental organisations were selected and co-financed by way of tender. During the period from 1998 to 2002 the amount of LTL 22,43 million of the Programme allocations was utilised for establishment or development of 45 social services institutions in municipalities.

The National Programme for Children's Day Care Centres of Non-governmental Organisations for the Years 2002-2004 is being implemented since 2002 pursuant to the Republic of Lithuania Government Resolution No. 731 of 24 May 2002. According to this Programme the projects of social services provided to children from social risk-related families are being financed. 40 projects for LTL 0,6 million were implemented using the funds of this Programme in 2002.

The National Programme of Control of Narcotic Drugs and Prevention of Drug Addiction for 1999-2003 approved by the Republic of Lithuania Government Resolution No. 73 of 23 January 2001 was launched in 2002 and is being implemented. For the purpose of implementing this Programme the state budget funds are allocated for the financing of projects aimed at the rehabilitation of drug addicts and prevention of drug addiction. During the period from 2000 to 2002 93 projects of rehabilitation of drug addicts and prevention of drug addiction were implemented using LTL 1,4 million of the Programme funds.

Social integration programmes for the disabled are being financed with the State Budget funds through the Disabled Affairs Council under the Government of the Republic of Lithuania. The aforementioned organisation in concert with non-governmental organisations implements medical, occupational rehabilitation and social integration programmes according to the priority directions of the medical, occupational rehabilitation and social integration programmes for the disabled: development of the disabled individuals, their occupational employment, adaptation of environment, formation of independent live skills for the disabled, availability of information, medical rehabilitation, etc. During 2002 the amount of LTL 22923,00 thousand was allocated from the State Budget to the Disabled Affairs Council under the Government of the Republic of Lithuania.

The youth non-governmental organisations' programmes were financed according to the similar principle through the Lithuanian Youth Affairs Council. The funds allocated for the programmes in 2002 amounted to LTL 761,450 thousand.

Municipal budgets funds are allocated for social services:

- financing the targeted programmes,
- financing social services institutions established by municipalities,
- financing non-governmental organisations rendering social services to the residents of the municipality.

About 20 per cent of the municipal social support budget, or 2-3 per cent of the total municipal budget are allocated for social services. The bulk (about 80 per cent) of the funds allocated for social services from municipal budgets are paid out as financial social support.

In 2002 about LTL 262 million (0,5 per cent of GDP) were spent in support of low-income families in consideration of their income (types of support are specified in Question B of this Article). The larger part of expenditures (LTL 107 million) was allocated for payment of compensations of the costs for dwelling heating and water and for payment of social benefits (LTL 90 million).

The data for 1998-2002 period presented in this Table show that about 0,5 per cent of GDP is spent on a yearly basis in support of low-income individuals.

Indicators	1998		1999		2000		2001		2002	
	LTL m	%	LTL m	%	LTL m	%	LTL m	%	LTL m	%
GDP	42990	100	42655	100	45148	100	47958	100	50679	100
Social support of low-income individuals	214,5	0,5 0	195	0,46	227,3	0,5 0	250,1	0,52	261,6	0,5 2
Of which:										
Social benefit	68,2		73,7		88,6		88,1		90,0	
Comensations for heating and water costs	81,8		61,2		74,8		98,3		107,0	
Free school meals	59,4		55,5		60,5		60,5		60,7	
One-time benefits	5,1		4,6		3,4		3,2		3,9	

State funds allocated for medical assistance account for 4,2 per cent of GDP. Funds allocated for health care per capital stand at LTL 578.

Three principal sources are distinguished in the structure of income of the Compulsory Health Insurance Fund Budget: income tax of natural persons which accounts for 50 per cent from total budget revenues of the Compulsory Health Insurance Fund Budget, the Republic of Lithuania state budget contributions make up 27,6 per cent and compulsory health insurance contributions paid by the insurers account for 20,3 per cent.

LTL 299 000 were allocated from the state budget funds for the implementation of the Red Cross Community Nurses Programme of the Lithuanian Red Cross Association in 2002. For the purpose of implementing this Programme in 2002 nursing services were rendered to 828 individuals entitled to social support, of which 16 per cent accounted for men, and 84 per cent – for women. The nursing provided also covered 57483 medicinal services (13407 - injections).

In observance of the Republic of Lithuania Government Resolution No. 1920 of 10 December 2002, the amount of LTL 3086 was allocated for the Programme of Medical Assistance to the Mother and the Child in 2002; and LTL 1326 was spent for the State Health Programmes Development Project purposes. Implementation of the Project also covered the allocation of LTL 332 for HIV/AIDS prophylactics and control and LTL 114 for the prophylactics of sexually transmitted diseases.

ARTICLE 13/ paragraph 2

„With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake:

to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights.“

Please indicate briefly how this Article is implemented and what measures are used to ensure in particular, the absence of any direct or indirect diminution of political or social rights.

Republic of Lithuania laws do not contain provisions directly or indirectly limiting political rights of individuals provided with social support or medical assistance. The Republic of Lithuania Constitution and other legal acts establish equal political rights to all citizens of the Republic of Lithuania.

Article 29 of Republic of Lithuania Constitution stipulates that all people shall be equal before the law, the court, and other State institutions and officers. A person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions.

Laws on elections enforce the universal and equal right of election which means that all citizens of the Republic of Lithuania irrespective of their social status are entitled to participate in the elections.

Laws on associations and public organisations award the right to establish associations and public organisations and to be their members is awarded not only to each citizen, but also to each resident of Lithuania.

In observance of the Law on Social Services a person provided with social services may not be subjected to any additional conditions, other than those related with the purposes of social services.

On 7 November 2002 the Seimas of the Republic of Lithuania passed the Resolution No. IX-1185 approving the National Plan of Action Aimed at Supporting and Protection of Human Rights in the Republic of Lithuania. As one of the measures this Plan covers the envisaged development of the monitoring programme of care homes for old people to ensure that the rights of people living in such homes are not violated (eliminating conditions which humiliate human dignity, involving these people in decision-making, etc.).

In observance of the Requirements for the In-patient Social Care Establishments approved by Order No. 97 of 9 July 2002 of the Minister of Social Security and Labour of the Republic of Lithuania, individuals who live in care establishments have the right to apply on different matters to the administration of the establishment. The care establishment must have in place the approved procedure for lodging claims and applications facilitating the settlement of the majority of problems which arise inside the institution. Written claims and applications should be registered in a separate journal. The Administration must investigate the validity of the claim and take measures, were necessary. Investigation results must be notified to the claimant. Item 20 of these Requirements establishes that the staff of the care institution must ensure the right of people living therein to apply on different matters to the founder of the establishment as well as to the institutions exercising control and other bodies.

By virtue of the Republic of Lithuania Law on the Seimas Ombudsmen the Seimas Ombudsmen investigate citizens' complaints concerning the abuse of office and bureaucracy of officers of state government and administration institutions, local government institutions, military and other institutions equated to them. Every citizen is entitled to file a complaint with the Seimas Ombudsman about the abuse of office or by bureaucracy of the officer of the state or municipal institution which comes within the competence of the Ombudsman.

Laws and other legal acts of the Republic of Lithuania do not limit the rights of the beneficiaries of social services, and individuals who violate such rights must be respectively subjected to the administrative, criminal or official liability depending upon the type and circumstances of the particular violation.

Therefore, the Republic of Lithuania laws are free from discriminating provisions stipulating that the social standing of an individual might be used as the criterion in implementing political rights.

ARTICLE 13 / paragraph 3

„With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake:

to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want. “

.....
Please describe the main services covered by this provision, especially the manner in which they are organised and operate, including their geographic distribution.

Please give as far as possible information about:

- *the staff responsible for providing advice and personal help, as well as an indication of their qualifications and duties;*
 - *measures aimed to ensure an adequate response to the needs of individuals and families.*
-

The territory of the Republic of Lithuania is divided into 60 administrative units called municipalities. In their territory municipalities organise the implementation of laws which stipulate benefits and compensations for dwelling heating and water costs, address the issues of individuals who need social support, provide information and counselling about social support.

Municipalities are entitled to allocate financial assistance to low-income families only upon having evaluated the income of applicant families and in separate instances after having determined their material condition. It means that municipalities assume great responsibility for ensuring that support is provided to individuals who are in greatest need.

Municipalities organise the provision of different other types of support (one-time benefits, social services) from their budget proceeds.

A municipality is the principal organiser of social services in the community. It analyses the need for social services of different social groups, draws annual plans covering the types and scope of social services, makes allocations from its own budget for the financing of social services, gathers and analyses information about persons who need social services, assesses the living conditions of the individuals who apply for social services, establishes, reorganises, restructures and winds up municipal social services institutions, foster-families, controls within the limits of its competence the activities of social services providers, supplies information about social services.

A municipality is responsible for the provision of social services to individuals who permanently reside in its territory. In exceptional cases municipality also renders services to individuals who are not permanent residents of its territory.

All 60 municipalities have established subdivisions responsible for organising social services and other social support. Municipal social support administrative subdivisions are established in 10 county administrations. While cooperating with municipalities these subdivisions prepare, coordinate and implement county social programmes and social projects; establish, reorganise, restructure and wind up special social services institutions of the county; control provision of social services in the county institutions engaged in the provision of social services.

Information about social services is provided by county governors' administrations, municipalities, non-governmental organisations and social services institutions established by them.

Considerable support to individuals relative to providing information on urgent matters and helping to overcome crisis situations is delivered by psychological assistance services. The Ministry of Social Security and Labour supports the activities of voluntary and professional psychological telephone assistance services functioning under the umbrella of the Lithuanian Association of Psychological Telephone Assistance Services (LAPTAS) financing telephone calls for individuals who make calls using the numbers assigned to these services. Psychological assistance services provide about 100 thousands of consultations per year, and the amount of about LTL 180 thousands is disbursed to pay for the telephone calls.

A care establishment is meant to help individuals with their personal affairs outside the establishment, protect their rights and legitimate interests, create conditions for obtaining the required information, consult different experts of care establishments and other institutions. An individual who arrives at such establishment for the first time must be detailly appraised of the activities of the care institution, its services, the rights of people who live in it, their liability and duties, get familiarised with the internal rules (Requirements for the In-patient Social Care Establishments).

Social services establishments must make available to the public the information about their mission and vision, objectives, goals, measures of implementation thereof, and services provided (Requirements for the Out-patient Social Care Establishments).

Social services to old people

Elderly people who account for about one fifth of our society are the main users of social services. In 2002 in-patient care services for old people were rendered in 94 old people care homes of different types (public, municipal, parish); at the year-end they hosted 4,7 thousand of individuals. Nearly the same number of old people (4,25 thousand) were provided with home services in 2002. About 1,2 thousand individuals are settled in care homes for old persons per year. Almost half (42 per cent) of inhabitants of care homes are single – without children or relatives.

The numbers of county care institutions has not changed during the past few years, however, those of municipal care homes for old people are growing. In 1991 there were only 3 municipal care institutions, whereas in 2002 municipalities had 53 care homes for old people. At present in-patient care services for old people are provided practically in all municipalities, providing 14 places of in-patient care (in 1990 – 6 places) per 10 thousand of Lithuanian residents.

Care establishments for old people (year end)

	1995	1999	2000	2001	2002
Care establishments for old people, total	64	93	93	93	94
In which inhabitants	3282	4250	4348	4428	4737
County care homes	9	8	8	8	8
in which inhabitants	1926	1750	1743	1760	1790
Municipal care homes ¹	38	52	52	52	53
in which inhabitants	1027	1722	1774	1785	1955
Other care establishments ²	1	3	3	3	3
in which inhabitants	115	245	265	300	320
NGO care establishments	16	30	30	30	30
in which inhabitants	214	533	566	583	672

¹ Including joint home for children and elderly (4 in 2002) and their adult inhabitants.

² Veisiejai Boarding House, Care Home "Tremtinių namai" (Home for Deportees), Gerontology and Rehabilitation Centre

Particular need for social services is observed in rural areas, because individuals aged 60 and older account for about one fourth (24 %) of rural inhabitants.

Already a large number of municipalities for the purpose of addressing the old people care issues create social service establishments alternative to the in-patient care institutions – day care centres, community centres or establish social services centres at in-patient care establishments which also provide out-patient services. At present about 6 community centres and centres for old people are functioning in Lithuania. Day centres contribute to the improvement of the quality of life of these people, because they are able to communicate with each other, address together the arising problems helping in such a way themselves and other people.

Social services to the disabled

Given the in the recent years increase in the numbers of mentally handicapped individuals, the need for social services to this group of individuals also keeps growing.

In 2002 22 in-patient social care establishments for mentally handicapped adults provided services at the county level. These establishments hosted 5,2 thousand of inhabitants, of which about 30 per cent were placed under intensive nursing regime. About 50 inhabitants were settled

in self-care homes established in 3 municipalities. Home help services were provided to 2,9 thousand of the disabled and their families. Day care services to the disabled adults and children are rendered by 34 day (employment, development) centres.

In 2002 652 children lived in mentally handicapped children and youth care institutions established in 3 counties.

Social services to individuals attributed to risk groups

Homeless individuals or individuals who are temporarily deprived of the possibility to use their home are provided with services of temporary residence establishments - night homes, crises centres, etc. At the end of 2002 751 individuals lived in temporary residence homes. During 2002 2,4 thousand people lived in temporary residence homes. About 76 individuals were additionally provided with one-night shelter every day.

Individuals attributed to risk groups and their families are provided with home help services. In 2002 such services were rendered to about 350 individuals and their families.

Social services to children

In 2002 social services to children deprived of parental care were rendered in 250 children's care establishments of different types and subordination: in infant homes, boarding schools of general education, county and municipal children care homes, family-type care homes for children, pre-school education care groups, etc. These establishments provided care to 7,7 thousand children.

In 2002 3 thousand of children were deprived of parental care, of which 41 per cent were aged under 7 years. 1,4 thousand children (45%) were placed under family (personal) guardianship. About three fourths of these children were taken under care of close relatives. At the end of 2002 7.6 thousand children were under the guardianships of families. Family-type care homes for children (foster families) are established in the great number of municipalities of the country. Last year 359 children lived in family-type care homes for children. In cases when there is no possibility to take care of a child in a family or foster family, a child is placed to a public or non-governmental care establishment. In 2002 the numbers of children increased almost in all children's care establishments. About 80 per cent of children living in children's care homes are orphans or deprived of parental care. Other children live in care homes due to different social problems existing in their families.

According to the data of the Ministry of Social Security and Labour, at the end of 2002 52 per cent of orphans or children deprived of parental care were placed under family guardianship, 2 per cent of them lived in foster families and 46 per cent – in different children's care establishments.

In implementing the Reform of the Provision of Social Services commenced in February 2002 which was approved by the Republic of Lithuania Government Resolution No. 171, the strategy of reorganisation of the children's care system will be developed providing for the main directions of development of the system of social services rendered to orphans and children deprived of parental care.

At present there are 1500 non-governmental organisations in Lithuania. Out of them 43,5 per cent are engaged in the sphere of education, 31,1 per cent deliver social services, 25,4 per cent represent the interests of individuals. In 2002 the following social services enterprises established by non-governmental organisations were functioning in our country: 30 care homes for old people (672 inhabitants), 11 child care homes (375 children), 12 long-term social rehabilitation institutions for drug-addicts (120 places). In addition about 80 children day care centres established by non-governmental organisations provided services to children (these centres hosted about 1500 children), every municipality also has one or more day centres providing services to the disabled.

According to the data of the Ministry of Social Security and Labour at present in Lithuania has about 30 thousand social services beneficiaries provided with social services by

care establishments or at home by about 5 thousand social workers. Social workers are employed in Social Affairs Divisions, Municipal Branches of Social Support, Neighbourhoods, establishments of social services. Social work is also performed in other spheres – health care establishments, educational institutions, law enforcement bodies, etc.

Social work in Lithuania is carried out by social workers, social pedagogues, special pedagogues, psychologists, specialists of public administration, nursing staff and other specialists.

About 2 thousands of certified specialists of social work with university, college or higher education work in Lithuania. About two thirds (70 %) of them are involved in social work.

In implementing the Programme of Certification of Social Workers Practitioners without Social Work Education for 1999-2002 skills upgrading courses were organised. 3,7 thousand individuals engaged in social work have already undergone training according to this Programme.

According to the data of the Ministry of Social Security and Labour, 94 per cent of social workers provide counselling services and perform preventive functions (early warning of the conflict situation). About 88 per cent of social workers carry out the diagnostic (identifying and evaluating a social problem), and 87 per cent – educational (educating the society on social matters). Organisational (mobilising resources for settlement of the problem), warning (notifying the management about emerging problems) and socio-therapy (changing social environment of the customer) functions are carried out by 79 per cent of social workers.

ARTICLE 16: THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

“With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.”

Republic of Lithuania legal normative acts

1. International legal acts

- United Nations Convention on the Rights of the Child (1989) (Official Gazette, 1995, No. 60-1501);
- United Nations Convention on Elimination of All Forms of Discrimination against Women (1979) (Official Gazette, 1996, No. 21-549);
- 1973 Hague Convention on the Law Applicable to Maintenance Obligations (Official Gazette, 2001, No. 38 -1291);
- Convention on Civil Aspects of International Child Abduction (1980) (Official Gazette, 2002, No. 51-1932).

2. Laws

- Constitution of the Republic of Lithuania;
- Civil Code of the Republic of Lithuania (18 July 2000, No. VIII-1864 (Official Gazette, 2000, No. 74-2262; No. 77; No. 80; No. 82);
- Republic of Lithuania Law on Education (25 June 1991, No. I – 1489, (Official Gazette, 1991, No. 23-593; 1993, No. 32-734; 1994, No. 8-122; 1995, No. 57-1419)) ;
- Republic of Lithuania Law on the Individuals Income Guarantees (27 September 1990, No. I-618 (Official Gazette, 1990, No. 30 - 711))

- Republic of Lithuania Law on Support in Case of Death (23 December 1993, No. I-348 (Official Gazette, 1993, No. 73-1371; 1997, No. 98-2484; 1998, No. 115-3241; 2000, No. 45-1298));
- Republic of Lithuania Law on State Benefits to Families Raising Children (3 November 1994, No. I-621 (Official Gazette, 1994, No. 89-1706; Official Gazette, 1997, No. 99-2506; Official Gazette, 1998, No. 35-934; Official Gazette, 1998, No. 115-3240; Official Gazette, 2000, No. 1-5; Official Gazette, 2001, No. 16-495; Official Gazette, 2002, No. 53-2044));
- Republic of Lithuania Law on Local Self-governance (7 July 1994, No. I-533 (Official Gazette, 2002, No. 68-2765));
- Republic of Lithuania Law on Special Education (15 December 1998, No. VIII-969 (Official Gazette, 1998, No. 115-3228))

3. Secondary legislation

- Republic of Lithuania Government Resolution of 9 June 1999 on Approving the Methods of Calculation of Compensations for Dwelling (Individual House) Heating, Cold and Hot Water Costs to Low-income Individuals (Official Gazette, 1999, No. 52-1700)
- Order No. 64/955 of 16 August 1999 of the Republic of Lithuania Minister of Social Security and Labour and of the Republic of Lithuania Minister of Education and Science on Approving the Procedure for Organising Free School Meals at Schools of General Education for Children from Low-income Families (Official Gazette, 1999, No. 72-2245);
- Republic of Lithuania Government Resolution on Approving the Regulations on Allocation and Payment of the Social Benefit (Official Gazette, 2000, Nr. 33-936; Nr. 58-1736);
- Order of Republic of Lithuania Minister of Social Security and Labour on Approving the Regulations on Allocation and Payment of State Benefits to Families Growing Children (Official Gazette, 1999, No. 15-406);
- Republic of Lithuania Government Resolution No. 726 of 7 June 1999 on Approving the Regulations on the Establishment, Reorganisation and Winding up of Educational Institutions (Official Gazette, 1999, No. 51-1640; No. 75-2283; 2000, No. 32-901; 2002, No. 74-3178);

Question A

Please mention if the legislation in your country provides specifically for the legal protection of the family, bearing in particular on equality in law between spouses, on family relationships and on marital conflict, and also any special measures to facilitate solutions other than divorce to such conflicts.

