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## **REVISED EUROPEAN SOCIAL CHARTER**

Fifth report on the implementation of  
the Revised European Social Charter

submitted by

**THE GOVERNMENT OF LITHUANIA**

(for the period 1/1/05 to 31/12/06:

**Articles 1, 9, 10, 15, 18 (§§1 and 4), 20, 24 and 25)**

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Report registered at the Secretariat on 29 February 2008

**CYCLE 2008**





**REPUBLIC OF LITHUANIA**

**EUROPEAN SOCIAL CHARTER (REVISED)**

**THE REPUBLIC OF LITHUANIA  
FIFTH REPORT  
ON THE IMPLEMENTATION OF THE EUROPEAN SOCIAL  
CHARTER**

(for the period from 1 January 2005 to 31 December 2006,  
according to Group 1 (Employment, training and equal opportunities) articles 1, 9, 10, 15, 18  
(paragraphs 1 and 4), 20, 24 and 25)

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## **ARTICLE 1: THE RIGHT TO WORK**

### **Regulations of the Republic of Lithuania**

#### **1. International legal acts**

On 29 June 2004, the Seimas of the Republic of Lithuania adopted Law No. IX-2300 (which came into effect on 5 August 2004) ratifying the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, which Lithuania signed in 2000. Ratification of the Protocol will open up wider opportunities for Lithuanian nationals suffering from sex discrimination to defend their rights.

#### **2. Laws**

- Law on Unemployment Social Insurance of the Republic of Lithuania (Official Gazette, 2004, No. 4-26);
- Law on Support for Employment of the Republic of Lithuania (Official Gazette, 2006, No. X-694). Since 1 August 2006, the Law on Support of the Unemployed of the Republic of Lithuania has been replaced by a new Law on Support for Employment of the Republic of Lithuania. Pursuant to it, the system of unemployment has been restructured and the new law has strengthened oversight over validity of unemployment insurance benefits and improved motivation among the unemployed for active job-seeking;
- Law on Amending and Supplementing the Law on Equal Opportunities of Women and Men of the Republic of Lithuania (Official Gazette, 21 July 2005, No.88-3281). This law provides for better protection against any type of discrimination. According to the law, discrimination also includes sexual harassment as well as instruction to discriminate, which is also prohibited. It stipulates that if a person suffers from direct or indirect discrimination by reason of sex related to the person's family or marital status, such activity is considered as severe discrimination. Moreover, the law sets forth the same retirement age for men and women in professional pension systems. It also provides for better protection of persons filing discrimination complaints against adverse actions directed against them or negative consequences related to their complaint. The definition of a 'direct discrimination' has been supplemented by an exception where supply of goods and services to a person of one sex is not treated as discrimination;
- Law on Involvement of Employees in European Companies of the Republic of Lithuania (Official Gazette, 2005, No. 67-2407). The Law was adopted implementing Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees. The purpose of the Law is to regulate involvement of employees in European companies, setting forth special provisions related to the involvement of employees ensuring that the establishment of a European company does not entail the disappearance or reduction of practices of employee involvement;
- Law on Guarantees for Posted Workers of the Republic of Lithuania (Official Gazette, 2005, No. 67-2406). The Law was adopted implementing Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services. The purpose of the Law is to provide favourable conditions for the free movement of workers in the European Union Member States as well as the states of the European Economic Area, making sure that such movement is not restricted. The scope of the Law covers workers posted to perform temporary work in the territory of another Member State and workers posted from another state to perform temporary work to the territory of the Republic of Lithuania;

- Law on the Involvement of Employees in the European Cooperative Societies of the Republic of Lithuania (Official Gazette, 2006, No.141-5387). The Law was adopted implementing Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees. The purpose of the law is to establish involvement of employees in the European cooperative societies and set forth special provisions ensuring that employees of legal entities, natural persons and their subsidiary contributing to the establishment of the European cooperative societies ensuring that the establishment of a European cooperative society does not entail the disappearance or reduction of practices of employee involvement.

### **3. Secondary legislation**

#### ***Resolutions of the Government of the Republic of Lithuania***

- Resolution No. 1381 of 6 November 2003, *Concerning Amendment to Government Resolution No. 169 of 10 February 1998, Concerning the Procedure of Conducting Public Works* (Official Gazette, 2003, No. 106-4749), was repealed by Government Resolution No. 867 of 11 September 2006, *Concerning Repeal of Government Resolution No. 169 of 10 February 1998, Concerning Approval of Procedure of Conducting Public Works, and the Resolutions Amending it* (Official Gazette, 2006, No. 97-3777);
- Resolution No. 1042 of 26 September 2005, *Concerning Approval of the National Programme of Equal Opportunities of Women and Men for 2005–2009* (Official Gazette, 2005, No. 116-4202);
- Resolution No. 1330 of 22 December 2006, *Concerning Approval of the National Strategy on the Reduction of Violence against Women and its Implementation Plan for 2007-2009* (Official Gazette, 2006 12 30 No.144-5474);
- Resolution No. 558 of 19 May 2005, *Concerning Approval of the Programme for the Prevention and Control of Trafficking in Human Beings for 2005-2008* (Official Gazette, 2005, No. 65-2333).