Please describe the marital property regimes existing in your country.

Article 38 of the Constitution of the Republic of Lithuania stipulates that the family shall be the basis of society and the State. Family, motherhood, fatherhood, and childhood shall be under the care and protection of the State. The Constitution also enforced such principles likewise entry into marriage upon the free consent of man and woman and the equality of rights of spouses in the family.

Family protection measures are elaborated in the Republic of Lithuania Civil Code Book Three – Family Law. Article 3.3 establishes the main family law principles on which the family relations are based: monogamy, entry into marriage upon free consent, equal rights of spouses,

the principle of priority protection of children's rights and interests, the principle of raising a child in the family, full protection of maternity.

The Code establishes that the spouses enjoy equal rights and equal civil liability to each other and to children on the matters of entry into marriage, its duration and discontinuation. The principle of equal rights is understood as requiring that all family life matters be addressed not unilaterally, but on mutual agreement between both spouses. Only in exceptional cases do the laws provide for the interference on the part of public authorities in addressing these issues, for example, the dispute between spouses on the surname of the child is settled by court (Article 3.167 of the Civil Code). Relations between spouses, likewise many other relations, are based on the principle of dispositivity, however, in family relations regarding children the state retains the right of interference into family relations irrespective of the spouses' will for the purpose of protection of the rights of the child.

The Code also envisages that, for example, in the agreement on marriage or in other agreements or unilateral representations, the spouses may not waive their rights or annul their obligations arising from marriage. For example, the spouses in the agreement on marriage may not prematurely waive the right to maintenance, annul their obligation to maintain children or refuse protection granted by the family property institution, etc.

With a view to preserving family relations in case of the spouses conflict the court is obliged to take measures for reconciling the spouses. On request of one of the spouses or on own motion the court may fix a maximum 6-months period for spouses to reconcile. Under such circumstances the case on dissolving the marriage is suspended. The case is renewed after expiration of the term fixed by the court on request of one of the spouses. If within one year of the beginning of the reconciliation term neither of the spouses claims marriage discontinuation, the application for marriage discontinuation remains not deliberated, i.e. the marriage is not dissolved.

The Civil Code also provides for another way for settling the family conflict – separation of the spouses, when the court establishes with whom the minors will live and settles the matters of children maintenance and participation of the father (mother) who lives separately in the education of children, without, however, dissolving the marriage as such and leaving the opportunity to save the family, differently from the case of divorce.

Speaking about the regulation of the property of spouses, it should be noted that the Civil code distinguishes between two legal marital property regimes:

1) according to the law when the spouses have not entered into the agreement on marriage;

2) according to the agreement when the legal marital property regime is defined under the agreement on marriage entered into prior or after marriage registration.

The statutory legal marital property regime means that the property acquired by the spouses after entry into marriage is their common joint ownership. The property of the spouses is their common joint ownership until it is not divided or until the right of common joint ownership ceases otherwise. On request of one of the spouses or their creditors the property which is the common joint ownership of the spouses may be divided between the spouses on their agreement or by court decision, irrespective of whether they are in marriage, or their marriage has been dissolved, or they have separated.

Upon having entered into the agreement on marriage, the spouses are free to choose between total or partial marital property legal regime. However, if spouses use the possibility to select the common joint marital property legal regime, they must accept the regime as it is defined by law and may not change its subject matter. Such change provided for in the agreement on marriage invalidates the marriage agreement provisions related with the common joint marital property legal regime. On the other hand, spouses can also choose the alternative (personal or common partial ownership) marital property legal regime.

Nevertheless, irrespective of the legal regime applicable to the marital property, the spouses also have personal property which in addition to material articles also comprises miscellaneous property rights.

The Civil Code established the marital property concept which stipulates that the property held by right of ownership to one or both of the spouses (family's dwelling and moveable articles intended for satisfying household needs, including furniture) is the marital property which should be used for satisfying common needs of the family. The principal purpose of the marital property – to protect the rights and legitimate interests of the minors and of the spouse who is weaker (firstly in economic terms). If one or both of the spouses use marital property disregarding this requirement, the person whose interests are violated has the right to contest the violator's actions and to require to recognise as invalid certain transactions. In addition to this general rule, Article 3.85 of the Civil Code imposes several additional limitations on the use of immoveable articles attributed to the marital property, their management or disposal, or on their recovery from the marital property.

Question B

Please, describe economic measures taken on behalf of the welfare of the family¹⁴⁰:

- a. by the award of benefits in cash (e.g., family allowances) which permanently ensure financial compensation¹⁴¹, at least in part, for family burdens, indicating the manner and the levels in which such benefits are given (with relevant figures) as well as the number of persons concerned (percentage of the population);*
- b. by the award of occasional benefits in cash or in kind other than social and medical assistance benefits, intended to give material assistance to families in certain specific circumstances (e.g. marriage, setting up or tenancy of housing appropriate to the size of the family group) giving, wherever possible, statistical information;*
- c. by alleviating certain expenses (e.g. tax relief for family and children, special transport rates for families). In so far as tax relief is concerned, please, specify whether tax concessions vary according to the number of children; and if so, how and to what extent;*
- d. by assistance to the newly married;*
- e. by providing the necessary financial assistance to women who are not covered by a social security system for a reasonable period before and after confinement, as well as medical care or other adequate care during childbirth¹⁴².*

Republic of Lithuania Law on Benefits to Families Raising Children regulates payment of financial benefits to families growing children who are in greater need for social assistance, and support for orphans and children deprived of parental care. Benefits provided for in this Law are paid irrespective of family's property and income.

The right to benefits shall be enjoyed by the citizens of the Republic of Lithuania who permanently reside in the Republic of Lithuania, foreigners (foreign nationals or stateless persons) who possess a permit of permanent residence in the Republic of Lithuania; persons who by virtue of the Republic of Lithuania Laws are granted a refugee status. If only one of the parents satisfies the aforementioned conditions, the benefits established by the above referred Law shall be paid only if the child lives with such parent.

¹⁴⁰ This question also covers the situation of single-parent families.

¹⁴¹ If your country has accepted paragraph 4 of Article 12 it is not necessary to describe measures taken to ensure equal opportunities in allocating family allowances because they make part of social security. If your country has accepted paragraph 3 of Article 31 punktą, it is not necessary to describe measures related with housing financing.

¹⁴² This question has been taken from the 1981 Form for reports under Article 17 of the Charter.

According to the possibilities of the state budget, the families which have and are growing children in the most essential instances of life are paid:

- a one-time childbirth benefit for each newborn child;
- *a family benefit* payable on monthly basis per child under 3 years of age (unemployed parents receive this benefit from the day of birth of the child, and those employed – upon expiration of the time period fixed for receiving the maternity (paternity) benefit during pregnancy, childbirth or childcare leave as provided for in the Law on Sickness and Maternity Social Insurance or in legal acts regulating the occupational activities (officials of national defence system, system of interior, etc.);
- *benefit to families growing three and more children* is paid on a monthly basis for three and more children under 16 years and older until they graduate from day-time educational establishments. Families growing three children receive the benefit if the family's income per family member is smaller than the amount thrice as large as income approved by the Government (LTL 405) financed with state budget funds. Families with four and more children receive the benefit irrespective of the family's income;
- *a benefit for maintenance of children of the conscripts* is payable on a monthly basis until their parents are in service.

Fixed amounts of family benefits:

One-time benefit for childbirth	6 MSL ¹	LTL 750
Family benefit	0,75 MSL	LTL 93,75
Benefit to families growing three and more children	1 MSL + 0,3 MSL for the 4 th and every subsequent child	LTL 125 + LTL 37,5 for the 4 th and every subsequent child
Benefit to children of conscripts	MSL 1,5	LTL 187,5

¹ MSL – minimum subsistence level the amount whereof is approved by the Government (as from 1 May 1998 MSL = LTL 125);

In order to receive the aforementioned benefits one of the parents (or a single parent) must file a written application with a social support of the place of residence and submit the required documents supporting the entitlement to the benefit. If one of the parents is dead, does not participate in raising a child, his (her) powers are limited, the child is separated from him (her), or if the parents are divorced, the benefit is paid to the mother (father) who is raising the child.

When received benefits are used for purposes, other than their direct purpose, they are allocated for procurement of the necessary products and consumables in view of the needs of children.

Children deprived of parental care (guardianship) who have been placed under care (guardianship) are entitled to:

- a *childcare (guardianship) benefit* which is payable on a monthly basis to the child's caretaker (guardian) for maintaining the child under care;
- a *one-time settlement benefit for orphans and children deprived of parental care (guardianship)* is payable to orphans aged 18 and children deprived of parental care (guardianship) who were placed under guardianship until they reached the full legal age. This non-cash benefit is allocated for the acquisition of a dwelling or for settlement purposes transferring it according to the concluded benefit payment agreement;
- an *orphan's student allowance* is payable to unemployed students who have lost their parents when they reach the full legal age and until 24 years.

For more information see Question A, Article 12.

Question C

Please indicate whether in your country there exists social and /or cultural services of particular interest to the family, such as advice to families (either to the whole family or to its members, e.g. to mothers, pregnant women, children of various ages), home-help services, family holiday homes, etc.

Please indicate the childminding services available to families, in particular in crèches, nurseries and after-school and holiday schemes for children.

Please give a general description of the organisation and facilities of these services. In your answer please distinguish between public and private services available free or against payment. Please give relevant statistical data.

Social services aimed at satisfying the needs of families are described in paragraph 1, Article 12, and in the answer to Question B, paragraph 1, Article 13.

Social, cultural and psychological services to children are provided in many educational and training establishments.

Specialists who work with children are trained how to recognise a child who has suffered violence and are bound by law to notify on children suffering violence. In the event of the failure to notify the cases of violence they are subjected to administrative and criminal liability.

A school psychologist provides psychological assistance to pupils who face personality and development problems and carry out prevention of psychological problems. Psychological assistance is rendered in cooperation of psychologists and parents (guardians, caretakers) of pupils providing them with consultations.

Special pedagogues at schools provide special pedagogical assistance to individuals aged under 21, they also provide counselling to the special assistance beneficiaries' parents (guardians, caretakers) and teachers. Provision of this assistance is regulated by the Law on Special Education.

An individual health care worker at school renders medical assistance to a pupil – that is the primary medical aid to the pupils who fall ill or sustain injuries, prophylactic health examinations of pupils, control over adherence to the hygiene norms and education of pupils and teachers on individual health care matters aimed at helping a pupil to preserve and strengthen his (her) health and to ensure the continuous health care for the pupil.

All supporting professions: social pedagogues, social workers, psychologists, consultants, etc. use the same theoretical basis and methods of the provision of support: individual, group and communal.

Article 7 of the Republic of Lithuania Law on the Amendment to the Law on Education (17 June 2003, No. IX - 1630) establishes that children of pre-school age shall, upon the request of the parents (or guardians of the child), or on recommendation of separate institutions of the protection of the rights of the child, be brought up in nurseries, kindergartens and school-type kindergartens. (children aged 1-3 years are educated in nurseries, of 3-6/7 years - kindergartens or school-type kindergartens). Orphans and neglected children of this age can be brought up in child care institutions.

Article 6 of the Republic of Lithuania Law on Local Self-government (7 July 1994, No. I-533) establishes that pre-school education is an independent function of municipalities, therefore, they are the founders of the larger part of the kindergartens.

Private kindergartens are also being established, however, they are still scarce.

Establishment, reorganisation and winding up of public pre-school educational institutions is regulated by the Republic of Lithuania Government Resolution No. 726 of 7 June 1999 on Approving the Regulations on the Establishment, Reorganisation and Winding up of Educational Institutions.

In view of the needs of parents and children, these institutions individually determine their working hours. A child can attend a kindergarten only several hours per day (2- 4 hours), or stay therein for half or full day (8-10 hours or weekly kindergartens)(Republic of Lithuania Minister of Education and Science Order No. 1080 of 10 July 1998 on the Pre-school Institution Regulations).

The Republic of Lithuania Government Resolution No. 1 of 3 January 2000 establishes that the amount of fee payable for the maintenance of children in pre-school institutions is fixed by the founder of these institutions (Republic of Lithuania Government Resolution No. 1 of 3 January 2000 on the Fee Payable for the Maintenance of Children in Pre-school Institutions).

By virtue of Article 1 of the Republic of Lithuania Law on Special Education (15 December 1998, No. VIII-969) pre-school age children with special needs are provided with the possibilities to attend the general and special groups of pre-school institutions, special pre-school education and other special education establishments.

In 2000 Lithuania had 714 pre-school educational institutions and 150 kindergartens of school type. Of which the bulk is established in towns – 501, and in rural area – 213.

The aforementioned institutions were attended by 90087 children (66597 – in nurseries, 9182 – in kindergartens, 12571 in kindergartens of school type and 1737 – in kindergarten groups formed in schools of general education). The age of children: up to 1,5 year (inclusive) – 274, over 1,5 year and under 3 years - 9675, and 3 years and over – 80138 children.

In 2002 686 pre-school educational establishments and 154 kindergartens of school type were operating in Lithuania. 493 pre-school educational establishments operated in towns and 193 – in rural areas. These institutions were attended by 90850 children (67762 – in nurseries), 7065 – in kindergartens and 2249 – in kindergarten groups formed in schools of general education, 13774 – kindergartens of school type). Children attending these institutions by age: up to 1,5 year (inclusive) – 567, over 1,5 year and under 3 years – 10156 and 3 years and over – 80127 children.

Question D

Please indicate whether legislation or other provisions in your country provide for protection of victims of violence or sexual abuse within the household.

Please indicate whether there are regulations and measures to prevent the risk of ill-treatment and to support and rehabilitate the victims?

The Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child establishes that civil, administrative and criminal liability, established by laws, shall be applied for parents and other legal representatives of the child, who shall be in violation of the child's rights, avoid or fail to fulfil their obligation to educate, teach, supervise, support the child, subject child to cruel treatment, or otherwise abuse their rights and obligations. If a father (mother) or another legal representative of the child violates the rights of the child, inflicts cruel treatment upon him or abuses his own rights (obligations) in another fashion, the child himself and other individuals, shall have the right to seek assistance from the institution of child rights protection, law protection or another institution which must employ measures provided by law. In such case the state institution of child rights protection shall take the child from his parents or from other legal representatives and place the child under guardianship or care in the manner established in the Civil Code.

Penal laws of the Republic of Lithuania establish more strict criminal liability for physical violence resulting in severe, light and minor health disruption when the victim of such actions is an underage child. In addition to general provisions regulating liability for violations of

human rights to life, free decision-making on sexual matters, dignity and other rights and freedoms, the aforementioned legal acts also establish the requirements as regards the imposition of criminal liability for punitive acts committed against children. One of examples is liability for child abuse covered by the Criminal Code of the Republic of Lithuania. Crimes and punitive acts against the child and the family are covered by a separate section in the Criminal Code of the Republic of Lithuania passed on 26 September 2000 and enacted on 1 May 2003, which also imposes criminal liability for leaving a child without care and abuse of the rights or duties of the parents, guardian or caretaker, or other legal representatives of the child.

.....
Question E

Please indicate if the legislation in your country provide for family representation on advisory or administrative bodies with a view to defending family interests.

.....

The Civil Code and the Code of Civil Procedure of the Republic of Lithuania do not establish the representation of the family, as of the institution.

Whereas Book Three of the Civil Code defines representation of spouses and parents' representation of their children. Article 3.32 provides that one spouse may authorise the other spouse to act in his (her) name and for him (her). When one spouse has acted for the other without authorisation or court permission, such acts and consequences thereof shall be subjected to the application of the provisions of the Civil Code regulating the handling of other person's affairs without the latter's instruction. Nevertheless, Par. 3, Article 3.92 enforces the presumption of a deal concluded upon agreement of the other spouse. This presumption shall not apply only when the agreement must be given in written form, and when the other party to the deal acted unfairly.

A permission for certain acts for which the other spouse's agreement is required, may also be given only by court when due to objective reasons the spouse himself (herself) cannot do that. However, if the court establishes that a spouse's actions contradict the interests of the family or minors, the court has the right to change or cancel its permit on request of the states' child rights protection institution or prosecutor.

Speaking about representation of children it should be noted that by virtue of the Civil Code parents are legal representatives of their children who are legally incapable minors, with the exception of parents who are recognised as legally incapable by court decision. However, the representation of parents shall not be required when the law entitles a minor aged 14 to conclude certain deals independently.

.....
Question F

Please indicate what measures have been taken to promote the construction of family housing, and supply full statistics of the work accomplished.

.....

With a view to creating housing acquisition conditions for the families, in observance of the Republic of Lithuania Law on the Provision of Dwellings to Residents from 1992 to 1998 soft housing credits were granted with 5 per cent annual interest from the state budget funds. Soft credits were also granted to individuals entitled to social guarantees for housing purposes without interest and without repaying up to 20 per cent of the of the received credit amount. Individuals attributable to those entitled to social support: orphans and children deprived of parental care, upon expiration of the time of their stay in a children care institution or with a guardian, provided they cannot settle in the premises where they had lived before or provided they have no such premises at all; families in which one member is a disabled of Groups I or II, or a disabled child aged under 16, if it has been established that he (she) needs regular nursing;

families in which members suffer from heavy forms of certain chronic diseases entered into the list approved in the manner established by laws of the Republic of Lithuania; families in which both the spouses are pensioners and there no other members of working age; families growing four and more together living children or which have taken for upbringing at least two orphans or children deprived of parental care; a mother or father (guardian) who alone (without the other spouse) is growing two or more minors.

Young families entered into the third queue of individuals entitled to state support were extended soft housing credits from credit resources of commercial banks, and the difference between market and soft interest was covered from the state budget funds.

Between 1998 and 2003 soft housing credits were granted to individuals (families) entitled to state support from credit resources of commercial banks paying for the borrower to the bank in the established manner 5 per cent annual interest on loans in litas and 3 per cent annual interest on loans in foreign currency (USD and EUR) for the first part of loan maturity fixed in the loan agreement, however, for a period no longer than 10 years calculating from the day on which the loan was extended. During the second half of loan maturity the borrower paid to the bank the interest as fixed in the loan agreement signed between the borrower and the bank. Loan maturity is up to 25 years. A borrower was required to have accumulated the initial contribution in the amount of 5 per cent or to have insured the loan with the Private Company “UAB Būsto paskolų draudimas“ (Housing Loans Insurance) in observance of the Housing Loans Insurance Regulations and Procedure of Payment of the Insurance Contribution from the Special State Support Funds Allocated for the Implementation of the Programme of Acquisition of Dwelling Houses and Flats approved by the Minister of Finance.

Municipalities provided additional privileges to the above listed individuals entitled to social support by covering the following portion of the extended loan: 20 per cent of the amount of the loan extended by the bank to orphans and children deprived of parental care, upon expiration of the time of their stay in a children care institution or with a guardian, provided they cannot settle in the premises where they had lived before or provided they have no such premises at all; 10 per cent of the amount of the loan extended by the bank to families in which one member is a disabled of Groups I or II, or a disabled child aged under 16, if it has been established that he (she) needs regular nursing; to families in which members suffer from heavy forms of certain chronic diseases entered into the list approved in the manner established by laws of the Republic of Lithuania; families in which both the spouses are pensioners and there no other members of working age; families growing four and more together living children or which have taken for upbringing at least two orphans or children deprived of parental care; a mother or father (guardian) who alone (without the other spouse) is growing two or more minors.

Individuals who at the time of loan granting were not entitled to social guarantees and became so entitled only later are provided with privileges as from the day on which the municipality register their application for providing these privileges.

Question G

Please indicate the measures taken in the field of family planning information.

The family planning measures comprise: services provided by obstetrical –gynaecologists and communal nurses, establishment and development of the family doctor’s institution, activities of Youth Health Centres, development of the Draft Law on Reproductive Health.

Non-governmental organisations are actively involved in this sphere. Contribution of religious communities is also worth attention.

One of the most active organisations in the field of provision of family planning information is the Family Planning and Sexual Health Association founded in 1995 and hosting

over 200 different specialists: medical workers, pedagogues, psychologists, journalists, etc. The Association seeks that families in Lithuania are healthy and happy and also to reduce the number of abortions in the country; encourages the public interest in family planning, sexual and reproductive health. The association organises lectures, seminars, courses, conferences, publishes written and video informational material, prepare projects and programmes. At present the Association is implementing the Youth Sexual Education Programme in 5 Youth Health Education Centres established in the largest towns of Lithuania: Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys. The sexual education programme developed by the Association offers the pupils to listen to the cycle of sessions. During the year the Youth Health Education Centres established links with 100 Lithuanian schools, organised 1000 interviews on reproductive health matters with 45 000 young people.

Question H

If your country publishes official statistics concerning the composition of the family and its economic and social position, please, provide a summary of the latest available statistics. In so far as the socio-economic position is concerned, describe the manner in which socio-economic categories are classified in your country.

Population by marital status

In the last decade of the XX century the family model began rapidly developing with new family transformation signs manifesting themselves – the share of individuals who have never been married keeps increasing, marriages are postponed for older age, the numbers of illegitimate children, etc.

During 2001 census population was asked questions about their marital status. Persons aged 15 and older were asked whether they are married, divorced, widowed or have never been married. Persons younger than 15 years such questions were given only when at the time of census or before it they have registered their marriage.

2800,9 thousand (99,9%) population aged 15 years and older described their marital status, and 3,1 thousand (0,1%) did not. Their distribution by marital status is as follows:

Individuals by marital status

(aged 15 years and older)

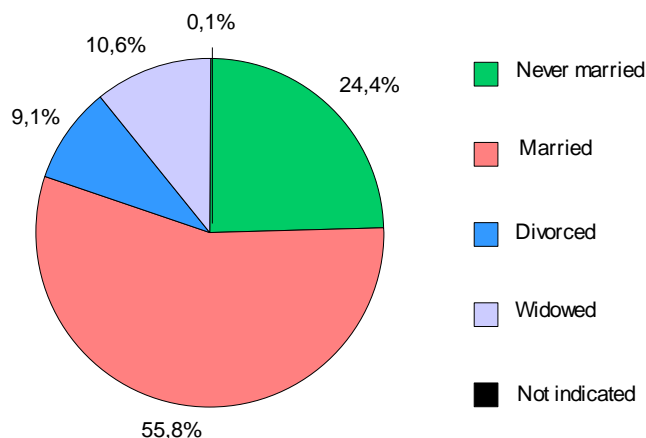
	Never married	Married	Divorced	Widowed
In thousands				
Total	683,5	1564,1	254,5	298,8
Males	361,4	777,7	99,4	40,5
Females	322,1	786,4	155,1	258,3
Per 1000 population				
Total	244	558	91	106
Males	282	607	78	32
Females	211	516	102	170

683,5 thousand, i.e. every fourth person aged 15 years and older specified that has never been married. Single males exceeded single females: every third-fourth males and almost every fifth females has never been married.

According to the data of this census, compared with the respective data of the 1989 census show the reduction in married males and females. In 1989 out of 1000 population aged 15

and younger 680 males were married, and in 2001 – 607, females - 589 and 516 respectively. The numbers of ipersons who have not been married and of widowed and divorced increased.

Population by marital status
(aged 15 and older; in per cent)



Urban and rural population by marital status (per 1000 population aged 15 years and older)

	Never married	Married	Divorced	Widowed
Urban	245	559	101	93
Males	273	619	79	27
Females	223	511	118	148
Rural	240	555	71	133
Males	300	584	75	40
Females	186	529	67	218

Specific weight of single rural as well as urban males outpaced that of females. Out of 1000 urban males aged 15 and older 273 and of rural males – 300 have never been married, of females - 223 and 186 respectively.

1564,1 thousand, i.e. almost every second person aged 15 and older indicated that he (she) was married. Married males accounted for 60,7 per cent of all males, and married females – for 51,6 per cent of all females.

Specific weight of married rural as well as urban males outpaced that of females. Out of 1000 urban males aged 15 and older 619 and of rural males – 584 were married, of females - 511 and 529 respectively.

Persons married for the second time accounted for 108,4 thousand, i.e. for 6,9 per cent of married persons (every fourteenth married females and every fourteenth married males).

254,5 thousand of population specified that they were divorced, and 298,8 thousand – widowed. It means that every eleventh man aged 15 and younger was divorced and every ninth - widowed.

Widowhood and life in divorce is particularly characteristic among females. Divorced urban females almost twice exceed divorced males. Out of 1000 rural males aged 15 and older 75 were divorced, and out of 1000 females of the same age 67 were divorced. Widows outpaced widowers in towns (by a factor of 6,7) and in rural areas (by 6 times).

Developments of the marital status of individuals (per 1000 individuals aged 15 and older)

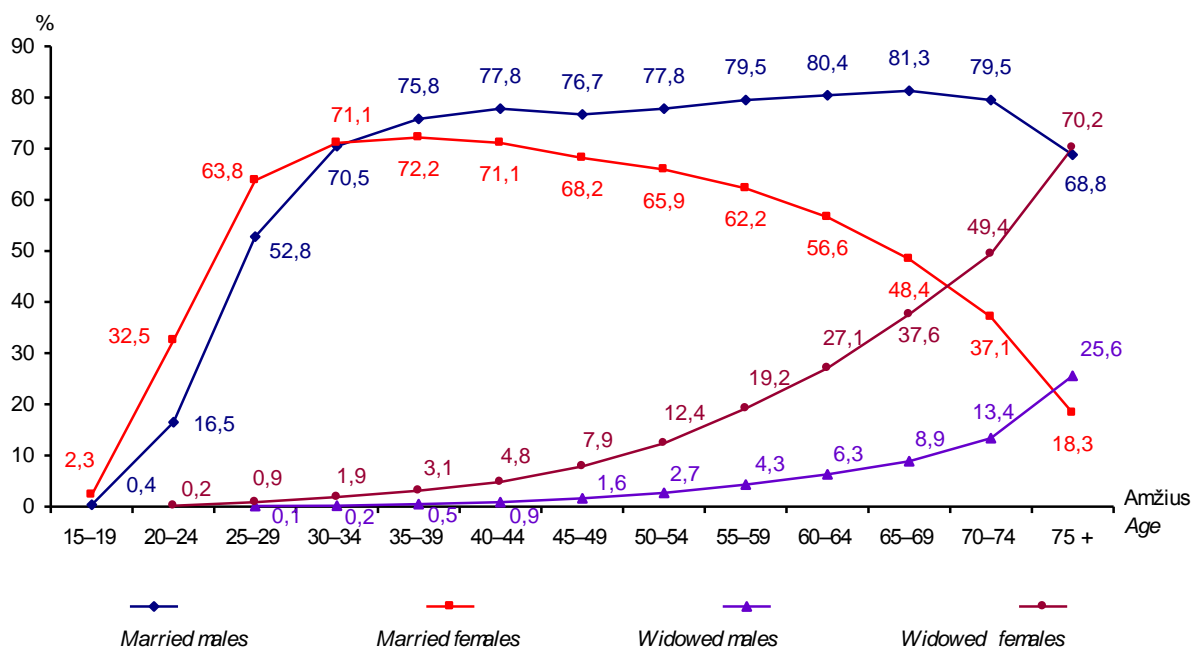
	Males				Females			
	Never married	Married	Divorced	Widowed	Never married	Married	Divorced	Widowed
1979	269	676	29	26	214	577	50	158
1989	246	680	44	27	187	589	66	156
2001	282	607	78	32	211	516	102	170

The previous censuses recorded the increase in specific weight among married females and in particular among married males and the reduction specific weight among single persons. Distribution of population by marital status recorded during these censuses remained similar to that of 2001.

Data on family structure of all population distinguishing between males and females by age groups are provided in chart 2. The greatest numbers of single persons are among those aged 20–34, however, their share in the group of people of older age is also large. Comparable share of married persons aged 25 and older does not differ considerably. The share of divorced females aged 25–59 exceeds that of males. Comparable share of widowed in all age groups noticeably outpaces that of males, and widowed aged 15 and older per 1000 of such females even by 5,3 times was larger than widowed.

Married males, married females and widowed by age groups

(aged 15 years and older)



Households and families

A household represents a group of persons who share one dwelling and food, or one person who lives separately. A household often comprises more than one family and persons not linked by family relations. A household may be larger than a family. Family households consist of two or more persons linked with family or kinship relations. They comprise the pairs of spouses or cohabitantes with or without a child (children), one of the parents with a child (children) and with or without other persons.

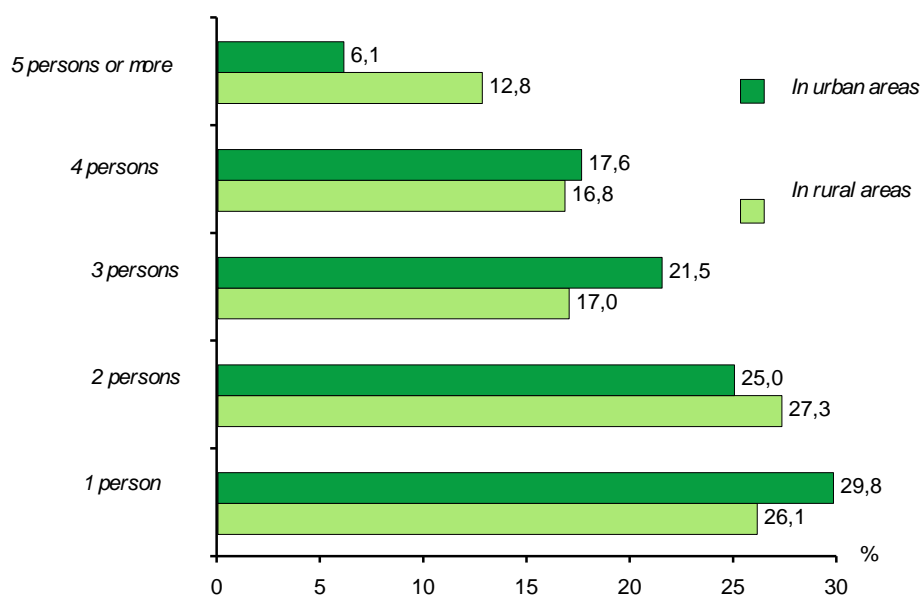
According to the data of 2001 census, the majority of population, i.e. 3 459,7 thousand (99,3%) lived in private households.

The census registered 1 356,8 thousand of private households.

Private households by size

	Private households		Nuber of household members	
	total, in thous.	%	total, in thous.	%
Total	1356,8	100	3459,7	100
Number of household members				
1	388,7	28,6	388,7	11,2
2	348,5	25,7	697,0	20,2
3	272,4	20,1	817,1	23,6
4	236,0	17,4	944,0	27,3
5 and more	111,2	8,2	612,9	17,7

Private households by size in urban and rural areas



According to the data of census the country had 962,6 thousand family and 394,2 thousand non-family households, of which urban private households accounted for 935,8

thousand (69,0%), and rural – for 421,0 thousand. (31,0%). The average size of the household – 2,55 persons (urban – 2,48, rural – 2,71 persons).

The majority of households (91,8%) comprised households of one-four individuals, of which 93,9 per cent urban and 87,2 per cent rural. Households consisting of five and more individuals made up 8,2 per cent.

According to the results of the census 60,2 per cent of the households comprised one family, i.e. the pairs of spouses or cohabittees without children, or the pairs of spouses or cohabittees with one or more children, or parents with one more families.

The census of 2001 recorded 962,6 thousands of families consisting of 3059,0 thousands of persons. The average size of the family – 3,18 persons. The average size of urban and rural families practically does not differ. Rural families are slightly larger (the average family consists of 3,32 persons) than urban (3,11 persons).

The average family has a tendency to reduce.

Changes in the number and average size of families

	1959	1970	1979	1989	2001
Total families, in thousand	670,9	801,6	901,0	1 000,0	962,6
Total persons in families, in thousand	2.393,0	2 762,0	2 954,0	3 220,4	3 059,0
Average family size	3,57	3,44	3,28	3,22	3,18

Census data show that the share of families consisting of three and more persons is diminishing.

Family size developments (per 1000 families)

	1959	1970	1979	1989	2001
Total number of families					
From 2 persons	278	289	318	338	357
From 3 persons	280	279	292	287	282
From 4 persons	218	245	254	255	245
From 5 and more persons	224	187	136	120	116

Almost every third family consists of two persons. 28,2 per cent of families consist of 3 persons, 24,5 per cent – of 4 persons. Practically every ninth family comprises five or more persons.

The census results show that 725,2 thousand of registered families comprised the pairs of spouses, the pairs of cohabittees accounted for 55,2 thousand. Single-parent families with children aged under 18 accounted for 114,7 thousand.

In 2001 families with children aged under 18 amounted to 510 thousand (53 per cent of all families). Of which almost every second family was raising one child, every second – third family – 2 children, and every tenth family – 3 children. Almost every fifteenth family consists of one parent growing children aged under 18.

The census data show that numbers of families growing two and more children keep reducing, whilst those with one child are growing.

Families by number of children under 18 years (in thousand)

	1979	1989	2001
Total families with	558,6	575,1	510,0
1 child	279,8	290,0	269,1
2 children	208,9	228,2	191,3
3 and more children	69,9	56,9	49,6
per 1000 families with			
1 child	501	504	528
2 children	374	397	375
3 and more children	125	99	97

Dwelling provision

The 2001 census of population and dwellings reflected the provision of persons with housing.

According to the data of the census 81,8 per cent of households had private dwellings. 80,5 per cent of urban households and 84,7 per cent of rural households had own dwellings. Per 1000 households 135 or every seventh household did not have their own dwellings. 4,7 per cent of households did not specify whether they have their own dwelling.

Dwelling acquisition by private households (per 1000 households)

	Have private dwelling			Have no private dwelling	Not indicated
	one	More than one	Not indicated		
Total households	748	45	25	135	47
In urban areas	731	49	25	138	57
In rural areas	787	36	24	128	25

Household (family) subsistence level

For the purpose of defining the economic standing and living conditions of households (families) the data of the survey of household budgets are used.

All households included in the survey of the household budgets are conditionally divided into 5 socio – economic groups. They are determined by the main income source of the head of the household, i.e., of the individual who receives the highest income. The following social-economic groups are distinguished according to this attribute:

Self-employed in agriculture – the main income source of the head of the household is received from individual agriculture;

employees – the main income source of the head of the household is received from hired work in the public or private sector;

self-employed, employers – the main income source of the head of the household is received from business, trades and free professional activities;

pensioners – the main income source of the head of the household comprise the old age, disability, survivor's, or other pensions;

other – the main source of income comprises various benefits, scholar ships, income from property and other income. Households living on their savings are also attributed to the group "Other".

Distribution of households by socio-economic groups in consideration of the number of children aged under 18 years in 2002 is presented in the Table below:

Distribution of households by socio-economic groups and number of children under 18 in households in 2002 (in per cent)

	Total	Of which:				
		self-employed in agriculture	employees	self-employed, employers	pensioners	other households
All households	100,0	5,9	52,6	3,2	33,9	4,3
Households with children aged under 18 years						
1	100,0	6,2	76,1	4,8	8,1	4,8
2	100,0	8,6	74,4	5,9	5,7	5,4
3 and more	100,0	21,0	53,7	2,6	10,6	12,2
Households without children	100,0	4,3	39,2	2,1	51,0	3,4

Income. In 2002 monthly disposable income of households with children aged under 18 years were LTL 362 per household member (86% of the country's average).

Subsistence level of households depends both upon the type of household and the number of children in the household. Disposable income of households with one child aged under 18 years of age per one household member by 1,8 times exceeded income of households with three and more children. Since 2000 this difference slightly increased.

Gaps in the level of income of households with different number of children are presented in table. To eliminate the effects of the size and structure of households the "classical" OECD scale was used according to which the first member of the household is assigned weight 1, every subsequent adult – 0,7, and every child aged younger than 14 years – 0,5.

Average disposable income of households with children calculating per equivalent adult, compared with average disposable income of all households (in per cent)

		Households with children aged under 18 years	Of which			Households without children
			with 1 child	with 2 children	with 3 and more children	
2000	100	96	105	93	69	106
2001	100	94	103	90	71	107
2002	100	93	105	87	67	108

The main source of income in all groups of households with children was income from employment, however, the share of income from employment reduces as the number of children per household grows and the share of benefits noticeably increases.

Structure of disposable income in households with children in 2002 (in per cent)

	Households with children aged under 18 years	of which:			Households without children
		with 1 child	with 2 children	with 3 and more children	
Total disposable income	100,0	100,0	100,0	100,0	100,0
Income from employment	61,7	64,9	62,8	38,2	45,8
Income from self-employment	13,4	11,9	13,7	20,6	9,3
Income from property, rent	0,1	0,1	0,0	0,0	0,3
Benefits, pensions	12,8	11,0	11,3	29,7	35,8
Other income	12,0	12,0	12,1	11,5	8,8

Consumption expenditure. Subsistence level of households growing two and more children was considerably lower than of other households covered by the survey. Classification of all households to deciles¹⁴³ by amounts of expenses shows that half of the households with 3 and more children fall within two first (lowest-income) deciles, and only 2 per cent – to two last (the wealthiest) deciles. The first two deciles cover 27 per cent and the last two – 11 per cent of the households with two minors.