#### ***Orders of the Minister of Social Security and Labour***

- Order No. A1-127 of 19 August 2003, *Concerning Approval of the Procedure of Issuing Licences for Intermediation in Employment Assistance for Citizens of the Republic of Lithuania Abroad* (Official Gazette, 2003, No.82-3760; 2006, No. 48-1750);
- Order No. A1-197 of 12 July 2005, *Concerning Reorganisation of the Social Workers' Training Centre under the Ministry of Social Security and Labour* (Official Gazette, 2005 No.90-3386);
- Order No. A1-118 of 24 April 2006, *Concerning Approval of the Description of Conditions and Procedure of Issuing Work Permits for Foreigners* (Official Gazette, 2006, No.46-1669);
- Order No. A1-231 of 4 August 2006, *Concerning Approval of the Description of Procedure and Conditions of Development, Selection and Implementation of Projects of Local Initiatives for Employment.*

#### ***Common Order of the Minister of Social Security and Labour and the Minister of Education and Science:***

- Order No.ISAK-2540/A1-321 of 9 December 2005, *Concerning Amending Order No. ISAK-415/A1-71 of the Minister of Social Security and Labour and the Minister of Education and*

*Science of the Republic of Lithuania of 23 March 2004, Concerning Approval of Implementation of the Strategy of Vocational Guidance (Official Gazette, 2006, No.1-11).*

***Common Order of the Minister of Social Security and Labour and the Minister of the Interior:***

- Order No. A1-223/ 1V-310 of 28 September 2004, *Concerning Approval of the Description of the Procedure and Conditions for Issuing Work Permits for Foreigners Present in the Republic of Lithuania* (Official Gazette, 2004, No. 149-5435; 2006, No. 135-5126).

***Common Order of the Minister of Social Security and Labour and the Minister of Foreign Affairs:***

- Order No. N-72/A1-190 of 1 July 2005, *Concerning Approval of Implementation Plan for Seeking Establishment of the Office of the European Institute for Gender Equality in Lithuania.*

## **ARTICLE 1 PARA. 1**

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

*to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of 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 reach 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 (eg. women, the young, <sup>1</sup> older workers, the long-term unemployed<sup>2</sup>, 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.*

On 15 June 2006, the Seimas of the Republic of Lithuania adopted the Law on Support for Employment which provided for the following aim of the employment support: seek full employment of the population, reduce their social exclusion and strengthen social cohesion. The Law widened up opportunities of employing persons having difficulties of integrating into the labour market. The Law clarified and supplemented the list of additionally supported groups of persons. With a view to encouraging unemployed persons to acquire a marketable profession and create favourable conditions for their employment, all the persons taking up their first employment according to the acquired speciality or occupation and those who completed vocational rehabilitation programmes were included into the group of persons additionally supported in the labour market. Moreover, seeking to increase employment among senior persons, the additionally supported group was supplemented by persons who are over 50, both men and women. Furthermore, the additionally supported group also embraced persons actually raising a disabled child under 18 years of age as well as persons whose unemployment period is or exceeds 2 years from the date of registration with a local labour exchange office. The additionally supported group also included persons addicted to drugs, psychotropic or other psychoactive substances, who completed psycho-social and/or vocational rehabilitation programmes and victims of trafficking in human beings, who completed psycho-social and/or vocational rehabilitation programmes. These additionally supported groups in the labour market were identified by considering the situation in the labour market and the problems faced by jobseekers. The Law provides for differentiated employment support measures contributing to the elimination of obstacles while seeking employment.

With a view to increasing motivation of the unemployed and employees given a notice of dismissal to seek employment, the Law provides for more favourable conditions of taking part in vocational training and non-formal education. Persons taking part in training are entitled to an educational grant amounting to 0.7 of the minimum monthly wage approved by the Government during the first 3 months of training and during the remaining period of training – 1 minimum monthly wage (hereinafter referred to as the MMW). Persons taking part in vocational training continue to receive

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<sup>1</sup> Aged between fifteen and twenty-four.

<sup>2</sup> Persons without employment for over one year and seeking employment.



unemployment benefits. Moreover, travelling expenses to and from the place of training and the accommodation expenses are also reimbursed.

The Law sets forth new policy measures of an active labour market offering more flexibility with regard to changes in the labour market. One of them is support for the acquisition of work experience. A very important reason why university graduates and persons with acquired speciality or profession fail to get employed is their lack of work experience. Therefore, the Law on Support for Employment offers an opportunity for supporting, during the period of up to six months, companies providing the necessary professional skills directly at the workplace paying the company a monthly subsidy of up to 1 MMW for each employed person. Another new active labour market policy measure which was not applied in Lithuania before, is job rotation. The employers, who have employed the unemployed persons by way of job rotation, which is organised during a special leave of employees, or in the cases provided for in collective agreements, each month shall receive compensation in the amount of 0.5 of the MMW for each employed person according to the time actually worked. Job rotation cannot exceed the period of 12 months.

The Law on Support for Employment increases motivation of companies, institutions and organisations to set up workplaces for the disabled. Subsidies are provided for the establishment of workplaces for such persons: the amount of a subsidy equals 22 (instead of 15 as indicated in the previous Law on Support for the Unemployed) last published national average monthly wages, for the creation or adaptation of one workplace. In addition, the Law on Support for Employment provides for partial reimbursement of costs incurred during the establishment of a workplace, instead of the previously established monthly payment of compensation. Moreover, companies employing the disabled whose capacity for work is rated at up to 40% into the established workplaces are entitled to receive each month a wage subsidy calculated for the time actually worked according to the minimum hourly pay throughout the whole period of their employment, for each employed person.

Since early 2002, the number of long-term unemployed has been shrinking. In late 2005, the share of long-term unemployed among all the unemployed was 27.1 per cent and in late 2006, they accounted for 16.8 per cent. More than half of the long-term unemployed had professional qualification and almost every fourth of them were with higher or college education. The main reason why education did not help them to find their place in the labour market is their non-marketable specialities. Another reason is the age of these persons. Every second unemployed was over 50 and every fourth of them was of pre-retirement age. The youth under 25 years of age constituted as little as 4 per cent among the long-term unemployed.