Distribution of households by number of children in deciles in 2002 (in per cent)

	Total	of which in deciles:									
		I	II	III	IV	V	VI	VII	VIII	IX	X
All households	100,0	7,2	8,1	8,7	9,0	9,8	10,0	10,5	11,3	12,0	13,4
Households with children aged under 18 years											
1	100,0	9,0	9,6	10,2	9,6	10,6	10,7	10,7	10,5	10,0	9,2
2	100,0	12,8	13,9	11,8	12,4	10,8	10,6	10,0	6,9	6,4	4,4
3 and more	100,0	30,1	19,1	15,7	11,3	6,5	5,2	5,3	4,5	1,7	0,6
Households without children	100,0	4,0	5,5	7,0	7,9	9,5	9,9	10,9	13,0	14,7	17,7

Poverty rate. Analysis of poverty level carried out by the Department of Statistics showed that households with children aged under 18 years prevail among households living below relative poverty level. In 2002 poverty rate¹⁴⁴ of households with minors was 19,5 per cent (on average in the country – 16,6%). Calculations performed show that poverty rate considerably depends upon the number of children in the family.

Poverty rate of households growing only one child younger than 18 years is lower than average – 15,8 per cent, two children – 18,6 per cent, whereas in households with three and more

¹⁴³ Deciles are calculated by dividing into ten equal parts the line of the surveyed arranged in an increasing order according to consumption expenditure level. The first tenth, i.e. the first decile comprises households with the smallest expenditure, the second – households with expenditure greater than those of the first decile but less than in the third decile, etc.

¹⁴⁴ Poverty rate – the share of individuals who live below the poverty line. Their consumption expenses are lower than the poverty line calculated according to a certain method.

children – 34,5 per cent. Large families undoubtedly face the most intensive poverty. They are most likely to become the poor.

ARTICLE 19: THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

Republic of Lithuania legal normative acts

1. Laws

- Constitution of the Republic of Lithuania;
- Republic of Lithuania Code of Administrative Transgressions of Law (Official Gazette, 1985, No. 1-1);
- Republic of Lithuania Code of Civil Procedure (Official Gazette, 2002, No. 42);
- Republic of Lithuania Law on Legal Protection of Personal Data (Official Gazette, 1996, No. 63–1479; 2000, No. 64–1924; 2003, No. 15-597);
- Republic of Lithuania Law on the Right to Obtain Information from Public and Local-government Institutions (Official Gazette, 2000, No.10-236);
- Republic of Lithuania Law on Public Administration (Official Gazette, 1999, No. 60-1945);
- Republic of Lithuania Law on Refugee Status in the Republic of Lithuania (Official Gazette, 1995, No. 63-1578; Official Gazette, 2000, No. 56-1651);
- Republic of Lithuania Law on State Social Insurance (Official Gazette, 1991, No. 17 - 447);
- Republic of Lithuania Law on Fees and Charges (13 06 2000, No. VIII-1725 (Official Gazette, 2000, No. 52 -1484; Official Gazette, 2000, No. 53);
- Republic of Lithuania Law on the Legal Status of Aliens (Official Gazette, 1998, No. 115-3236);
- Republic of Lithuania Law on the Declaration of the Place of Residence (Official Gazette, 2000, No. 27-717).

2. Secondary legislation

- Republic of Lithuania Government Resolution No. 785 of 27 June 2001 on the Implementation of the Financing Reform of Schools of General Education (Official Gazette, 2001. No. 57-2040);
- Standard Procedure for Servicing the Citizens and other Individuals in Public Administration and other Institutions approved by the Republic of Lithuania Government Resolution No. 1491 of 25 September 2002 (Official Gazette, 2002, No. 95-4105);
- List of Objects Subject to State Fees and Charges, Procedure on Fixing the Amounts of State Fees and Charges and of Payment and Reimbursement Thereof approved by the Republic of Lithuania Government Resolution No. 1458 of 12 December 2002 (Official Gazette, 2000, No.108-3463);
- Regulations of the Migration Department under the Ministry of Interior approved by the Minister of Interior Order No. 388 of 6 October 2000 on Approving the Regulations of the Migration Department under the Ministry of Interior (Official Gazette, 2000, No. 86-2639; 2002, No. 105-4735);
- Republic of Lithuania Minister of Education and Science Order No. ISAK-789 of 4 June 2003 on the Implementation of Education in Schools of General Education of the Children of Foreign Nationals Arriving to the Republic of Lithuania for Work or Residence Purposes (Official Gazette, 2003, No. 57-2554);

- Procedure on the Issuance, Replacement and Revocation of the Foreign Nationals' Permits of Residence in the Republic of Lithuania approved by the Republic of Lithuania Government Resolution No. 486 of 1 May 2000 (Official Gazette, 2000, No. 37-1036; 2001, No. 108-397).

ARTICLE 19 / paragraph 1

“With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

- 1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.”*

Question A

Please indicate how free services to assist migrant workers are organised and operated

The matters of legal status of aliens in the Republic of Lithuania, i.e., the issuance of visas, the issuance of permanent residence in the Republic of Lithuania, granting the refugee status, etc. are settled by the Migration Department under the Ministry of Interior. Upon establishment of the status of aliens in Lithuania and their employment the migrant workers are entitled to the same services which are organised and provided to all employed individuals in the Republic of Lithuania.

Civil servants and other employees of the Migration Department under the Ministry of Interior (hereinafter referred to as civil servants of the Migration Department) within the limits of their competence, provide services to the citizens of the Republic of Lithuania, foreign nationals and stateless persons and also the migrant workers (hereinafter referred to as persons) upon their arrival at the Migration Department, by telephone, deliberating the applications and claims received directly from the individuals or sent in by post, also by taking decisions and notifying them to the individuals. While providing services to individuals, the civil servants of the Migration Department must observe the principles of respect of human rights, justice, fairness and reason, also the superiority of law, objectivity, impartiality, proportionality, non-abuse of power and official cooperation.

The Migration Department deliberates such written applications and claims which are written accurately and legibly in the state (Lithuanian) language, bear the signature of the applicant, his (her) forename and surname and exact address according to which the individual is willing to receive the answer, also the telephone number (if applicable). Applications and claims, which are illegible and difficult to understand, are surrendered to the applicant specifying the reason for surrender.

Applications filed in the language, other than the state language, are examined under general procedure. The answer to the applicant is given in the state language.

An individual and an applicant are not provided with private information on other persons.

The Regulations on Servicing the Interested Persons at the Migration Department, also full names and telephone numbers of the heads and civil servants of the Migration Department and its divisions, as well as the necessary information about activities of the Department, are made available to the public in the Internet page of the Migration Department.

The Migration Department shall provide services to interested persons during its working hours.

Upon their arrival at the Migration Department, individuals may file written and verbal applications and claims. Verbal applications are accepted only when they are eligible for the forthwith deliberation and settlement without violating the interests of the individual and the institution.

The matter of servicing of individuals on request thereof may be coordinated in advance by telephone or using other means of communication, for this purpose the cards for servicing the individuals may be introduced specifying in them in advance the time and place of servicing, also the title and full name of the civil servant or employee who will provide respective services. In the event of unforeseen circumstances and upon change of the agreed servicing time, the service (the civil servant or the employee providing services) must notify the individual to the effect.

The civil servant of the Migration Department responsible for the provision of services to individuals shall:

- 1) accept written applications and claims of visitors;
- 2) upon accepting an application or claim, ascertain their subject matter and examine whether they include all of the required attachments, where appropriate requesting the submission of additional documents;
- 3) deliver to the visitor a copy of the interested person's application or claim confirming the fact of the receipt of the application or claim; the copy must bear a seal and the date of receipt of the application or claim specified in it;
- 4) provide information about the course of settlement of the matter in the Migration Department;
- 5) take a decision on the matter of interest to the visitor within the limits of its competence and where the matter cannot be settled forthwith, accept a written application or claim filed by the visitor;
- 6) if the competence of the Migration Department does not cover the settlement of the matter of interest to the interested person, explain to the latter what body or institution is competent to address the given issue, providing its address and telephone number;
- 7) organise reception of the visitors with the Migration Department heads in accordance with reception schedules drawn and agreed in advance.

An individual shall not be required to furnish information which is kept in the Migration Department's information systems and registers and which is obtained by the Department in accordance with official assistance procedure.

Should the Migration Department be not empowered to deliberate the matters set out in the application or claim, the application or claim no later than within 5 workdays shall be referred to the competent authority notifying to the effect the applicant. In the event of absence of the authority competent to deliberate the application or claim, the application or claim no later than within 5 workdays of the day of its receipt by the authority shall be surrendered to the applicant specifying the reasons of surrender. Applications and claims containing private information shall be referred for deliberation to the aforementioned authorities only on agreement of the applicant. In such case the term of 5 workdays shall be calculate as from the day of the applicant's approval of the referral of the application. If the approval of the applicant is not received within 10 days the application or claim shall be surrendered to the applicant specifying the reasons of surrender.

Claims of individuals shall be deliberated in accordance with the administrative procedure established in Chapter Three of the Republic of Lithuania Law on Public Administration.

An application shall be considered no later than within 30 days, unless the Law establishes otherwise.

Repeat applications and claims shall not be considered if they do not contain any new circumstances forming the basis of the application and if there are no valid arguments that the decision taken by the Migration Department with regard to the deliberation of the previous

application is wrong. In which case the applicant shall be appraised within 5 workdays of the day of the receipt of the repeat application in the Migration Department that his (her) application is not eligible for consideration specifying the reasons for refusal and the appeal procedure.

After having considered the application or claim, a civil servant or an employee responsible for the deliberation thereof shall work out the draft answer to the applicant and shall refer for signing the application and claim alongside all deliberation material to the Migration Department Director or Deputy Director, or to the head of the Department division who has instructed to deliberate it. The signed answer shall be registered in the journal of registration of the documents meant for sending. The original copy of the answer shall be sent to the individual and the signed copy of the document shall be put into the respective file alongside the application or claim and deliberation documents.

Decisions on deliberated applications with regard to accepting an individual administrative certificate, issuing a document in confirmation of certain legal fact or performing other administrative acts shall be executed in the form of the order of the Minister of Interior, decree of the Secretary of the Ministry, in written, or by means of any other document ascertaining the decision and consistent with the subject matter of the application.

Decisions on deliberated applications which contain the applicant's opinions on the respective matter and which notify about shortcomings in the activities of the Migration Department, abuse or unauthorised actions of civil servants or employees relative to the violation of the interests and rights of the state or of the majority of individuals, other than of a particular person, also decisions on applications which contain proposals on certain improvements in the sphere of public administration, provision of public services or in other spheres, drawing attention to certain status and offering to improve, change, act or refrain from acting, shall be documented in the letter of free form providing in it the substantiated answers to all questions raised by the applicant and describing measures which have been (or will be) taken, the results achieved (or pending), and persons responsible for their implementation.

Decisions on deliberated applications and other administrative acts shall be documented in the manner established by the Republic of Lithuania law on Public Administration or other legal acts in consideration of the contents of the administrative act.

A document about the deliberated application or claim and taken decision shall be delivered to the individual or notified by an ordinary or registered letter. Copies or duplicates of orders, decrees or other documents approved pursuant to the procedure established by laws, also the notification to the applicant about his (her) failure to submit all documents necessary for decision-making shall be sent by registered mail. On request of the applicant other official letters may also be sent to by registered mail if the applicant covers mailing costs.

The notification about refused application or claim must specify the reasons of refusal of the application or claim based on legal provisions and the place and procedure for appealing against such decision.

An applicant who disagrees with the decision taken with regard to his (her) application shall be entitled on his (her) discretion to lodge an appeal with the management of the Migration Department which must deliberate the appeal in observance of the administrative procedure requirements established under the Law on Public Administration or with the Administrative Disputes Commission or Administrative Court in the manner established under the Republic of Lithuania Administrative Procedure. An individual may lodge an appeal against abuse of office or bureaucracy with the Republic of Lithuania Seimas Ombudsmen in the manner established under the Republic of Lithuania Law on the Seimas Ombudsmen.

Services provided by the Migration Department to the aliens shall be free of charge, except for services the provision of which is charged with the state fee in accordance with the List of Objects Subject to State Fees and Charges approved by the Republic of Lithuania Government Resolution No.1458 of 12 December 2000 (*"Valstybės žinios"* (Official Gazette), 2000, No.108-3463).

The Migration Department and other authorities shall charge the following fees on the migrant aliens:

1) for issuance of the travel document of a stateless person (LTL 25), for extension of its validity (LTL 2), for urgent issuance within 7 workdays of the day of acceptance of the application (LTL 77), for approval of the invitation for the alien to temporarily arrival in the Republic of Lithuania within 7 business days (LTL 8), for approval of the invitation for the alien to temporarily arrival in the Republic of Lithuania within 2 business days (LTL 16).

2) for issuance and replacement of a permit of temporary residence in the Republic of Lithuania and a permit of permanent residence in the Republic of Lithuania (LTL 50), for issuance of a permit of temporary residence in the Republic of Lithuania: in case of family reunification (LTL 250) and in other cases (LTL 450).

A state fee for the issuance of a permit of temporary residence in the Republic of Lithuania to a alien due to humanitarian reasons shall be reduced by 100 per cent.

For individuals of Lithuanian origin who come to Lithuania for temporary residence and submit a certificate issued by the local community of the Lithuanians or by the Republic of Lithuania diplomatic missions and consular institutions in a foreign state in the form approved by the Ministry of Foreign Affairs of the Republic of Lithuania arriving to Lithuania, the state fee for the issuance of a permit of temporary residence in the Republic of Lithuania shall be reduced by 100 per cent.

The state fee charged for issuance of a permit of temporary residence in the Republic of Lithuania shall be reduced by 100 per cent for aliens who come to the Republic of Lithuania to do scientific and (or) pedagogical work in studies or educational institutions or who are admitted to study in studies or educational institutions or to upgrade their skills according to the international treaties of the Republic of Lithuania and agreements concluded with respective foreign institutions on behalf of ministries or governmental bodies and other public authorities and within the limits of their competence, and also according to the European Union programmes in which the Republic of Lithuania participates; or for students arriving to the Republic of Lithuania for one year for probation or work according to the probation exchange programmes carried out by public (non-governmental) organisations.

The fee charged for issuance of the fits permit of temporary residence in the Republic of Lithuania on family members arriving together with aliens (excluding children aged under 18 years) shall be of the same amount likewise the fee charged on the alien.

3) for issuance to the alien of a new permit of temporary residence in the Republic of Lithuania (LTL 100), for issuance of a permit of temporary residence in the Republic of Lithuania to the alien who has retained the right to the citizenship of the Republic of Lithuania and to the alien aged under 18 years (LTL 50), for issuance of a permit of permanent residence in the Republic of Lithuania: for issuance of the first permit of permanent residence in the Republic of Lithuania to the alien in possession of the permit of temporary residence in the Republic of Lithuania (LTL 250) and in other instances, i.e. when replacing or obtaining the first permit of permanent residence in the Republic of Lithuania to the alien who has retained the right to the citizenship of the Republic of Lithuania and to the family members arriving together with the alien (LTL 50).

An alien who has filed an application for issuing a permit of permanent residence in the Republic of Lithuania shall be issued a permit of temporary residence in the Republic of Lithuania for 6 years, reducing by 100 per cent the fee charged for the issuance of the latter permit;

4) for issuance and replacement to the individual, who has declared his (her) place of residence, of the document certifying the place of residence of the individual (LTL 2), for issuance of the certificate confirming the retained right to the citizenship of the Republic of Lithuania (LTL 55).

5) for issuance of an ordinary visa: single entry visa (LTL 40), multiple entry visa (LTL 80), single entry group visa (per individual) (LTL 28), multiple entry group visa (per individual)

(LTL 68), for issuance of a transit visa: single entry visa (LTL 20), double entry visa (LTL 70), multiple entry visa (LTL 120), single entry group visa (per individual) (LTL 20), double entry group visa (per individual) (LTL 70), multiple entry group visa (per individual) (LTL 120), for visa renewal (LTL 61).

Where an express visa is issued (within 24 hours of the receipt of the application), the state fee shall be increased by LTL 100, and the fee charged for the issuance of an urgent visa (within 72 hours of the receipt of the application) – by LTL 75, except for granting of visas at the border control posts.

The state fee charged for the issuance and extension of visa on aliens who retain the right to the citizenship of the Republic of Lithuania shall be reduced by 100 per cent.

6) for a travel document of the refugee: for issuance (LTL 25), for extension (LTL 2), for express issuance within 7 business days of the acceptance of the application (LTL 77).

7) for issuance of the passport of an alien (LTL 100), for issuance of the registration certificate of an alien (LTL 2).

The state fee charged for the issuance of the first registration certificate to foreign nationals to aliens granted temporary territorial asylum in the Republic of Lithuania shall be reduced by 100 per cent.

8) for the employment documents of foreign nationals and stateless persons without permits of permanent residence in the Republic of Lithuania: for issuance of a work permit for 1 year (LTL 110), for extension of a work permit (LTL 110), for issuance of a work permit for 1 year (LTL 220).

9) for other services specified in the List of Objects Subject to the State Fees and Charges and in the Procedure on Fixing the Amounts of State Fees and Charges and on Payment and Reimbursement Thereof.

Interested individuals received by the Migration Department Reception Office in January – December 2002:

Interested individuals received		8930
Of which:	On the matters of citizenship of the Republic of Lithuania, issuance of the passport of the citizen of the Republic of Lithuania	1918
	On the matters of issuance of a permit of temporary residence in the Republic of Lithuania	1862
	On the matters of issuance of visas of the Republic of Lithuania	195
	Inquiries arranged on the matters of granting asylum	121
	On the matters of issuance of a permit of permanent residence in the Republic of Lithuania	107
	Senior specialists of the Reception Office on the matters of competence of the Migration Department	4511
	Accepted applications on different matters	204
	During reception by the Migration Department Director	12

Question B

Please indicate whether national laws and regulations provide for action to combat misleading propaganda relating to emigration and immigrating, and mention any measures that it has been judged suitable to take

Article 207 of the Republic of Lithuania Code of Administrative Transgressions of Law (Official Gazette, 1985, Nr. 1-1) establishes liability for systematic urging or instigating in written, oral or any other manner the citizens of the Republic of Lithuania to emigrate abroad (incurs a fine from one to two thousand litas). Republic of Lithuania legislation does not impose other prohibitions with regard to misleading propaganda on emigration and immigration matters.

Question C

Please indicate whether information is available for migrant workers in their own language.

Standard Procedure for Servicing the Citizens and other Individuals in Public Administration and other Institutions approved by the Republic of Lithuania Government Resolution No. 1491 of 25 September 2002 establishes that if an individual cannot speak or understand the state language or due to sensory or articulatory disorder is not able to express own thoughts in comprehensive manner, services to such individual in the Migration Department are provided with the participation of the civil servant of the Department or of the employee invited thereby who can interpret to the language understandable by the individual.

ARTICLE 19 / paragraph 3

“With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries.”

Please describe measures taken to ensure collaboration between the services mentioned of innigration and emigration countries, distinguishing between the social services of the countries of origin and destination of migrant workers which are Contracting Parties.

Immigrant workers who need social services upon having been issued by the Migration Service a certificate about their declared place of residence, are eligible to receive social assistance with the subdivision responsible for organisation and provision of social support in the local municipality: a one-time benefit, free meals; temporary residence in the night home, etc.

The municipal workers provide the immigrants with detailed information about the opportunity to apply with non-governmental organisations which can additionally provide with social support and required assistance.

Municipal Social Services Centres have not entered into the inter-country agreements with foreign social services.

ARTICLE 19 / paragraph 5

“With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons.”

The Republic of Lithuania Law on State Social Insurance establishes that all individuals employed under employment contracts in undertakings, institutions, organisations or other organisational structures or are self-employed shall be insured with compulsory social insurance and shall pay social insurance contributions of the fixed amount.

Migrants who while legally residing in the country work according employment contracts and receive remuneration must pay social insurance contributions as permanent residents of the Republic of Lithuania. The general rate of the contribution in 2002 was 34 per cent from gross earnings. The employee must pay 3 per cent and his (her) employer -31 per cent of the contribution. These insurance contributions are aimed at pension insurance (old age, disability, survivor's and orphans' pensions), sickness and maternity insurance (sickness benefits, maternity benefits for pregnancy and confinement leave, maternity (paternity) benefits for growing a child until the age of one year), health insurance, unemployment insurance, social insurance against accidents and work and occupational diseases. The procedure of allocation of insurance benefits of each type of social insurance is regulated by separate laws.

Migrants who legally reside in the country, likewise permanent residents of Lithuania, are entitled to self-employment (upon acquisition of business certificates and registration of an individual enterprise, etc.). The Republic of Lithuania Law on State Social Insurance establishes that self-employed individuals shall be entitled only to the compulsory pension insurance cover.

Pursuant to the provisions of the Republic of Lithuania Provisional Law on Income Tax of Natural Persons (05 10 1990, No.I-641) applicable until 31 December 2002, a permanent resident of Lithuania shall be a natural person who satisfies the criteria established in the Law which are not related with the legal status of the individual, i.e. the status of the citizen of the Republic of Lithuania. All permanent residents of Lithuania are entitled to equal tax reliefs prescribed under the Law.

In observance of the provisions of the Republic of Lithuania Law on Fees and Charges (13 06 2000, No. VIII-1725) in force since 1 January 2001, fees and charges shall be paid by natural and legal persons. For the purposes of this Law natural persons are also not related with the legal status of the individual, i.e. the status of the citizen of the Republic of Lithuania. It should be noted, however, that upon exemption of individuals from the state fee certain derogations apply which are more favourable with regard to aliens. Exemptions from state fees and charges for issuance of documents of citizenship, travelling abroad and arrival and residence in the Republic of Lithuania, for employment of foreign nationals shall be granted to:

1) persons under 16 years of age - for issuance of a stateless person's travel document and a refugee's travel document, issuance and renewal of visas and for issuance of a child's travel document;

2) foreign nationals who have been granted the status of a refugee in the Republic of Lithuania - for issuance of the first permit of residence in the Republic of Lithuania;

3) foreign nationals travelling to the Republic of Lithuania for participation in official meetings organised by the President of the Republic, the Seimas, the Government, ministries, other state or local government institutions, agencies or offices, for purposes of charity and organised aid for Lithuania or on a Red Cross mission, as well as representatives of international organisations in which the Republic of Lithuania is a member and the members of said persons' families (spouses, children/adopted children under 21 years of age who live together with their parents and are not married), - for issuance of documents granting the right to come to the Republic of Lithuania;

4) foreign nationals who are seriously ill or who need urgent medical aid, upon producing documents issued by an appropriate institution certifying that the persons indicated have to be in the territory of the Republic of Lithuania, also the accompanying persons upon producing documents confirming the necessity of accompanying - for issuance and renewal of visas;

5) foreign nationals travelling to the funeral of a family member (parents/adoptive parents), children/adopted children, brothers, sisters), upon producing a telegram certified in the prescribed manner, - for issuance of visas at border check points.

ARTICLE 19 / paragraph 7

“With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

7. *to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article.*“

.....
Please indicate whether the forms of legal assistance available to indigent nationals (exemption costs or their payment part –payment from public funds) are also available to migrant workers and their families
.....

With a view to ensuring equal status of the Republic of Lithuania citizens and foreign natural and legal persons with regard to legal proceedings, the new Code of Civil procedure adopted on 28 February and enacted as from 1 January 2003 as well as in the previously applicable Code of Civil Procedure establishes equal rights of these individuals. The Code stipulates access to court on equal bases to all individuals: every interested individual has the right in the manner established by laws to apply with court for the protection of the violated or disputable right or legitimate interest. The Code also stipulates that justice in civil cases shall be enforced by courts in observance of the principle of equality of all people before the law and the irrespective of their sex, race, nationality, language, origin, social status, religion, convictions, or opinions, nature and type of occupation and other circumstances.

While ensuring equal measures of legal protection, the Code of Civil Procedure also establishes that foreign national and legal persons shall be entitled to the same conditions of exemption from payment of litigation costs, their reduction or payment schedule likewise those enjoyed by the citizens of the Republic of Lithuania.

The law on legal assistance Guarantee by the State also establishes that legal assistance guaranteed by the state, including the state-guaranteed defence and representation in the legal process shall be granted to the citizens of the Republic of Lithuania, foreign nationals permanently residing in the Republic of Lithuania and stateless persons who due to their financial standing cannot adequately protect their rights and legitimate interests. Pursuant to the aforementioned Law the amount of LTL 7 907,2 thousand was allocated for legal assistance during the period from 1 July 2001 to 31 December 2002.

ARTICLE 19 / paragraph 9

“With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

9. *to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire.*“

.....
Please indicate the limits within which migrant workers may transfer their earnings and savings.
.....

The applicable legal acts do not impose any restrictions on the transferral of legitimate earnings or savings.

ARTICLE 19 / paragraph 10

“With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.”

.....
Please indicate the extent to which the relevant provisions of paragraphs 1 to 9 of Article 19 apply to self-employed migrant workers.

Please specify in particular whether the protective measures and the assistance provided for by these provisions are applied on the same conditions as for employees and whether they guarantee equal treatment with nationals exercising the same occupations?

.....

Self-employed migrant workers are eligible to the same guarantees (under the same conditions) referred to in Pars. 1 through 9 like all residents of Lithuania.

ARTICLE 19 / paragraph 11

“With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

11. to promote and facilitate, the teaching of the national language of the receiving state or, if there are several, one of these languages to migrant workers and members of their families;”

.....
Please indicate the measures taken to promote and facilitate the teaching of the national language (or languages) of the receiving state to the migrant worker and his/her family, in particular:

- a. the number and nature of the principal institutions especially in terms of capacity, staffing, funding and accessibility;*
 - b. the number of persons undergoing such teaching.*
-

- The Minister of Education and Science, in implementing the obligations of the Republic of Lithuania relative to its membership in the European Union in observance of the Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers, the Republic of Lithuania Law on Education and the Republic of Lithuania Law on the Refugee Status and Order No. ISAK-789 issued by the Republic of Lithuania Minister of Education and Science on the Implementation of Education in Schools of General Education for Children of Foreign Nationals Arriving to the Republic of Lithuania for Work or Residence Purposes, established the education of the children of foreign nationals in schools of general education.
- Organisation of education of the children of foreigners who arrive to the Republic of Lithuania for work or residence purposes is provided for in the Plans of General Education for 2003-2005 developed by general education schools.
- Every child of foreign nationals is provided with the conditions for studying the state Lithuanian language in the Lithuanian language, or if there is such possibility, in the child’s mother tongue.
- The Ministry of Education and Science in concert with the Dutch Sardes Agency implemented the project aimed at creating the legal institutional framework for teaching the migrant workers the Lithuanian language and for their cultural education.

Implementation of the Product resulted in the development of the regulatory document defining the education of children of foreign nationals at schools of general education, and the issuance of three books of the manual of the Lithuanian language, socio-cultural and civil education and the teacher's book under one title "Lithuania is Mine and Your Country". This publication will facilitate the work of teachers of children of the foreign nationals.

- In January 2002 the Seminar "Challenge of the Euro-integration: Education of the Children of Migrants in the Lithuanian Schools of General Education" was organised in Vilnius.

Below-listed are educational establishments teach children of foreign nationals arriving to the Republic of Lithuania for work or residence purposes:

- Panevėžys district – Geležiai Basic School and Pušalotas Primary Schools
- Vilnius city – Vilnius Kindergarten-school "Svaja", Vilnius Secondary School of L.Karsavinas,
- Vilnius secondary school "Lietuvių namai"
- Šiauliai city – central primary school of Šiauliai,
- Kretinga district – secondary schools of Vydmantai and Darbėnai
- Šilutė district – Laučiai basic school of M.Hofmanas
- Jurbarkas town – primary school "Nemunėlis"
- Joniškis district - basic school of Gataučiai, primary schools of Bertaučiai and Kalnelis
- Biržai district – basic school of Kratiškės
- Kaunas city – schools of general educations
- Varėna district - secondary school "Ažuolas"
- Švenčionys district – Pabradė secondary school No. 1
- Druskininkai secondary school No. 2
- Jonava district – secondary school "Santarvė"
- Kaišiadorys secondary school of V.Giržadas

Financing of education of the migrants' children at schools of general education is provided in observance of the Republic of Lithuania Government Resolution No. 785 of 27 June 2001 on the Implementation of the Financing Reform of Schools of General Education (Official Gazette, 2001. No. 57-2040)

At present about 200 of children of migrants are studying at schools general education.

ARTICLE 20: THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

"With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- access to employment, protection against dismissal and occupational reintegration;*
 - vocational guidance, training, retraining and rehabilitation;*
 - terms of employment and working conditions, including remuneration;*
 - career development including promotion."*
-

Republic of Lithuania legal normative acts

1. International legal acts

- United Nations Convention on Elimination of All Forms of Discrimination against Women (1979) (Official Gazette, 1996, No. 21-549);
- ILO Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951) (Official Gazette, 1996, No. 28-675).

2. Laws

- Constitution of the Republic of Lithuania;
- Republic of Lithuania Labour Code (approved by the Law No. IX-926 of 4 June 2002 (Official Gazette, 2002, Nr.: 64-2569);
- Republic of Lithuania Code of Administrative Transgressions of Law (Official Gazette, 1985, No. 1-1);
- Republic of Lithuania Law on Vocational Education and Training (Official Gazette, 1997, No. 98-2478);
- Republic of Lithuania Law on Safety and Health of Workers (Official Gazette, 1993, Nr.55-1064);
- Republic of Lithuania Law on Support of the Unemployed (Official Gazette, 1991,Nr.2-25; 2003,Nr.32-1313);
- Law on Equal Opportunities (Official Gazette, 1998, No.112-3100);
- Republic of Lithuania Law on Public Service (8 July 1999, No. VIII-1316; New Version of the Law No. IX-855 of 23 April 2002 (as from 1 July 2002) (Official Gazette, 2002, No. 45-1708);

3. Secondary legislation

- National Programme of Equal Opportunities for Women and Men for 2003 – 2004 approved by the Republic of Lithuania Government Resolution No. 712 of 3 June 2003.

Question A

Please state how rights contained in this provision have been protected in legislation. The information should be specified according to the areas listed in paragraph 1 of Article 20.

Employment

Article 29 of the Constitution of the Republic of Lithuania stipulates that all people shall be equal before the law, the court, and other State institutions and officers. A person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions.

Article 48 of the Constitution of the Republic of Lithuania establishes that every person may freely choose an occupation or business, and shall have the right to adequate, safe and healthy working conditions, adequate compensation for work, and social security in the event of unemployment. The employment of foreigners in the Republic of Lithuania shall be regulated by law. Forced labour shall be prohibited. Military service or alternative service, as well as labour which is executed during war, natural calamity, epidemic, or other urgent circumstances, shall

not be deemed as forced labour. Labour which is performed by convicts in places of confinement and which is regulated by law shall not be deemed as forced labour either.

Item 4, Par. 1, Article 2 “Principles of Legal Regulation of Labour Relations” of the Republic of Lithuania Labour Code stipulates that the following principles shall apply to the regulation of labour relations connected with the exercise and protection of labour rights and performance of obligations: equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities;

Article 86 “Exercising the Right to Work” of the Labour Code of Republic of Lithuania promulgates that persons shall exercise the right to work by concluding employment contracts directly with the employers or through the mediation of employment agencies.

Pursuant to Article 7 “Employment Programmes and Additional Guarantees” of the Law on Support of the Unemployed, the unemployed who have or are likely to have difficulty in finding a job due to insufficient qualification or working experience, long-term unemployment or loss of ability to work may be entitled to additional guarantees upon employment.

Unemployed entitled to additional guarantee in the labour market by virtue of unemployment support established in Article 8 of this Law shall be parents growing a child aged under 8 years.

Item 1, Par. 1, Article 96 “Guarantees upon Admitting to Work” of the Labour Code of Republic of Lithuania specifies that it shall be prohibited to refuse to employ on the grounds specified in item 4, Par. 1, Article 2 of the Labour Code, i.e. on the grounds of gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities.

By virtue of item 2 of Article 2 of the Labour Code the refusal to employ in the cases specified in paragraph 1 of this Article may be contested in court not later than within one month, and item 3 of the same Article stipulates In the event that the refusal to employ is established by the court to be unlawful, the employer shall be obligated by the court order to employ this person and to pay him compensation in the amount of the minimum wage for the period from the day of refusal to employ him to the day of the execution of the court order.

Item 1, Par. 1, Article 5 “The Employer’s Duty to Implement Equal Rights for Women and Men at Workplace” of the Republic of Lithuania Law on Equal Opportunities promulgates that when implementing equal rights for women and men at workplace the employer must apply equitable recruitment criteria with the exception of the case specified in subparagraph 5 of paragraph 2, Article 2¹⁴⁵.

Article 8 “Discriminatory Advertisements” of the same Law specifies that it shall be prohibited to specify requirements in job advertisements or education opportunities advertisements, giving priority to one of the sexes, with the exception of the case referred to in item 5, paragraph 2 of Article 2 to request information from job seekers about their marital status, age (with the exception of cases provided by Law), private life or family plans.

¹⁴⁵ 5) certain work prescribed exclusively for the representative of a particular gender;

Protection against dismissal from work

Pursuant to item 4, Par. 3, Article 129 “Termination of an Employment Contract on the Initiative of an Employer without any Fault on the Part of an Employee” of the Labour Code gender may not be a legitimate reason to terminate employment relations.

By virtue of item 1, Par. 1, Article 131 “Restrictions on the Termination of an Employment Contract” of the same Labour Code it shall be prohibited to give notice of the termination of an employment contract and to dismiss from work to an employee during his leave.

Item 6, Par. 1, Article 6 “Discriminatory Acts of an Employer” of the Republic of Lithuania Law on Equal Opportunities establishes that the acts of an employer shall be deemed discriminatory if, because of the person’s sex, he/she imposes a disciplinary penalty on an employee, changes working conditions, transfers him/her to another work or terminates the employment contract.

Occupational reintegration

In accordance with Article 6 “State Guarantees of Employment” of the Law on Support of the Unemployed in cases provided by this Law, the State shall guarantee the citizens:

- free vocational counselling and consultation services, as well as information concerning available jobs;
- free labour exchange services in looking for work and going into job;
- free vocational training facilities in the event of unemployment;
- the possibility, in the event of unemployment, to perform public works and works financed from the Employment Fund; and
- unemployment benefit.

Article 19 “Vocational Training of Unemployed Individuals and Employees who Have Been Given a Notice of Dismissal” of the aforementioned Law stipulates that unemployed individuals to whom the labour exchange is not in the position to offer, in the established manner, work suitable for their professional qualification and state of health, also unemployed individuals who lack adequate training may be placed into vocational training to acquire requisite skills meeting the local market demands or to upgrade their qualification.

During the period of training the unemployed individuals shall be paid training allowance payable to the unemployed in the amount of 1.3 of the received unemployment benefit, which may not exceed 2 MLSs.

Unemployed individuals who prior to their placement in training were not entitled to unemployment benefit shall be paid, during the training period, the training allowance of the unemployed in the amount of state supported income.

The Employment Fund resources shall be used to finance vocational training of unemployed individuals and pay the unemployed individuals’ training allowance for the maximum period of 6 months. In certain cases, where vocational training lasts longer, the financing of vocational training and payment of training allowance for the unemployed may be extended for up to 10 months on the proposal of the tripartite commission at the labour exchange.

Facilities of vocational training financed from the Employment Fund may also be provided to the employees who are given notice of the termination of employment contract under Articles 9 and 10 of this Law.

The provision with vocational counselling and training facilities of the unemployed individuals and employees who are given notice of dismissal shall be ensured by the Training Service of the Labour Exchange of Lithuania.

The procedure of vocational training and its financing from the Employment Fund shall be established by the Ministry of Social Security and Labour.

Vocational guidance

Pursuant to item 10, Article 8 “The Competence of the Ministry of Education and Science in the VET Area” of the Republic of Lithuania Law on Vocational Education and Training the Ministry of Education and Culture shall ensure vocational guidance at general education and vocational schools.

Vocational training

Article 3 “Tasks of the VET System” of the Republic of Lithuania Law on Vocational Education and Training establishes that the principal tasks of VET shall be:

1) to provide a vocational or general cultural education, in keeping with the current level of science, technology and culture and requirements corresponding to the chosen area of vocational activity;

2) to create conditions for upgrading vocational qualification and re-qualification in order to enable a person to satisfy the changing needs of the labour market;

3) to foster a disposition towards improving vocational qualification and to guarantee a continuity of vocational training;

4) to develop personal characteristics, essential for the person’s future vocational activity and independent existence within a society based upon the principles of market and democracy.

Par. 1, Article 4 “The Duty of Institutions of Education and Science to Implement Equal Opportunities for Women and Men” of the Law on Equal Opportunities stipulates that the institutions of education and science must ensure equal conditions for women and men regarding:

1) admission to vocational educational institutions, colleges, institutions of higher education, and to qualification improvement courses;

2) award of grants and providing loans for students;

3) selection of curricula;

4) assessment of knowledge.

Within the limits of their competence the institutions of education and science must ensure that curricula and text books do not propagate discrimination of women and men.

Duration of work

In observance of Par. 1, Article 146 “Part-time Work” of the Labour Code part daily working time or part weekly working time shall be set:

1) by agreement between the employee and the employer;

2) by request of the worker due to his/her health status in accordance with conclusions of medical institution;

3) on request of a pregnant woman, a woman who has recently given birth (mother who submits to the employer a certificate of a health care institution confirming that she has given birth, and who raises a child until it reaches one year of age, hereinafter referred to in the Code as a woman who has recently given birth), a woman who breast-feeds (mother who submits to the employer a certificate of a health care institution confirming that she raises and breast-feeds her child until it reaches one year of age, hereinafter referred to as a woman who breast-feeds),

an employee raising a child until it reaches three years of age, as well as an employee who solely raises a child until it reaches fourteen years of age or a child with limited functional capacity until it reaches sixteen years of age;

4) on request of an employee under eighteen years of age;

5) on request of a person with limited functional capacity according to the conclusions of a health care institution;

6) on request of an employee nursing a sick member of his family, according to the conclusions of a health care institution.

Par. 2 of the same Article stipulates that unless otherwise provided for in the conclusions of a health care institution, part-time work may be by agreement established by decreasing the number of working days per week or shortening a working day (shift), or doing both. Part-time work during a working day may be divided into parts. Other conditions related to the procedure of establishing part-time work and duration thereof shall be set by the Government.

Pursuant to Par. 3 of the same Article part-time work shall not result in limitation when setting the duration of annual leave, calculating the length of service, promoting an employee, improving qualification, as well as shall not limit other labour rights of the employee. Employees shall receive payment in proportion to the time of work or by result.