### **Expenditure for Employment Policy Measures**

Article 12 of the Law on Support for the Unemployed, which is no longer in force, stipulated that the Unemployment Fund should be established to finance employment measures of the population. The same provision is established in Article 37 of the new Law on Support for Employment, which became effective on 1 August 2006.

Employment support measures are funded from the Employment Fund, which is a part of the State Social Insurance Fund. While approving the annual budget of the State Social Insurance Fund, the Seimas of the Republic of Lithuania takes in account the situation in the labour market and sets the amount of allocations to be made into the Employment Fund. In 2005, they accounted for 1.4 per cent and in 2006, they made up 1.3 per cent of the approved rate of 31 per cent of the overall state

social insurance contributions. In addition, funds for employment support measures are allocated from the national budget.

**Table 1.1.1 Overall Funds Allocated for Labour Market Policy Measures in the GDP Structure in 2002 – 2006**

	2002	2003	2004	2005	2006
<b>GDP (million LTL)</b>	51,971.0	56,804.0	62,587.0	71,200.0	81,991.0*
<b>Expenditure on labour market policy (million LTL)</b>	186.8	207.2	259.5	248.3	281.8
<b>Expenditure on labour market policy (% of GDP)</b>	0.36	0.37	0.42	0.35	0.34

\* Preliminary data

**Table 1.1.2 Expenditure for Active and Passive Labour Market Policy Measures**

No.	Expenditure	2002		2003		2004		2005		2006	
		thousand LTL	%	thousand LTL	%	thousand LTL	%	thousand LTL	%	thousand LTL	%
1	Labour market active policy measures:	75,301	40.3	87,042.0	42.1	90,618.1	44.0	92,598.9	38.7	96,120.7	35.7
1.1	Unemployment prevention	1,705	0.9	1748	0.8	1,916.2	0.9	1,934.5	0.8		
1.2	Labour supply and demand	5,712	3.1	9,186.3	4.4	4,172.8	2.0	5,433.5	2.3	4,232.8	1.6
1.3	Vocational training	30,722	16.4	33,309.8	16.1	33,113.6	16.1	29,635.1	12.4	32,894.6	12.2
1.4	Non-formal education									546.7	0.2
1.5	Subsidised employment									2,187.4	0.3
1.6	Support for the acquisition of labour skills									1,248.1	0.5
1.7	Subsidies for job creation									1,340.8	0.5
1.8	Subsidies for job creation for the disabled of group I and group II	451	0.2	920	0.4	981.9	0.5	868.6	0.4	597.3	0.2
1.9	Subsidies for job creation for socially vulnerable groups	4,255	2.3	7,477.4	3.6	7,916.0	3.8	8,405.3	3.5	5,989.0	2.2
1.10	Organisation of start-ups	168	0.1	51.5	0.0	21.6		15.0	0.0	5.0	0.0
1.11	Public works	25,260	13.5	24,911.2	12.0	32,166.7	15.6	35,822.9	15.0	37,355.3	13.9
1.12	Works supported by the Employment Fund	6,950	3.7	6,521.9	3.1	6,829.4	3.3	7,009.2	2.9	6,159.3	2.3
1.13.	Projects of local initiatives for employment	2,915.9	1.4	3,499.9	1.7	3499,9	1,7	3474,8	1,5	3,439.8	1.3
1.14	Support for self-employment									90.7	

No.	Expenditure	2002		2003		2004		2005		2006	
		thousand LTL	%	thousand LTL	%	thousand LTL	%	thousand LTL	%	thousand LTL	%
2	Maintenance and development of labour market institutions	47,499	25.4	54,365.8	26.2	60,437.6	29.3	70,563.4	29.5	77,929.1	28.9
2.1.	Lithuanian labour exchange offices	40,658.0	21.8	46,544.1	22.5	49,363.1	24.0	58,716.2	24.6	65,127.3	24.2
2.2.	Labour market training services	6,841.1	3.7	7,821.7	3.8	11,074.5	5.4	11,847.2	5.0	12,801.8	4.8
3	Labour market research	415.0	0.2	480	0.2	343.0	0.2	253.3	0.1	395.9	0.1
4.	Co-financed EU and international employment projects	977.7	0.5	582.6	0.3	466.7	0.2	4,274.8	1.8	15,894.7	5.9
5	Passive labour market policy measures	62,569.5	33.5	64,408.7	31.1	53,858.2	26.2	71,329.8	29.8	79,131.3	29.4
5.1.	Unemployment social insurance payments (unemployment benefits)	48,386	25.9	40,453.3	19.5	31,503.4	15.3	58,476.8	24.5	74,743.3	27.7
5.2.	Pre-retirement unemployment benefits	14,183.5	7.6	23,955.4	11.6	22,354.8	10.9	12,853.0	5.4	4,388.0	1.6
6	Expenditure, in total	186,627.9	100.0	206,879.1	100.0	205,723.6	100.0	239,020.2	100.0	269,471.7	100.0

In any event, the unemployment benefit may not be smaller than the income supported by the state and approved by the Government and shall not exceed two minimum subsistence levels. Up until 2005, the amount of the unemployment benefit remained the same, i.e. the minimum was LTL 135 and the maximum was LTL 250. Until 1 July 2005, the maximum unemployment social insurance benefit was LTL 693, from 1 July 2005 until 1 July 2006, it increased to LTL 758.8 Lt, and from 1 July 2006 until 1 February 2007, it amounted to LTL 848.4.

**Table 1.1.3 Unemployment benefits**

	2002	2003	2004	2005*	2006*
<b>Average unemployment benefit (LTL)</b>	174.9	174.1	175.7	327.6	398.5
<b>Share of the unemployed receiving unemployment benefit among the average annual number of the unemployed (%)</b>	20.7	19.5	13.2	15.3	21.2

\* From 1 January 2005, renamed into the unemployment social insurance benefits

Since 2005, the active labour market policy has obtained support from the European Social Fund. Commission Decision C(2004) 2120 of 18 June 2004 and Government Resolution No. 935 of 2 August 2004 approved the Single Programming Document of Lithuania for 2004-2006 (hereinafter referred to as the SPD), which laid down the foundation for obtaining EU structural funds.