Par. 1, Article 46 “Part-time Work” of the Law on Safety and Health of Workers stipulates that part daily working time or part weekly working time shall be set by agreement between the worker and the employer.

In observance of Par. 2 of the same Article the employer must apply part daily working time or part weekly working time schedule on request of a pregnant woman, a woman who has recently given birth or a woman who breast-feeds; a woman raising a child (children) aged under 14 or a disabled child aged under 16 years; a single father growing a child (children) aged under 14 or a disabled child aged under 16 years, also a guardian raising a child (children) of the same age; a disabled person; on request of an employee nursing a sick member of his family, according to the conclusions of a health care institution on the need to work part time and on the duration of the application of the part time work.

By virtue of Pars. 3 and 4 of the same Article the procedure for setting the part daily working time or part weekly working time for the aforementioned individuals and other workers shall be established by the Government. The work of part-time employees shall be remunerated proportionately to the hours worked and to the work performed. Part-time work does not restrict the workers’ rights when fixing the duration of their annual leave, calculating the service record with the enterprise or applying other statutory guarantees.

Conditions of work

Par. 1, Article 3 “Guarantees for Safety and Health of the Workers” of the Law on Safety and Health of Workers each worker must be provided with safe and healthy working conditions, irrespective of the type of the enterprise activity, concluded employment contract (fixed term or non-term), number of workers, profitability of the enterprise, workstation, working environment, nature of work, duration of a working day of shift, citizenship race, national origin, gender, sexual orientation, language, origin, citizenship and social status, religion, marital and family status, age, social origin, political or religious opinions or views. The safety and health guarantees established by virtue of this Law also apply to servants of state or municipal authorities or institutions.

Item 2, Par. 1, Article 5 “The Employer’s Duty to Implement Equal Rights for Women and Men at Workplace” of the Law on Equal Opportunities specifies that when implementing equal rights for women and men at workplace the employer must provide equal working conditions, opportunities to improve qualification and provide equal benefits.

Remuneration for work

Par. 3, Article 186 “Wage” of the Labour Code stipulates that the wage of an employee shall depend upon the amount and quality of work, the results of the activities by the enterprise, agency or organisation as well as the labour demand and supply on the labour market. Men and women shall get an equal pay for equal or equivalent s.

Items 3 and 4, Par. 1, Article 5 “The Employer’s Duty to Implement Equal Rights for Women and Men at Workplace” of the Law on Equal Opportunities establishes that when implementing equal rights for women and men at workplace the employer must apply equal criteria in assessing the quality of work and provide equal pay for work of equal value.

Pursuant to Par. 3, Article 146 Article 146 “Part-time Work” of the Labour Code part-time work shall not result in limitation when setting the duration of annual leave, calculating the length of service, promoting an employee, improving qualification, as well as shall not limit other labour rights of the employee. Employees shall receive payment in proportion to the time of work or by result.

Par. 1, Article 16 “Rights of Civil Servants” of the Law on Public Service civil servants shall have the right to a career in the service according to their professional qualifications, merits and the opportunities offered by the Civil Service. This right shall be granted only to career civil servants. By virtue of the same Law a career civil servant means a civil servant admitted to the service on the basis of competition for an indefinite term and with an opportunity to seek a higher or a different position in the service in the prescribed manner.

Question B

Please indicate whether legislation provides a right for a worker to take legal action before a court or other competent authority in order to ensure the effective implementation and exercise of his rights under this provision. The information shall cover the four areas specified in the provision.

Item 1, Par. 1, Article 96 “Guarantees upon Admitting to Work” of the Labour Code of Republic of Lithuania specifies that it shall be prohibited to refuse to employ on the grounds specified in item 4, Par. 1, Article 2 of the Labour Code, i.e. on the grounds of gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities.

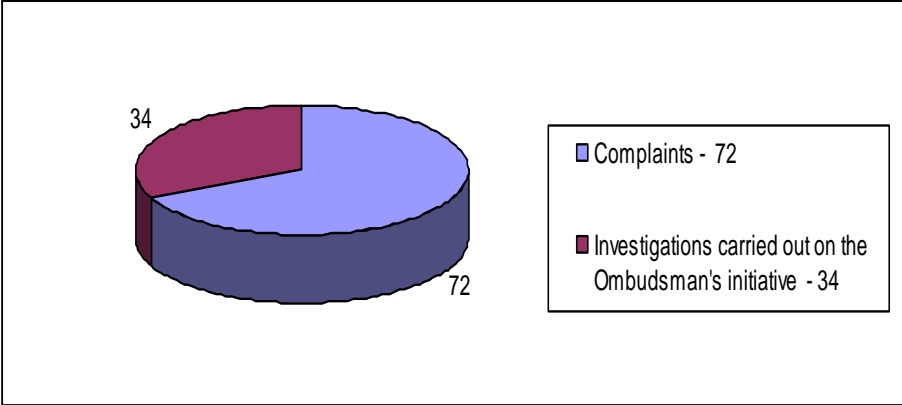
By virtue of item 2 of Article 2 of the Labour Code the refusal to employ in the cases specified in paragraph 1 of this Article may be contested in court not later than within one month, and item 3 of the same Article stipulates In the event that the refusal to employ is established by the court to be unlawful, the employer shall be obligated by the court order to employ this person and to pay him compensation in the amount of the minimum wage for the period from the day of refusal to employ him to the day of the execution of the court order.

Law on Equal Opportunities also provides the victims with the possibility to file a complaint. Pursuant to Article 18 “Acceptance of Complaints” Each natural and legal person shall have the right to file a complaint with the Equal Opportunities Ombudsman about the violation of equal rights. Par. 2 of the aforementioned Article stipulates that the complaints shall be in writing. The procedure of registration and assignment of complaints shall be laid down by the Regulations of the Office of the Equal Opportunities Ombudsman approved by the Equal Opportunities Ombudsman. Par. 3 of the same Article specifies that if the complaint has been received by word of mouth or by telephone or if the Equal Opportunities Ombudsman has found indications of violation of equal rights in the press, other mass media or other sources of information, the Equal Opportunities Ombudsman may initiate investigation on his own

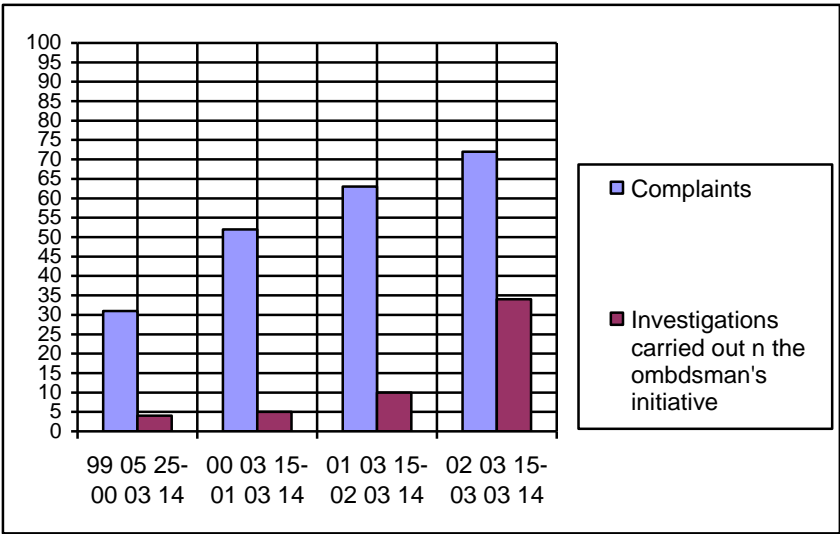
initiative. Pursuant to Par. 4 of this Article anonymous complaints shall not be investigated, unless the Equal Opportunities Ombudsman decides otherwise.

During the reporting period, i.e. from 15 March 2002 to 15 March 2003 the Office of the Equal Opportunities Ombudsman received 72 complaints of which 67 have been investigated, and the remaining 5 are still under consideration. On the initiative of the Ombudsman 34 investigations were initiated on violations of equal opportunities.

Received complaints and investigations carried out on the Ombudsman’s initiative



Quantitative comparison of the numbers of complaints and investigations carried out on the Ombudsman’s initiative



Compared with the previous periods it is obvious that the numbers of complaints and in particular of investigations carried out on the Ombudsman’s initiative has considerably increased. The Law on Equal Opportunities entitles the Ombudsman to initiate investigations on his (her) own initiative upon identification of the signs of the violation of equal rights from mass media or other sources. This right was exercised more actively after enforcement of new provisions of Article 8 of the aforementioned Law on 3 July 2003 prohibiting to specify requirements in job advertisements or education opportunities advertisements to provide information about individual’s age. Investigations with regard to the violations of equal opportunities were initiated as a result of numerous advertisements in mass media specifying the requirements for age. Other investigations were commenced having established the likely signs

of the violations of equal opportunities in the sphere of the provision of goods and services. Ensuring equal opportunities for women and men in the sphere of the protection of consumer rights became obligatory as from 3 July 2002 upon enactment of Article 5¹ of the Law on Equal Opportunities.

During the first reporting period 31 complaint was received and 4 investigations were carried out on the initiative of the Ombudsman, during the second reporting period - 52 complaints and 5 investigations, and during the third reporting period 63 complaints were lodged and 10 investigations were carried out on the initiative of the Ombudsman. The total number of complaints received during the reporting period accounts for 72 and the total number of investigations carried out on the initiative of the Ombudsman about violations of equal opportunities stands at 34.

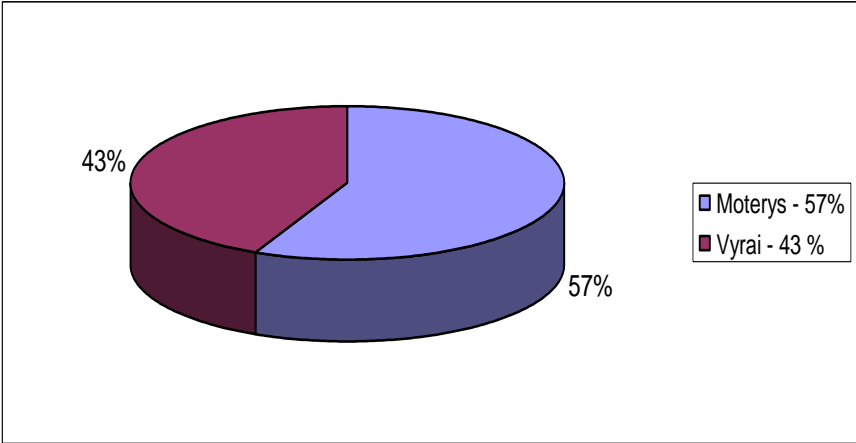
Speaking about gender of complainants it should be noted that the tendency characteristic of this reporting period, likewise of the previous one, is that men and women are equally active in protecting their violated rights.

Experience of the Equal Opportunities Ombudsman shows that women in certain instances are more inclined to keep for themselves the distressing problem, to become reconciled with the existing situation and to refrain from applying with public authorities for justice. However, women are more frequent visitors of the Office of Equal Opportunities seeking consultations and advice. Having been provided with legal comments of experts, familiarised themselves with their rights and listened to the advice on means and ways of fighting against the perpetrator, women often make up their minds not to file a complaint. Men, compared with women, less frequently apply with the Office of Equal Opportunities, they don't like speaking openly about their concerns and addressing independently their problems, they forthwith take active measures, i.e. file a written complaint with the Ombudsman.

Participants of public meetings, workshops and conferences, believe that only women who have faced discrimination apply with the Office of Equal Opportunities and are very surprised to find out that men are almost as active as women.

Many representatives of the male gender applied during this reporting period with the Office of Equal Opportunities asking to protect their violated rights.

Complainants by gender



*Female – 57%
Male – 43%*

Summarising all four reporting periods of the Office of Equal Opportunities it should be noted that the majority of complainants comprises women, with the exception of the reporting period between 15 03 2000 and 14 03 2001 during which men more frequently complained about violation of their rights.

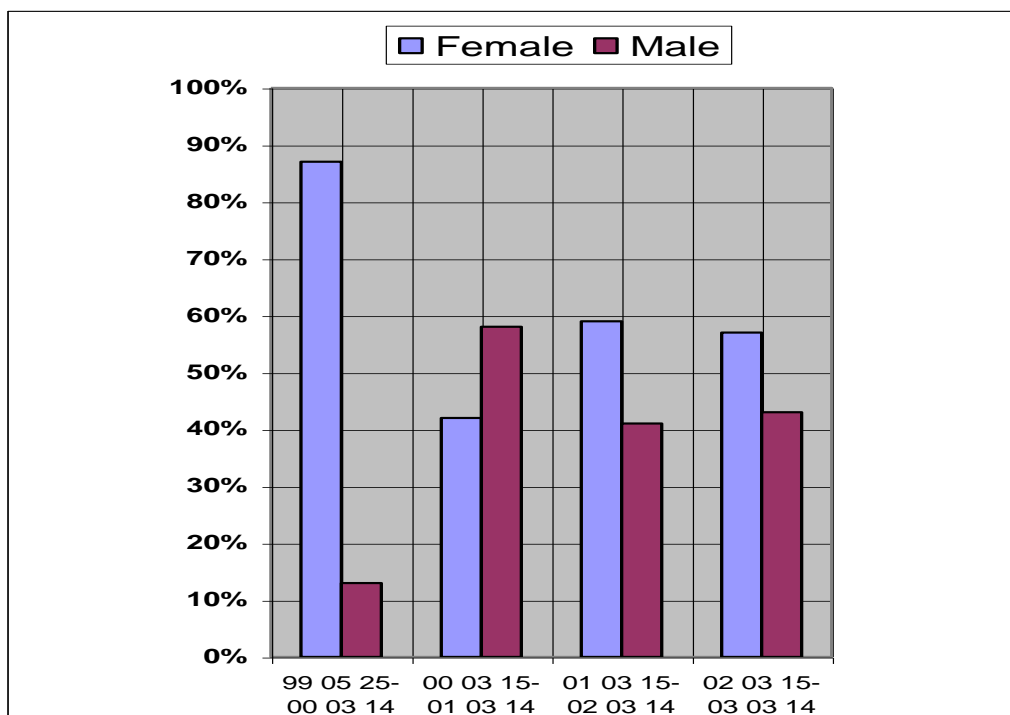
Individuals who have filed complaints with the Office of Equal Opportunities by gender during reporting periods

25 05 1999 – 14 03 2000: women – 87 %, men – 13 %

15 03 2000 – 14 03 2001: women 42 %, men – 58 %

15 03 2001 – 14 03 2002: women 59 %, men – 41 %

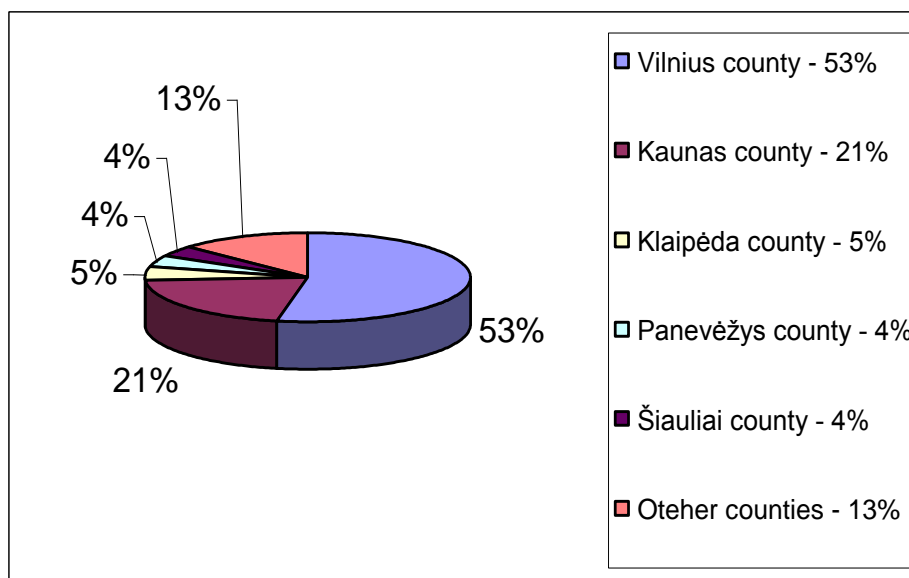
14 03 2002 – 15 03 2003: women 57 %, men – 43 %



Speaking about regions of Lithuania the residents of which have filed complaints with the Office of Equal Opportunities during this reporting period it's worth noting that likewise in the previous years of activity of the Office, the residents of Vilnius county, in particular of Vilnius City were the most active. Half as active were residents of Kaunas county. Such exclusive activity of residents of the largest cities of Lithuania is conditioned by convenient geographical location of the Office of Equal Opportunities because it is more easily accessible by the residents of these cities. It is easier for residents of Vilnius and Kaunas to arrive at the Office or to call it by phone. Another factor conditioning greater activity of the aforementioned residents is more active social life in these cities, larger number of conferences, workshops and meetings on the matters of gender equality taking place therein. During such events the residents of Vilnius and Kaunas are provided with numerous opportunities to receive the topical information about legal regulation and practical implementation of gender equality, to meet with the workers of the Office. The main Lithuanian dailies "Lietuvos rytas" and "Respublika" more often than regional newspapers print publications on the matters of equal opportunities, and the residents of largest cities are most active readers of these newspapers and have the opportunity to get familiarised with these publications. The Office of Equal Opportunities has neither structural subdivisions in the counties of Lithuania nor any possibilities to directly communicate with, provide assistance or counselling to, inhabitants in the most remote regions of Lithuania.

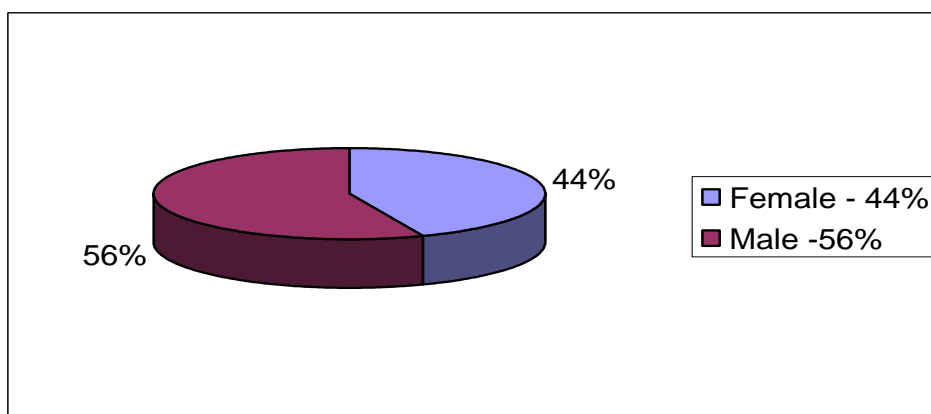
The tendencies of this reporting period, compared with the previous one, remain the same: residents of the largest counties of Lithuania were most frequent applicants with the Office. No complaints during the reporting period were received from Telšiai county and from rural inhabitants.