The SPD strategy was developed taking into account the need of well-educated and highly qualified labour force for economic prosperity and growth. Therefore, one of the SPD goals is to improve skills of the Lithuanian labour force and ensure that is flexible and able to adapt to the changes in the labour market. In addition, it is essential to improve skills and qualifications of socially excluded groups, including the unemployed and the youth, and ensure that the skills and competences taught correspond to the labour market requirements. With that in mind, **the 2<sup>nd</sup> priority of the SPD** has been identified: ***Human Resource Development***.

In 2004–2006, the plan was to allocate EUR 163.8 million from the European Social Fund and EUR 53.2 million of the national co-financing funds to implement the measure.

In 2005-2006, the plan was to allocate EUR 73.39 million from the European Social Fund and EUR 23.38 million of the national co-financing to implement measures 2.1., 2.2., 2.3. falling within the remit of the Ministry of Social Security and Labour. In 2005-2006, these measures were implemented using EUR 16.48 million, including EUR 12.26 million allocated from the European Social Fund and EUR 4.22 million from the national co-financing fund.

*The issue of employee adaptability to changing labour market conditions was dealt with by the following 2<sup>nd</sup> priority measures:*

***Measure 2.1. – Development of Employability.*** The goal of the measure is to improve the employability of the unemployed and their integration into the labour market in order to help reduce unemployment in general and prevent long-term unemployment in particular. The measure mostly focused on the youth and long-term unemployed, unemployed persons without appropriate professional qualifications, and persons threatened by unemployment. The measure supported training and skills improvement for the unemployed to acquire marketable professions, activation and motivation of the unemployed, vocational guidance and consulting, and training/support for persons starting their own business. In addition, the measure strengthened institutional capacities of the National Labour Exchange and territorial labour exchanges, providing new services to the unemployed and employers and increasing staff qualification.

In 2004-2006, the plan was to earmark EUR 45.87 million from the EU and EUR 15.29 million of the national funds to implement the measure. Following the reallocation of funds among the measures, it was earmarked EUR 26.32 million from the EU and EUR 8.77 million from the national budget in 2004-2006.

In 2005-2006, EUR 28.07 million were earmarked, including EUR 21.05 million from the ESF and EUR 7.02 million from the national budget. During 2005-2006, EUR 8.56 million were spent, including EUR 6.42 million from the ESF and EUR 2.14 million of the national co-financing funds.

Support to the National Labour Exchange was provided by direct funding because the Lithuanian Labour Exchange, according to the national legislation, is the only body whose functions and competence enables it to implement Measure 2.1 *Development of Employability* under the 2<sup>nd</sup> priority of the SPD, Human Resource Development. “

Projects *Development of Vocational Training of the Unemployed and Persons Given a Notice of Dismissal* and *Support for Employment of the Unemployed* were carried out together with 46 territorial labour exchanges and the Lithuanian Labour Market Training Authority.

Vocational training of the unemployed and persons given a notice of dismissal was conducted following the updated and modified vocational training programmes of the labour market.

Employment of the unemployed was pursued by developing the following employment support programmes: supported jobs, public works, subsidised employment and measures of employment support, including support for the acquisition of work skills and employment subsidies. These measures helped the unemployed to find a temporary or permanent work and acquire practical experience.

**Table 1.1.4 Information on the Achievement of Quantitative and Qualitative Implementation Indicators of the SPD.**

Indicator	Measurement unit	Planned indicators according to SPD measure	Indicators achieved in 2006 (2005).	Indicators achieved between the SPD approval until the submission of the report	Planned indicators according to the signed support agreements	Indicator achievement result since the beginning of the programme implementation $5/3 \times 100\%$	Indicator achievement result in relation to the planned indicators of signed contracts $5/6 \times 100\%$
1	2	3	4	5	6	7	8
Trained beneficiaries at the end of the activity, including:	Number	10,000	6,116 (7,384)	13,500	16,107	135 %	83.8%
Females	Number	5,000	4,498 (4,150)	8,648	8,459	173.0 %	102.2%
Youth	Number	3,000	1,768 (1,636)	3,404	3,651	113.5%	93.2%
Long-term unemployed	Number	3,000	1,451 (1,719)	3,170	3,339	105.7%	94.9%
Participants who acquired professional qualification, including:	Number	6,000	4,368 (153)	4,521	8,186	75.4 %	55.2%
Females	Number	3,000	2,487 (139)	2,626	4,395	87.53 %	59.7%
Youth	Number	2,000	1,355 (2)	1,357	1,950	67.85 %	69.6%
Long-term unemployed	Number	1,500	805 (47)	852	1,450	56.8 %	58.8%
Participants continuing education, including:	Number	1,000	79 (0)	79	455	7.9 %	17.4%
Females	Number	450	55 (0)	55	204	12.22 %	27.0%
Youth	Number	300	51 (0)	51	138	17 %	37.0%
Long-term unemployed	Number	70	36 (0)	36	22	51.43	163.6%
Overall employment indicator after activation	Per cent	50	69.89 *	63.7**	50	126.5 %	126.5%

\* The indicator has been calculated as follows: 5,784 (the number of project participants who got employed during the reporting period) is divided into 8,276 (the number comprises 3,908 persons who took part in employment support programmes and supported employment measures, and 4,368 who completed vocational training during the reporting period) and multiplied by 100.