Counties from which complaints were received



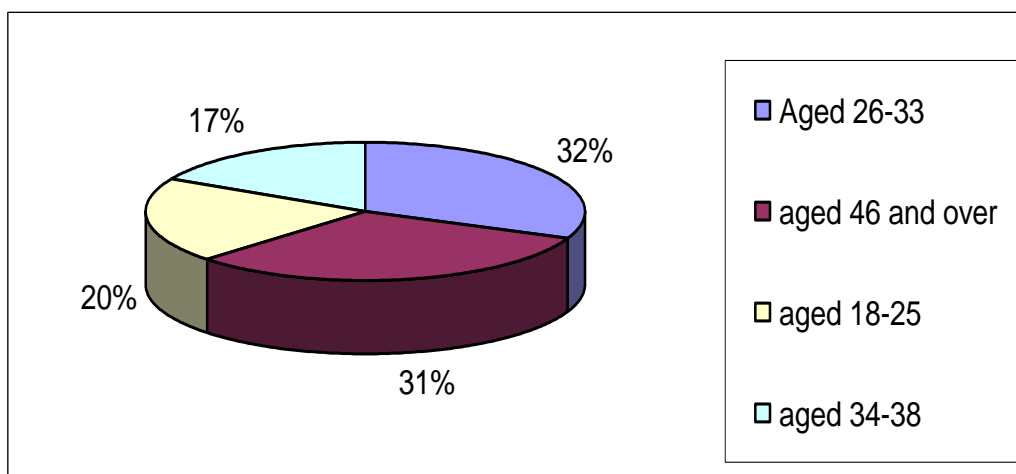
Speaking about gender of perpetrators against whom complaints have been filed and about individuals against whom the investigation on the Ombudsman's initiative has been initiated, it should be noted that during the reporting period the numbers of women amongst the aforementioned individuals increased. During the previous accounting period women accounted for 35% of potential perpetrators, and during the current reporting period their share already reached 44% .

Violators of the Law on Equal Opportunities by gender



Review of the data on age of individuals who apply with the Office of Equal Opportunities shows, that differently from the previous reporting periods, women and men quite young (aged 26–3) and considerably older (aged 46 and over) prevail during this reporting period. It means that complainants of this reporting period again comprise women and men with life experience who have accumulated occupational skills and knowledge, however, their rights are being violated and they are not going to tolerate that.

Individuals who have filed complaints with the Office of Equal Opportunities Ombudsman by age



Review of the data contained in complaints and applications which are used to determine the social group to which the complainant or applicant belongs showed that the activity of civil servants doubled during the reporting period from 14 03 2002 to 15 03 2003. The convicts, unemployed and pensioners represent 3 other social groups the representatives whereof felt discriminated on the basis of gender and decided to protect their violated rights. Representatives of these three groups are considerably less engaged in occupational activities, therefore they feel safe applying with the Office firstly because they are not afraid of a negative response on the part of the employer. Representatives of the aforementioned groups have enough time to be interested in the changes taking place in our life, to analyse them in view of gender dimension and to apply afterwards with the office. In addition, the convicts have excellent opportunities to study legal acts regulating their rights and obligations which still quite often contain discriminating provisions.

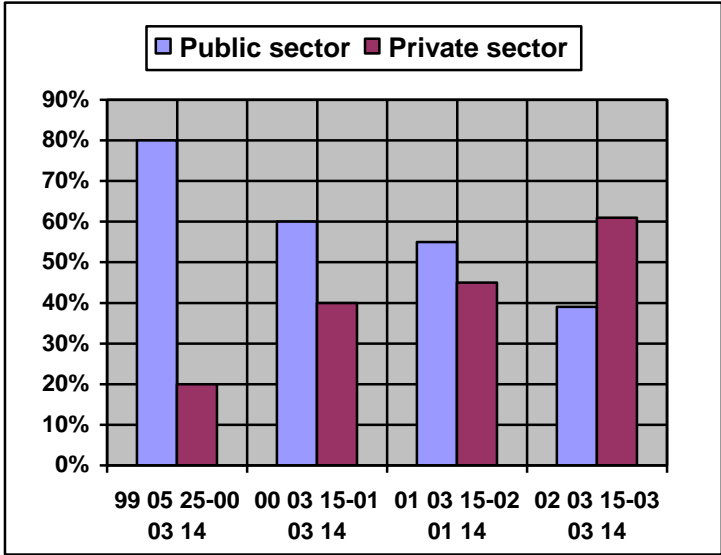
Last year, compared with the previous reporting periods, the number of complaints filed by workers of private structures about violations of equal rights of women and men considerably reduced.

The Republic of Lithuania Law on Equal Opportunities obligates the bodies of state governance and administration as well as private and public companies to guarantee equal opportunities. The number of investigations carried out with regard to potential violations of equal opportunities in the private sector kept increasing during the reporting period, likewise in the pervious periods (Figure 9). Such statistics, however, is not sufficient to conclude that violations of the Law on Equal Opportunities in public service, public authorities and organisations have become less frequent. The number of investigations in the private sector has increased simply because all investigations initiated on the initiative of the Equal Opportunities Ombudsman were concerned with violations of the Law on Equal Opportunities in private structures (most often related with discriminatory advertisements in mass media).

The scope of the Law on Equal Opportunities considerably increased upon enactment of Amendments to the Law on 3 July 2002. Amendments to the Law were introduced having regard to the practice of work of the Office of Equal Opportunities Ombudsman which showed that women and men are particularly often discriminated on the basis of age, and that they also feel discriminated on the basis of gender in the sphere of protection of consumer rights. Therefore, the Law has been supplemented with the provisions obligating the sellers and manufacturers of goods or the suppliers of services to implement equal opportunities in the sphere of provision of goods, services and advertising. The applicable Law prohibits to specify requirements in job advertisements or education opportunities advertisements, giving priority to

either of the genders, to require from the job-seekers the provision of information about their age, private life or family plans. To summarise, in addition to the aforementioned spheres, the provisions of the Law also apply to the sphere of getting a job and employment, regulate legal relations arising from seeking education or while studying.

Distribution of investigations performed in public and private sectors during reporting periods



Speaking about problems related with received complaints and investigations performed on the initiative of the Equal Opportunities Ombudsman, it should be noted that the bulk of investigations of the reporting period were carried out because the employers or their authorised workers have committed a breach of the Law on Equal Opportunities and placed advertisements in press specifying age requirements. A job advertisement which specifies the age requirement for the candidate, even if the respective age limit in it is indicated as an advantage, should be considered discriminatory. In such cases individuals younger or older than those specified in the advertisement are deprived of the possibility to compete in the labour market.

During the present period, likewise in the previous ones, the majority of performed investigations concerned provisions of legal acts potentially violating the rights of men, that is depriving men of the same rights likewise those enjoyed by women. It was noticed that the majority of complainants about provisions of legal acts comprised the male convicts and male workers of non-civil services the activities whereof are regulated by special statutes.

Likewise earlier, discrimination at work is another issue covered by the complaints. It was noticed however that this issue is related with another form of discrimination, i.e. with discrimination based on age.

During this reporting period the Office of Equal Opportunities Ombudsman also received inquiries, applications, telephone calls with regard to awarding of privileges in the sphere of the provision of services and acquisition of goods. The complaining men have information that such privileges are provided to adult and young women, that is cheaper entrance tickets to bars and clubs (sometimes women do not need purchasing such tickets at all), women (differently from men) are awarded the right of free use of miscellaneous entertainments, etc. Investigations into the roots of such campaigns reveals that managers of bars, clubs or discotheques treat women as an enticement to attract men to such places. Others think that women are still less well-paid than men and therefore they are financially incapable of acquiring tickets for the same prices like men.

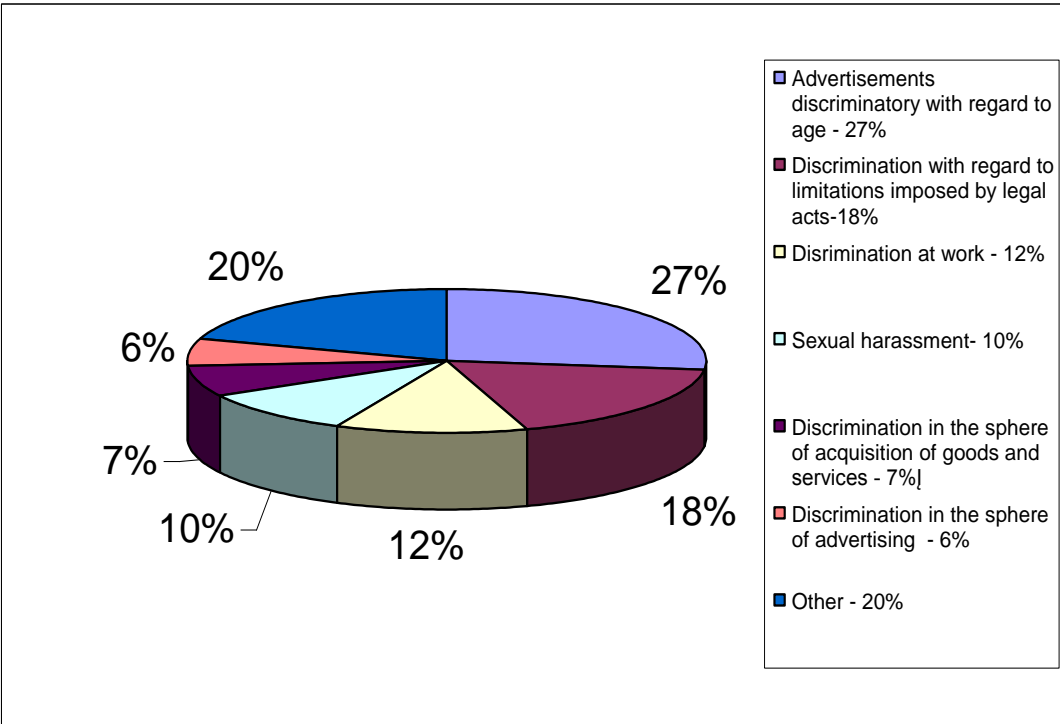
During this reporting period complaints were received about sexual harassment. Last year was the first year in all years of activity of the Office of Equal Opportunities Ombudsman when complaints about sexual harassment were received from two men. When investigating complaints sexual harassment we face the same problem like before – lack of evidence. Women complaining about sexual harassment often feel embarrassed and confused and therefore don't have any evidence to confirm the very fact of sexual harassment. The most regretful situation occurs when witnesses designated by complainants as persons who have seen or heard the offences of the type of sexual harassment refuse witnessing or deny seeing that.

However, the very fact that the victim of sexual harassment does not keep silent and openly declares such fact is a good warning and a disciplinary measure with regard to the perpetrators making them think about consequences of such undesirable acts in future.

The course of investigation of complaints reveals that individuals against whom complaints about sexual harassment are filed do not understand illegitimate nature of their acts. They behave so with women who are weaker and as a rule their inferiors in terms of office as if willing to demonstrate their “manhood” or to show that the victim of sexual harassment must abide them first of all because of being their inferior in office. In our opinion, it might be expedient to familiarise women and men who are undertaking jobs for the first time with the definition of sexual harassment and with the likely consequences of sexual harassment at work and in office. These preventive provisions pertaining to violations of equal opportunities should be established under local legal acts of each institution, enterprise or organisation.

This year women and men have also applied in written and orally with the Office of Equal Opportunities Ombudsman asking for assistance in the sphere of private life to which the provisions of the Law on Equal Opportunities do not apply. Men, like in earlier periods, complained about determining the place of residence of a child, limited opportunities for them to associate with their children, men also felt discriminated because of being deprived of the opportunities to raise children on equal rights with women – mothers, to take care of children, irrespective of such guarantees provided for them under laws. Women complained about male violence.

Problems of complaints and investigations carried out on the initiative of the Ombudsman



Below presented are several summaries of investigations carried out on the Ombudsman's initiative about discriminatory job advertisements. The presented summaries cover explanations provided by employers or workers authorised thereby in which they attempt to find motives or serious arguments justifying requirements of discriminatory advertisements. The review of such investigations allows to conclude that at present heads and workers of enterprises and institutions involved in shaping staff recruitment policies pay considerable attention to the age of the candidate without trying to assess the potential candidate according to his (her) professional qualifications. As a result many qualified and competent specialists are deprived of the possibility of competing in the labour market.

Question C

Please state whether clauses in collective agreements and employment contracts that contravene the principles of non-discrimination may be declared null and void and according to which procedure?

Par. 2, Article 4 "Labour Laws and Other Regulatory Acts" of the Labour Code establishes that the Government, other state and municipal institutions shall have the right to adopt, according to their respective competence, regulatory acts on the issues relating to the regulation of labour relations. Provisions of the regulations of the Government, other state and municipal institutions, establishing for the employees the condition less favourable than those established by this Code and other labour laws, shall be invalid.

Item 4 of the same Article stipulates that tripartite agreements, collective agreements and local (internal) regulatory acts relating to working conditions, under which the position of the employees is made less favourable than that established by this Code, laws and other regulatory acts, shall be null and void. In the cases where this Code and other laws do not directly prohibit the subjects of legal relations pertaining to labour to establish, on their own accord and by way of agreement, mutual rights and obligations, the above subjects shall be guided by the principles of justice, reasonableness and good faith.

Question D

Please describe which safeguards legislation provides against gender discrimination and against retaliatory measures undertaken by the employer. Please state how it provides for the rectification of the situation (reinstatement in cases of dismissal, financial compensation, etc.). Please indicate also whether there are other sanctions against an employer who is guilty of such discrimination.

Item 6, Par. 1, Article 5 "The Employer's Duty to Implement Equal Rights for Women and Men at Workplace" of the Law on Equal Opportunities promulgates that when implementing equal rights for women and men at workplace the employer must take appropriate means to prevent prosecution of an employee who has lodged a complaint on grounds of discrimination.

Item 4, Par. 1, Article 6 "Discriminatory Acts of an Employer" of the same Law establishes that acts of the employer shall be deemed discriminatory if, because of the person's sex, he/she prosecutes an employee who has filed a complaint about discrimination.

Article 41⁽⁶⁾ "Violation of Equal Rights of Women and Men" of the Code of Administrative Transgressions of Law establishes that violation of equal rights of women and men established in the Republic of Lithuania Law on Equal Opportunities incurs on the officials, employers or persons authorised thereby a fine from one hundred to two thousand litas. The same acts committed by an individual who has been subject to administrative penalty for the

violations provided for in Par. 1 of the present Article incurs on the officials, employers or persons authorised thereby a fine from two to four thousand litas.

Par. 1, Article 297 “Disputes relating to the Employment Contract” of the Labour Code stipulates that an employee who disagrees with the change of working conditions, suspension from work on the employer's initiative, dismissal from work shall be entitled to apply to the court within one month from the day of receipt of the appropriate notice (document). If it is established that the working conditions were changed, the employee was suspended from work without a valid reason or in breach of laws, the violated rights of the employee must be restored and he must recover the average work pay for the entire period of involuntary idle time or the difference in the work pay for the time period the employee was employed in a lower paid job. Par. 3 of the same Article promulgates that if an employee is dismissed without a valid reason or in violation of the procedure established by laws, the court shall reinstate him in his previous job and award him the average work pay for the entire period of involuntary idle time from the day of dismissal from work until the day of execution of the court decision.

Question E

Please describe who has the burden of proof in cases of alleged gender discrimination in your country and whether this issue is regulated in legislation or case law. If latter is the case, please enclose some decisions on this case law.

Law on Equal Opportunities directly specifies that evidence for the case are collected by the Equal Opportunities Ombudsman. Pursuant to Par. 1, Article 23 “The Course of Investigation of the Complaint” of this Law in the course of investigation of the complaint, the Equal Opportunities Ombudsman shall ascertain:

- 1) the presence or absence of the decisions or acts against which the complaint is being made;
- 2) on what grounds or under what circumstances the decisions have been adopted or the acts have been committed;
- 3) whether the decisions and acts cited in the complaint are in contravention of the laws and other legal acts;
- 4) who has committed a violation, for what reasons (or in pursuit of what goals), what is the extent of the violations, and in what way the persons who have committed the violation account for their actions;
- 5) what facts or evidence corroborate the committed violation of legal acts.

Par. 2 of the same Article specifies that if, because of relationship by blood or marriage or for any other reason, the Equal Opportunities Ombudsman is not in the position to investigate in an impartial manner a specific complaint, he shall refer it to one of the employees of his Office.

Item 4 of the same Article indicates that the results of the investigation shall be communicated to the complainant, the head of the institution where the investigation has been conducted, and the person whose actions have been investigated. Copies of the statement shall be mailed or delivered to them.

Question F

Please describe the specific measures to prevent discrimination against women in matters of employment and occupation, particularly in cases of pregnancy, confinement and during post-natal period.

By virtue of item 1, Par. 3, Article 2 “Definitions” of the Law on Equal Opportunities violation of equal rights for women and men (discrimination) means passive or active conduct

expressing humiliation and contempt, also restriction of rights or granting of privileges by reason of the person's sex, except when relating to special protection of women during pregnancy, childbirth and breastfeeding, and pursuant to item 4 – except for requirements for safety at work applicable to women aimed at protecting the women's health owing to their physiological properties

One of the principal guarantees provided to pregnant women is prohibition of dismissal from work on the grounds of pregnancy. Par. 1, Article 132 "Guarantees to Pregnant Women and Employees Raising Children" of the Labour Code an employment contract may not be terminated with a pregnant woman from the day on which her employer receives a medical certificate confirming pregnancy, and for another month after maternity leave, except for the cases specified in Articles 136 (1) and (2) of this Code¹⁴⁶.

Article 179 of the same Code promulgates that women shall be entitled to maternity leave: 70 calendar days before the child birth and 56 calendar days after the child birth (in the event of complicated confinement or birth of two or more children – 70 calendar days). This leave shall be added up and granted to the woman as a single period, regardless of the days used prior to the confinement. Whilst item 1, Par. 1, Article 131 "Restrictions on the Termination of an Employment Contract" prohibits to give notice of the termination of an employment contract and to dismiss from work the employee during his leave, except for the cases specified in Article 136 (1) of this Code¹⁴⁷.

As provided for in Par. 1, Article 180 "Parental Leave before the Child Has Reached the Age of Three" of the same Code parental leave before the child has reached the age of three shall be granted, at the choice of the family, to the mother/adoptive mother, the father/adoptive father, the grandmother, the grandfather or any other relatives who are actually raising the child also to the employee who has been recognised the guardian of the child. The leave may be taken as a single period or be distributed in portions. The employees entitled to this leave may take it in turn. Pursuant to Par. 2 of this Article during the period of this leave the employee shall retain his job/position, with the exception of cases when the enterprise is dissolved.

Question G

Please indicate whether there are occupations (if so, which ones) that are reserved exclusively for one sex, specifying whether this is due to the nature of the activity or the conditions in which it is carried out.

Legal acts do not specify the works reserved exclusively for one gender. Nevertheless, item 2, Par. 3, Article 2 "Definitions" of the Law on Equal Opportunities specifies that violation

¹⁴⁶ Article 136 of the Labour Code. Termination of an Employment Contract without Notice

1. An employment contract must be terminated without notice in the following cases:

1) upon an effective court decision, or when a court judgement whereby an employee is imposed a sentence, which prevents him from continuing his work, becomes effective;

2) when an employee is deprived of special rights to perform certain work in accordance with the procedure prescribed by laws;

3) upon the demand of bodies or officials authorised by laws;

4) when an employee is unable to perform these duties or work in accordance with an opinion of the medical commission or the commission for the establishment of disability;

5) when an employee under 14 to 16 years of age, one of his parents, or the child's statutory representative, or his attending paediatrician, or the child's school demand that the employment contract be terminated;

6) upon the liquidation of an employer, if under laws his labour obligations were not placed on another person.