\*\* The indicator has been calculated as follows: 7,297 (the number of project participants who got employed by the end of the project) is divided into 11,533 (the number comprises 7,012 who took part in employment support programmes and supported employment measures, and 4,521 persons who completed vocational training during the reporting period) and multiplied by 100.

***Measure 2.2. Development of Labour Force Competencies and the Ability to Adapt to Changes.***

The goal of the measure is to increase the competitiveness of businesses across the whole Lithuanian economy through investment in training and skills development to help employees adapt to labour market changes and the rapidly evolving skills needs of employers.

In 2004-2006, the plan was to earmark EUR 29.49 million from the ESF and EUR 9.85 million from the national budget to implement the measure. After the reallocation of funds, in 2004-2006 this measure received EUR 49.04 million (ESF) and EUR 16.35 million (national funds), including EUR 39.23 million (ESF) and EUR 13.08 million (national budget) in 2005-2006. During 2005-2006, EUR 5.26 million were spent, including EUR 3.74 million from the ESF and EUR 1.52 million from the national budget.

**Table 1.1.5 Information on the Achievement of Quantitative and Qualitative Implementation Indicators of the SPD.**

Indicator	Measure- ment unit	Planned indicators according to SPD measure	Indicator s achieved in 2006 (2005).	Indicators achieved between the SPD approval until the submission of the report	Planned indicators according to the signed support agreements	Indicator achievement result since the beginning of the programme implementat ion5/3*100 %	Indicator achievement result in relation to the planned indicators of signed contracts 5/6*100 %
1	2	3	4	5	6	7	8
Trained beneficiaries at the end of the activity, including:	Number	4,000	33,159 (5,750)	38,909	141,957	972.73%	27.4%
Females	Number	2,000	18,265 (3,149)	21,414	82,312	1,070.70 %	26.0 %
Companies which received support	Number	60	370 (99)	469	Not applied	781.66 %	–
Share of employers providing training in a company for the first time	Per cent	5%	16.58 %	16.33 %	Not applied	326.6 %	–
Companies applying flexible forms of work	Number	3	1 (0)	1	Not applied	33.3 %	–

Seeking objectives under the SPD Measure 2.2, support was provided for the following: training, skills development and retraining of employees of industrial, business companies, organisation of on-the-job training, introduction of flexible work and work organization arrangement methods (60.86 per cent of all the supported projects); training, skills development and retraining of employees of the state and municipal authorities as well as organising their on-the-job training (30.44 per cent of all the supported projects); social partnership development (4.35 per cent); training and retraining of population living in problem territories subject to key economic restructuring or privatisation of state companies (4.35 per cent).

**Measure 2.3. Prevention of Social Inclusion and Social Integration.** The measure is aimed at increasing social inclusion through the integration of different risk groups in the labour market, thus preventing social exclusion. Reductions in levels of social exclusion will primarily be achieved through improvements in the access to vocational education and training services, vocational counselling services and distant learning. To ensure that the labour market is accessible to all, consideration was given to the specific needs of these groups of people and additional measures were applied to assist them in the acquisition of necessary skills and integration into the labour market and society. In implementing this measure, priority was given to the development of the system of occupational and work rehabilitation of the disabled, creation and development of social enterprises (aimed at the disabled and other socially vulnerable groups). **Another important area of support under this measure is ensuring equal opportunities for men and women.**

In 2004-2006, the plan was to allocate EUR 16.40 million (ESF) and EUR 4.10 million (national co-financing), including EUR 13.11 million (ESF) and EUR 3.28 million (national) in 2005-2006, to implement the measure.

In 2005-2006, EUR 2.66 million were spent, including EUR 2.10 million (ESF) and EUR 0.56 million (national funds).

**Table 1.1.6 Information on the Achievement of Quantitative and Qualitative Implementation Indicators of the SPD.**

Indicator	Measurement unit	Planned indicators according to SPD measure	Indicators achieved in 2006 (2005).	Indicators achieved between the SPD approval until the submission of the report	Planned indicators according to the signed support agreements	Indicator achievement result since the beginning of the programme implementation5/3*100 %	Indicator achievement result in relation to the planned indicators of signed contracts 5/6*100 %
1	2	3	4	5	6	7	8
<b>Trained beneficiaries at the end of the measure, including</b>	Number	1,500	3,491 (1,843)	5,334	19,377	356 %	28 %
Females	Number	900	760 (453)	1,213	6,898	139 %	
Disabled	Number	800	577 (732)	1,309	7,069	164 %	19 %
Prisoners and persons returning from places of imprisonment	Number	300	1,106 (614)	1,720	6,489	573 %	27 %
Persons addicted to psychotropic substances	Number	100	456 (44)	500	801	500 %	62 %

1	2	3	4	5	6	7	8
<b>Number of specialists who completed training</b>	Number	0	658 (313)	971	4,588	1,942 %	21 %
<b>Social enterprises which received support</b>	Number	5	0 (0)	0	2	0 %	0 %
<b>Participants who gained professional qualification, including:</b>	Number	500	1,001 (52)	1,053	8,150	211 %	13 %
Females	Number	300	113 (0)	113	3,899	38 %	3 %
Disabled	Number	200	170 (0)	170	1,373	85 %	12 %
Prisoners and persons returning from places of imprisonment	Number	50	369 (52)	421	1,237	842 %	34 %
Persons addicted to psychotropic substances	Number	20	67 (0)	67	586	335%	11 %
<b>Participants continuing education, including:</b>	Number	100	569 (1)	570	5,545	570%	10 %
Females	Number	50	172 (0)	172	1,173	344 %	15 %
Disabled	Number	10	56 (0)	56	249	560 %	23 %
Prisoners and persons returning from places of imprisonment	Number	5	0 (1)	1	458	20 %	0 %
Persons addicted to psychotropic substances	Number	5	2 (0)	2	395	40%	1 %
<b>Overall employment indicator after activation</b>	Per cent	30	2.35 (0.5)	2.85	No data available	10%	

### Active Labour Market Policy Measures

In 2005–2006, more than 229,700 job-seekers were included into the active labour market policy programmes, including 29,600 persons who started their own economic activities under business licences and 209,400 who were employed.

In 2005, seeking to strengthen motivation among the inactive persons in the labour market, labour exchange offices developed individual counselling and intermediation services. Aiming to improve counselling for individual clients, a methodology was developed for the staff of labour exchange offices, *Individual Talk with the Client about His or Her Readiness for the Labour Market*. Moreover, staff received training

In 2006, seeking to improve professional career planning of the unemployed, individual employment plans were further developed assisting the unemployed to seek streamlined participation in the active labour market policy measures and find their position in the labour market. Efforts were taken in providing services of group counselling to help job-seekers develop their skills of searching for work, increasing their work motivation and assisting them in choosing a profession or creating their own job. The measure involved 41,000 persons, including 95 per cent of those who acquired individual job-seeking skills, learned to use IT and got prepared for a job interview. With a view to improving community access to the services provided by labour exchange offices and to bringing back the unemployed into the labour market, new information desk offices



were set up in the communities. In 2006, labour exchange offices in 411 communities provided information, registration and counselling services. The job-seekers living in these communities were able to learn about the vacancies and requirements set for them, opportunities to take part in the projects funded by the ESF, as well as the news in the labour market. Furthermore, they organised various events: Labour Market Days, meetings with the local community, labour fairs, information events informing the local population about the services provided by labour exchange offices and the situation in the labour market. Meetings and events organised in the labour exchange offices, schools and libraries housed more than 27,000 local residents and 8,500 employers.

**Table 1.1.7 Number of Persons Referred to the Active Labour Market Policy Programmes (per year, thous.)**

Programmes	Year	Persons referred to the active labour market policy programmes						
		Job seekers, Total	Including					
			Females	Unemployed, Total	Including			
					Females	Long-term unemployed	Youth	Disabled
<b>Total</b>	2005	129.9	74.5	123.6	71.8	47.2	18.3	6.8
	2006	99.8	59.3	67.6	56.2	26.3	11.6	4.9
<b>Vocational training</b>	2005	29.6	17.0	26.7	15.6	9.5	4.7	0.9
	2006	27.0	15.7	24.5	14.7	4.7	4.3	1.0
<b>Job clubs (until 1 August 2006)</b>	2005	51.1	32.8	51.0	32.7	20.1	9.1	2.7
	2006	25.9	17.3	25.8	17.3	7.9	3.5	1.5
<b>Support for job creation</b>	2005	4.3	2.7	4.3	2.7	1.4	0.9	0.06
	2006	3.8	1.5	2.3	1.5	0.7	0.4	0.02
<b>Public works</b>	2005	39.3	19.0	36.0	17.1	14.7	1.8	1.8
	2006	34.4	18.3	29.9	16.0	8.5	1.5	1.6
<b>Supported works</b>	2005	5.5	3.3	5.5	3.3	1.5	1.8	0.2
	2006	4.1	2.5	4.1	2.5	1.0	1.0	0.2
<b>Vocational rehabilitation programmes</b>	2005	0.01	x	x	x	x	X	0.01
	2006	0.2	x	x	x	x	x	0.2
<b>Support for skill acquisition (since 1 August 2006)</b>	2006	1.3	0.9	1.3	0.9	0.5	0.2	0.3
<b>Subsidised employment (since 1 August 2006)</b>	2006	2.7	1.8	2.8	1.8	0.5	0.3	0.5
<b>Job rotation (since 1 August 2006)</b>	2006	0.1	0.07	0.08	0.07	0.004	0.01	0.001
<b>Activities according to business certificates</b>	2005	14.7	7.2	14.7	7.2	1.9	1.2	0.3
	2006	14.9	6.7	14.9	6.7	1.4	1.1	0.3

Question B

*Please indicate the trends in employment<sup>3</sup> covering all sectors of the economy. In connection with this, indicate as far as possible, the activity rate,<sup>4</sup> the employment rate<sup>5</sup> and the breakdown of employment by region, by sex, by age, by*

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

employment status (employed, self-employed), by type of employment (full time and part time, permanent and fixed term, temporary), and by sector of activity.

Please give the trend of the figures and percentages of unemployed 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 by length of unemployment.

## Population and Labour Force

In 2005-2006, due to emigration, the number of population and the labour force was decreasing.

According to the data of the Statistics Department, the employed population aged 15 and over amounted to 1,499,000 people in 2006. During one year, the number of the employed population went up by 25,000 people, accounting for 1.7 per cent. As compared to the previous year, the growth rate dropped: during the year 2005, the number of employed persons augmented by 38,000 persons. The share of employed females remained almost the same. In 2006, they accounted for 49.6 per cent of all the employed in 2005, their share was 49.1 per cent and in 2000, they made up 50.9 per cent of all the employed population.