2. An employment contract shall expiry upon the death of an employer if the contract was concluded for the supply of services to him personally, as well as when the employer has no legal successor.

¹⁴⁷ Article 136 of the Labour Code. Termination of an Employment Contract without Notice

of equal rights for women and men (discrimination) means passive or active conduct expressing humiliation and contempt, also restriction of rights or granting of privileges by reason of the person's sex, except when relating to specific work which can be performed only by a person of a particular sex.

Women and men are provided with equal rights to engage in any job on own discretion and according to the acquired qualifications, including statutory labour relations.

However, boys and girls choose different studies programmes according to the vocational training curricula.

Question H

Please indicate whether measures of positive action in favour of one gender aimed at removing de facto inequalities are allowed under the legislation and, if so, whether such measures were taken during reference period.

Item 6, Par. 3, Article 2 "Definitions" of the Law on Equal Opportunities specifies that violation of equal rights for women and men (discrimination) means passive or active conduct expressing humiliation and contempt, also restriction of rights or granting of privileges by reason of the person's sex, except for specific provisional measures which are established by laws and applicable with a view to speeding up the establishment of de facto equality for men and women and which upon implementation of equal rights and opportunities for women and men must be declared null and void.

On 3 June 2003 the Government of the Republic of Lithuania passed the Resolution No. 712 whereby it approved the National Programme of Equal Opportunities for Women and Men for 2003-2004. Most of measures covered by the Programme apply exclusively to women or men. It means that these measures have been approved in observance of the principle of provisional measures applicable to one gender.

Question I

Please provide information on the situation in practice covering the four areas specified in the provision, i.e. on:

- a. the employment situation of both sexes (i.e. the number of men and women who are in employment, unemployed, working part-time or no fixed-term contracts or other forms of temporary contracts);*
 - b. access to and participation in vocational guidance, training, retraining and rehabilitation and the extent to which women train for jobs which have traditionally been occupied by men and vice versa;*
 - c. difference in terms of employment and working conditions, including remuneration (with an indication of the difference between full-time workers or permanent contracts and part-time workers or workers on fixed-term contracts or other forms of temporary contracts);*
 - d. differences in career advancement between the sexes in the various sectors of economy.*
-

Overall rate of employment of women and men at the beginning of 2002 was 48,1 per cent. According to the data of the Department of Statistics employment rate among women (aged 15 years and over) during the same period was considerably lower than men and accounted only for 44.7 per cent (rate of employment of men – for 52,2 per cent). In Q3 2002 the overall employment of the population compared with the beginning of the year went up to 51,3 per cent.

Low employment rate is among women pre-pensioners. At the beginning of 2002 the rate of employment of women aged 50-64 was 44,9 per cent, and that of men falling to the same age-group amounted to 54,4 per cent. It must be admitted that at present both elderly women and men find it particularly difficult to get jobs.

In 2002 unemployment rate of women was slightly lower than that of men. According to the data of the National Labour Exchange in 2002 the average annual unemployment rate of women was 11,3 per cent, and of men - 11,4 per cent.

In all rural areas, however, women exceeded men both among long-term unemployed and among individuals enrolled with a labour exchange from 6 to 12 months. As of 1 November 2002 female unemployment rate already outpaced male unemployment rate and amounted to 10,9 per cent (among men - 9,9 per cent).

At the beginning of 2002 65,9 per cent of all employed women worked in the sector of services (16.1 per cent – in education, 14,6 per cent – in trade, repairs of motor vehicles and personal and household goods and 11,7 per cent – in the sectors of health care and social work) and only 18,8 per cent were engaged in manufacturing industry and 12,3 per cent – in agriculture. Distribution of men in the same year was more even, i.e. 46 per cent of men worked in the sector of services, 22,5 per cent – in industry (18,7 per cent - in manufacturing industry, 10.1 per cent – in construction) and 21,3 per cent – in agriculture, the rest were engaged in other spheres of economic activity.

According to the data of the survey of business conditions in small and medium businesses conducted by the Department of Statistics in concert with the Ministry of Economy, the female share in the total number of managers of businesses keeps growing. In 2000 women accounted for mere 29,2 per cent of business managers, whereas in 2001 their share has already reached 40 per cent. By age groups the largest number of women business managers fall to 31-50 year age groups. Predominant age of men in this sphere is 21-40 years.

Statistical data show that wages of individuals employed in these sectors in which women prevail are considerably lower than in male-dominated sectors. In the sector of health care and social work women account for 84,2 per cent of all employed and their average (net) monthly earnings in QIV 2002 stood at LTL 664,1. In the transport sector with men comprising about 70 per cent of the workforce, the average (net) monthly earnings for the same period accounted for LTL 814.

According to statistics earnings of workers engaged on female-dominated sectors are considerably lower than in the sectors in which more men are engaged. In the sector of health care and social work women account for 87,2 per cent of all employed and their average (gross) monthly earnings in QI 2002 stood at LTL 831. In the transport sector with men comprising about 70 per cent of the workforce, the average (gross) monthly earnings of the same period stood at LTL 1186.

Question J

Please indicate what active policies have been carried out by your authorities to achieve equal opportunities and equal treatment in employment and what practical measures have been taken to implement these policies

The Programme of Increasing Employment of the Republic of Lithuania for 2001-2004

The Programme of Increasing Employment of the Republic of Lithuania for 2001-2004 (hereinafter referred to as the Employment Programme) was approved by the Republic of Lithuania Government Resolution No. 529 of 8 May 2001. In observance of the provisions of the Programme of the Government the Employment Programme was supplemented and amended by virtue of the Republic of Lithuania Government Resolution No. 1819 of 19 November 2002.

A separate part of the Employment Programme is designated as “Ensuring Equal Opportunities in the Labour Market”.

- Briefings on *issues of equal opportunities for women* in the labour market were organised with the Lithuanian Labour Federation Women’s Committee and Women’s Centre of the Lithuanian Trade Union Confederation. During these meetings the aforementioned organisations were appraised of the Lithuanian and European Union legal acts and their recent amendments regarding the ensuring of equal opportunities for women and men in the sphere of

work. Women received more information about their work guarantees and rights during said meetings.

- *In eliminating the obstacles precluding women to reintegrate into the labour market after maternity leave* the Labour market Training Authority developed 6 programmes aimed at renewing training qualifications training (hairdresser's, seller, tailor (2), cook's and confectioner's).

Women involved in training programmes had the opportunity to upgrade or renew their qualifications thereby increasing their chances in getting employed.

The Project "Improving the Skills of Lithuanian Women in the Field of Information Technologies" was launched under the United Nations Development Programme. This Project is aimed at improving the conditions of training women on different regions to use information technologies, providing women's organisations with computer facilities, organising training and workshops.

The Project which will last for three years is implemented by Women's Employment and Information Centre of Kaunas in active collaboration with the Ministry of Social Security and Labour, the Labour Exchange of Lithuania and other public authorities.

- *Enterprise development courses were organised for unemployed women seeking self-employment.* Specialists of labour exchanges taught more than 2,0 thousands of unemployed women how to start up own business, investigate business environment, develop business plans, keep accounting records. More than half of these women were extended an interest-free loan from the labour exchange or small and medium business development fund, acquired preferential patents or established their own business.

On 3 June 2003 the Government of the Republic of Lithuania passed the Resolution No. 712 whereby it approved the National Programme of Equal Opportunities for Women and Men for 2003-2004. One part of this Programme covers the issues of increasing employment of women, providing for measures to achieve the following main goals:

1. To change societal stereotypes as regards the place of men and women in the economic activity of the country.
2. To create conditions for women and men to better reconcile their work responsibilities with family obligations.
3. To improve employment opportunities for older women.
4. To increase business start-up and development opportunities for women.
5. To promote fixing equal pay for men and women for work of equal value in the private sector.
6. To enhance legal literacy of women and men.

Question K

Please indicate if social security matters as well as provisions concerning employment benefit, old age benefit and survivor's benefit are considered to be within the scope of this provision.

The provisions regulating social security, unemployment benefits and family pensions are the same for both sexes.

The provisions regulating social matters and applicable to the unemployment, old age or survivor's benefits are applicable on equal terms to both men and women.

Article 3 "Types of State Social Insurance" of the Law on Social Insurance establishes the following types of the state social insurance in the Republic of Lithuania:

- 1) pension insurance covering the insurance for pensions provided for in the Law on State Social Insurance Pensions;

- 2) sickness and maternity insurance covering insurance for sickness, maternity and maternity (paternity) benefits in accordance with the Law on Sickness and Maternity Social Insurance;
- 3) unemployment insurance covering insurance for unemployment benefits in observance of the Law on Support of the Unemployed. The funds of this type of insurance are also used for payment of compensations for other unemployment measures established under the Law on Support of the Unemployed;
- 4) insurance against accidents at work covering insurance for benefits in cases of occupational injuries and occupational diseases as well as for other benefits as provided for in the Law on Social Insurance of Occupational Accidents and occupational Diseases.

Article 4 “Persons Insured by the Compulsory State Social Insurance” of the aforementioned Law specifies individuals entitled to compulsory state social insurance cover:

1) persons receiving remuneration for work employed according to employment, diplomatic service or term diplomatic service contract as well as those employed as members in elective institutions, economic associations, agricultural companies or co-operative organisations, nominees to notary (assessor) posts, public administration civil servants (except for civil servants specified in items 3 and 5 of this paragraph);

2) state politicians, judges of the Constitutional Court, judges of the Lithuanian Supreme Court and other courts, nominees to the posts of judges, officials of the prosecutor’s office, Chairman, Deputy Chairmen and Board members of the Bank of Lithuania, heads of public authorities or institutions appointed by the Seimas or President of the Republic, other officials of public authorities of institutions appointed by the Seimas or President of the Republic, chairpersons, deputy chairpersons and members of state (standing) commissions and councils, appointed by the Seimas or President of the Republic and of other state (standing) commissions and councils, also officials of other commissions or councils formed by virtue of special laws. Individuals listed in this item are provided with the state social insurance cover if they receive remuneration for work;

3) officials of the Ministry of Interior, police, State Border Protection Service and officials of other institutions of the system of internal affairs, officers of the units of national service, re-inlesteed non-commissioned officers and servicemen, officers of the Special Investigation Service and the Department of Prisoners under the Ministry of Justice of the Republic of Lithuania and officials of institutions subordinate thereto;

4) servicemen in the professional military service of the national defence system;

5) officers of the State Security Department system;

6) owners of individual (personal enterprises), leaseholders of individual (personal enterprises), lawyers, assistant lawyers, notaries, members of general economic partnerships, full members of commandite economic partnerships;

7) farmers and household members employed in farms;

8) patent holders;

9) unemployed spouses of diplomats - for the period during which they reside abroad together with the diplomat who works in a diplomatic mission or consular establishment of the Republic of Lithuania;

10) servicemen of mandatory regular initial military service and alternative national defence service;

11) a mother (father) who has been granted a childcare leave from one two three years;

12) a mother (father) who is unemployed and who has not been granted a childcare leave but is raising a child aged under 3 years;

13) priests of traditional and other state-recognised religious communities and associations and monks who work only in the monastery;

14) one of the parents of the totally disabled individual or a person recognises in the established manner as a guardian or caretaker of the totally disabled individual nursing the totally disabled individual at home.

Individuals referred to in items 1 and 2, Par. 1, Article 4 of this Law are entitled to the compulsory cover of all types of state social insurance specified in Article 3 of this Law.

Individuals specified in items 3 through 14, Par. 1, Article 4 of this Law are entitled to the compulsory state social pension insurance (individuals covered by item 6 are subject to compulsory insurance cover for the base pension and for the supplementary part of the pension in the manner established in Article 34, whereas individuals referred to in items 7 and 8 are entitled to compulsory social insurance for base pension). Individuals specified in items 10 through 14 are insured by state social pension insurance with the State funds or in the manner established by the institution authorised thereby.

Amounts of insurance contributions, payment sources and procedure for individuals entitled to compulsory health insurance are established by the Law on Health Insurance.

Article 4 “Types of State Social Insurance Pensions” of the Law on State Social Insurance Pensions establishes that state social insurance old age, invalidity, survivor's and orphan's (loss of breadwinner) pensions shall be provided under this Law.

Pursuant to Article 1 “The Right to State Social Insurance Pension” of the aforementioned Law permanent residents of the Republic of Lithuania who have been insured by compulsory state social pension insurance by themselves or by someone for them for the period established under this Law, shall have the right to receive state social insurance pension.

Permanent residents of the Republic of Lithuania are citizens of the Republic of Lithuania the data on whose place of residence in the Republic of Lithuania are recorded in the Register of Residents of the Republic of Lithuania or who, pursuant to the Civil Code of the Republic of Lithuania have been recognised in the manner established by the Government as having a place of permanent residence in the Republic of Lithuania, or foreigners permanently residing in the Republic of Lithuania.

Citizens of the Republic of Lithuania permanently residing abroad are entitled to draw a state social insurance pension if it is established by international agreements or according to the procedure established by the Government of the Republic of Lithuania.

Foreign nationals and stateless persons permanently residing in Lithuania shall have the right to the state social insurance pension under this Law, if the laws of the Republic of Lithuania or international agreements do not provide other conditions of pensionary maintenance for such persons.

Foreign nationals and stateless persons permanently residing abroad who during the period established under this Law were subject to compulsory insurance or who have acquired individual state social pension insurance cover, are entitled to receive state social insurance pensions according to this Law, if so established in the international treaties of the Republic of Lithuania.

Article 2 “Persons Insured by State Social Pension Insurance” of the same Law establishes that the following persons shall be compulsorily insured by state social pension insurance:

1) persons receiving remuneration for work employed according to employment, diplomatic service or term diplomatic service contract as well as those employed as members in elective institutions, economic associations, agricultural companies or co-operative organisations, nominees to notary (assessor) posts, public administration civil servants (except for civil servants specified in items 3 and 5 of this paragraph);

2) state politicians, judges of the Constitutional Court, judges of the Lithuanian Supreme Court and other courts, nominees to the posts of judges, officials of the prosecutor's office, Chairman, Deputy Chairmen and Board members of the Bank of Lithuania, heads of public

authorities or institutions appointed by the Seimas or President of the Republic, other officials of public authorities of institutions appointed by the Seimas or President of the Republic, chairpersons, deputy chairpersons and members of state (standing) commissions and councils, appointed by the Seimas or President of the Republic and of other state (standing) commissions and councils, also officials of other commissions or councils formed by virtue of special laws. Individuals listed in this item are provided with the state social insurance cover if they receive remuneration for work;

3) officials of the Ministry of Interior, police, State Border Protection Service and officials of other institutions of the system of internal affairs, officers of the units of national service, re-inlesteed non-commissioned officers and servicemen, officers of the Special Investigation Service and the Department of Prisoners under the Ministry of Justice of the Republic of Lithuania and officials of institutions subordinate thereto;

4) servicemen in the professional military service of the national defence system;

5) officers of the State Security Department system;

6) owners of individual (personal enterprises), leaseholders of individual (personal enterprises), lawyers, assistant lawyers, notaries, members of general economic partnerships, full members of commandite economic partnerships;

7) farmers and household members employed in farms;

8) patent holders;

9) unemployed spouses of diplomats - for the period during which they reside abroad together with the diplomat who works in a diplomatic mission or consular establishment of the Republic of Lithuania;

10) servicemen of mandatory regular initial military service and alternative national defence service;

11) a mother (father) who has been granted a childcare leave from one two three years;

12) a mother (father) who is unemployed and who has not been granted a childcare leave but is raising a child aged under 3 years;

13) priests of traditional and other state-recognised religious communities and associations and monks who work only in the monastery;

14) one of the parents of the totally disabled individual or a person recognised in the established manner as a guardian or caretaker of the totally disabled individual nursing the totally disabled individual at home.

Individuals specified in items 10 through 14 are insured by the state social pension insurance with the State funds or in the manner established by the institution authorised thereby. Individuals covered by item 14, Par. 1 of this Article are insured with state funds if they do not receive a state social insurance pension, a state pension, or a social assistance pension due personally to them.

Other individuals have the right to obtain the state social insurance pension cover from state social insurance institutions engaged in this insurance in the manner established by the Government of the Republic of Lithuania.

Article 3 “Eligibility for State Social Insurance Pensions” of the same Law stipulates that State social insurance pensions shall be awarded to persons specified in Articles 1-2 if they meet the requirement of a state social pension insurance period established by this Law for awarding a relevant type of pension and upon attaining the age established by this Law, or are recognised as disabled persons, and upon the death of such persons - to the members of their family.

By virtue of Article 17 “The Right to Draw State Social Insurance Old Age Pension” of the Law under consideration a person shall be entitled to draw state social insurance old age pension if he meets the following requirements:

1) reaches the pensionable age established by this Law;

2) has the minimum state social pension insurance period established for the old age pension.;

The person must meet the requirements set forth in subparagraph 2 of paragraph 1 of this Article on the day he reaches pensionable age or on the day he applies for pension upon having already reached pensionable age.

Article 18 “Old Age Pension Age” of the same Law stipulates that pensionable age shall be 60 years for women and 62 years and 6 months for men.

Article 15 “Entitlement to Unemployment Benefits” of the Law on Support of the Unemployed establishes that unemployed individuals with an at least 24-month state social insurance record within the 3 years immediately preceding their registration with the labour exchange shall be entitled to unemployment benefit provided that the labour exchange did not offer them employment which would suit their particular skills and state of health, or any opportunity of vocational training.

The aforementioned Article further establishes that unemployed individuals who for valid reasons did not have the state social insurance record required under paragraph 1 hereof prior to registering with the labour exchange shall also be entitled to unemployment benefit:

- 1) individuals employed according to the employment contract and dismissed from work:
 - a) on the employee’s application as established under Par. 2, Article 127 of the Labour Code;
 - b) on the employee’s application because of circumstances out of his control as established under Par. 1, Article 128 of the Labour Code;
 - c) on the employee’s initiative upon absence of the employee’s fault as established under Article 129 of the Labour Code;
 - d) according to items 4 and 6, Par. 1 and Par. 2, Article 136 of the Labour Code;
 - e) in case of employer’s bankruptcy as established under Article 137 of the Labour Code;
- 2) individuals who are guardians of persons declared legally incapable, who nurse disabled persons of disability Groups I or II (members of their families and close relatives);
- 3) individuals who have been discharged from the national defence service (servicemen of active service), if prior to their conscription they were not employed under employment contract;
- 4) individuals who are graduates from vocational training schools, tertiary schools and institutions of higher education;
- 5) individuals who have been released from places of confinement;
- 6) women with children under 8 years of age and men who are single parents of children of the above age.

The unemployed individuals who do not have the state social insurance record specified in paragraph 1 hereof which would entitle them to unemployment benefit shall become entitled to it following their placement by the labour exchange in public works or works financed from the Employment Fund or completion of vocational training within the 12 months after their registration with the labour exchange, provided that the total duration of the work and studies period was not less than 180 calendar days or if its duration equalled the time period they still lack for the required state social insurance record if this is not more than 180 calendar days.

The procedure under paragraph 3 hereof shall also be applicable to the unemployed who have not been extended unemployment benefit under Article 17 of this Law, or its payment has been terminated, or the period of its payment has expired.