**Table 1.1.8 Main Data on Employment, thous.**

	2000	2001	2002	2003	2004	2005	2006
<b>Population at the beginning of the year, total</b>	3,512.1	3,487.0	3,475.6	3,462.5	3,445.9	3,425.3	3,403.3
Aged 15 and over, at the beginning of the year	2,802.1	2,800.4	2,816.0	2,829.6	2,837.1	2,840.2	2,842.9
<b>Aged 15 – 64, at the beginning of the year</b>	2,319.5	2,315.5	2,321.1	2,319.9	2,319.2	2,323.2	2,321.1
<b>Labour force</b>	1,671.5	1,635.8	1,630.3	1,641.9	1,620.6	1,606.8	1,588.3
<b>Employed, total</b>	1,397.8	1,351.8	1,405.9	1,438.0	1,436.3	1,473.9	1,499.0
<b>In the public sector</b>	474.9	453.3	422.7	403.9	400.1	408.2	394.5
<b>In the private sector</b>	923.0	898.5	983.2	1,034.1	1,036.2	1,065.7	1,104.5
<b>Unemployed</b>	273.7	284.0	224.4	203.9	184.4	132.9	89.3
<b>Inactive population</b>	1,840.6	1,851.2	1,845.3	1,820.7	1,825.2	1,818.6	1,815.0

Source: Statistics Department

The rapid economic growth in Lithuania and the growing demand for the labour force had a positive impact on employment. In 2006, it was further increasing and the unemployment rate was dropping. The rapid growth of the production rate was accompanied by the less rapid growth of the overall employment: from 62.6 per cent in 2005 it raised to 63.6 per cent in 2006. The unemployment rate of women and senior employees exceeded the 2005 EU average accounting for 59.4 per cent and 49.2 per cent respectively. The same trends remained in 2006. The employment rate of women made up 61.0 per cent and exceeded the objective set forth in 2010 European Employment Strategy (60 per cent). The employment rate of persons aged 55-64 enhanced to 49.6 per cent and almost reached the EU 2010 objective (50 per cent).

<sup>4</sup> The activity rate represents the total labour force as a percentage of the population aged 15 years and over and living in private households. The labour force is defined as the sum of persons in employment plus the unemployed.

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

In 2005 and 2006, the rate of unemployment in Lithuania shrunk from 8.3 per cent to 5.9 per cent and became smaller than the average rate of unemployment in the European Union, which is 8.0 per cent. During the same period, the rate of long-term unemployment dropped from 5.8 per cent to 4.3 per cent, and among the youth, its rate went down from 22.7 per cent to 15.7 per cent.

**Table 1.1.9 Key Data on Employment, %**

	2002	2003	2004	2005	2006
<b>Activity rate of the labour force aged 15 – 64</b>	69.3	69.7	69.0	68.3	67.4
<b>Employment rate among persons aged 15 – 64</b>	59.6	60.9	61.1	62.6	63.6
<b>Women's employment rate</b>	57.1	58.4	57.8	59.4	61.0
<b>Employment rate of senior persons (aged 55-64)</b>	41.3	44.5	46.9	49.2	49.6
<b>Unemployment rate</b>	13.8	12.4	11.4	8.3	5.6
<b>Unemployment rate among the youth (aged 15-24)</b>	23.0	24.8	22.5	15.7	9.8
<b>Long-term unemployment rate (percentage of the labour force)</b>	7.6	6.2	6.1	4.5	2.5

*Source: Statistics Department*

#### **Activity Rate**

During 2005 and 2006, the overall activity rate of population somewhat decreased, yet the youth (aged 15-24) and senior people (over 65) became significantly more active.

**Table 1.1.10 Labour Force Activity Rate by Age Groups, in 2005 and 2006, %**

	15–64	15–24	25–54	55–64	65+
<b>Total</b>					
<b>2005</b>	68.3	25.0	87.9	52.8	3.9
<b>2006</b>	67.4	26.3	86.2	52.9	4.5
<b>Males</b>					
<b>2005</b>	72.0	29.3	90.0	63.8	6.3
<b>2006</b>	70.5	29.3	88.7	59.9	7.1
<b>Females</b>					
<b>2005</b>	64.9	20.5	85.8	44.5	2.6
<b>2006</b>	64.6	23.1	83.8	47.6	3.2
<b>Urban</b>					
<b>2005</b>	70.2	24.8	89.3	55.1	5.0
<b>2006</b>	69.6	25.7	87.9	56.2	5.3
<b>Rural</b>					
<b>2005</b>	64.2	25.4	84.6	48.3	2.2
<b>2006</b>	62.5	27.3	82.1	46.2	3.3

## Employment Trends

In 2005, the labour market experienced a major breakthrough. Following the reduction of the number of employed persons several years in succession, their number significantly went up. The biggest increase was among the youth and senior population.

**Table 1.1.11 Employed Population Age Groups, thous.**

		Total	15–64	15–24	25–54	55–64	65+
<b>Total</b>							
	2005	1,473.9	1,454.0	110.9	1,169.4	173.6	19.9
	2006	1,499.0	1,475.9	125.6	1,175.0	175.3	23.1
<b>Males</b>							
	2005	750.9	739.7	66.1	584.0	89.6	11.2
	2006	755.8	743.3	71.4	587.4	84.5	12.5
<b>Females</b>							
	2005	723.0	714.3	44.8	585.5	84.0	8.8
	2006	743.2	732.6	54.2	587.5	90.9	10.5
<b>Urban</b>							
	2005	1,040.2	1,024.8	72.9	833.2	118.7	15.4
	2006	1,066.4	1,050.1	80.5	845.5	124.1	16.3
<b>Rural</b>							
	2005	433.7	429.2	38.1	336.2	54.9	4.5
	2006	432.6	425.9	45.1	329.5	51.2	6.8

*Source: Statistics Department*

The employment rate increased accordingly. The employment rate among the youth (aged 15–24) was 21.1 per cent in 2005, increasing to 23.7 per cent in 2006. The employment rate of senior population (aged 55–64) boosted from 40.3 per cent in 2000 to 49.6 per cent in 2006.

**Table 1.1.12 Employment Rate by Age Groups, %**

		15–64	15–24	25–54	55–64	65+
<b>Total</b>						
	2005	62.6	21.1	81.0	49.2	3.9
	2006	63.6	23.7	81.7	49.6	4.4
<b>Males</b>						
	2005	66.0	24.6	83.3	59.1	6.3
	2006	66.3	26.4	84.1	55.7	7.0
<b>Females</b>						
	2005	59.4	17.4	78.8	41.7	2.6
	2006	61.0	20.9	79.5	45.1	3.1
<b>Urban</b>						
	2005	64.1	20.8	82.1	50.7	5.0
	2006	65.8	23.1	83.5	52.6	5.1
<b>Rural</b>						
	2005	59.3	21.6	78.4	46.2	2.2
	2006	58.7	24.8	77.4	43.6	3.3

In 2006, the number of the employed in the public sector decreased and the number of employed in the private sector increased. As compared to 2001, the ratio between the two sectors changed from 33:67 to 26:74. Similarly to previous years, women were prevailing in the public sector. In 2006, the number of women working in public institutions was twice the number of men employed in the public sector.

**Table 1.1.13 Employed in the Private Sector by Gender, thous.**

	<b>2005</b>	<b>2006</b>
<b>Employed in the public sector, including</b>	408.2	394.5
Females	265.1	267.1
Males	143.1	127.4
<b>Employed in the private sector, including</b>	1,065.7	1,104.5
Females	457.9	476.1
Males	607.8	628.4

In 2005 and 2006, the number of employers and self-employed persons was constantly reducing. As compared to 2004, it decreased by 17,000 persons. In January 2006, the Statistics Department conducted a survey of business conditions. The chosen target was companies established in 2002 and successfully operating at the time of the survey (January 2006). One of the key objectives of the survey was establishment of obstacles for business development and their ranking according to the scope of negative impact. Calculation of the reference to a specific obstacle showed significant trends. As many as 75.7 per cent of businessmen mentioned “finding suitable staff” as their key obstacle. The second main obstacle (chosen by 61.3 per cent of businessmen) is difficulties related to meeting legal, state and administrative requirements. In 2006, the share of employers and self-employed persons dropped to 13.3 per cent and the share of hired employees increased to 84 per cent.

Shortened working hours is not a popular option in Lithuania. However, as compared to 2004, the number of hired employees working part-time went up and accounted for 6.6 per cent.

**Table 1.1.14 Employed Persons By the Status of Employment and Part-Time Work, thous.**

	<b>2005</b>	<b>2006</b>
Total	1,473.9	1,499.0
Full-time	1,369.5	1,350.2
Part-time	104.4	148.8
Employers and self-employed	206.3	199.8
Full-time	171.5	149.3
Part-time	34.8	50.5
Hired	1,224.1	1,263.7
Full-time	1,162.4	1,180.2
Part-time	61.6	83.5
Contributing family members	43.5	35.5
Full-time	35.5	20.7
Part-time	8.0	14.8
Males	750.9	755.8
Full-time	712.5	696.5
Part-time	38.4	59.3
Employers and self-employed	128.6	123.1
Full-time	108.8	96.6
Part-time	19.8	26.6
Hired	606.7	622.7
Full-time	590.3	594.2
Part-time	16.4	28.5
Contributing family members	15.5	10.0
Full-time	13.4	5.7
Part-time	2.1	4.3
Females	723.0	743.2
Full-time	657.0	653.7
Part-time	66.1	89.4

	<b>2005</b>	<b>2006</b>
Employers and self-employed	77.7	76.6
Full-time	62.7	52.7
Part-time	15.0	23.9
Hired	617.3	641.0
Full-time	572.2	586.0
Part-time	45.2	55.0
Contributing family members	28.0	25.5
Full-time	22.1	15.0
Part-time	5.9	10.5
Urban	1,040.2	1,066.4
Full-time	993.8	998.7
Part-time	46.4	67.7
Employers and self-employed	75.6	90.6
Full-time	71.5	78.3
Part-time	4.1	12.3
Hired	956.6	972.1
Full-time	915.4	917.4
Part-time	41.2	54.7
Contributing family members	8.1	3.8
Full-time	6.9	3.0
Part-time	1.1	0.7
Rural	433.7	432.6
Full-time	375.7	351.5
Part-time	58.0	81.1
Employers and self-employed	130.7	109.2
Full-time	100.0	71.0
Part-time	30.7	38.2
Hired	267.5	291.6
Full-time	247.1	262.8
Part-time	20.5	28.8
Contributing family members	35.4	31.8
Full-time	28.6	17.7
Part-time	6.9	14.0

In 2005 and 2006, there were more people working under permanent employment contract: the share of hired employees working under fixed-term employment contract dropped by 1 per cent and accounted to as little as 4.5 per cent of all the hired employees.

**Table 1.1.15 Hired Employees by Job Stability, thous.**

		<b>2005</b>	<b>2006</b>
<b>Total</b>		<b>1,224.1</b>	<b>1,263.7</b>
	Permanent job	1,156.1	1,206.7
	Temporary job	67.9	57.0
<b>Males</b>		<b>606.7</b>	<b>622.7</b>
	Permanent job	560.8	583.0
	Temporary job	45.9	39.7
<b>Females</b>		<b>617.3</b>	<b>641.0</b>
	Permanent job	595.3	623.7
	Temporary job	22.0	17.3
<b>Urban</b>		<b>956.6</b>	<b>972.1</b>
	Permanent job	918.2	940.5
	Temporary job	38.4	31.5
<b>Rural</b>		<b>267.5</b>	<b>291.6</b>
	Permanent job	238.0	266.1

	Temporary job	29.5	25.5
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## Structural Changes in Employment

### Employment by Sectors

In recent years, the number of the employed in the service sector has been increasing, whereas the share of employees in the agricultural sector has been shrinking. In 2006, 57.9 per cent of all the employed worked in the service sector (in 2000, they constituted 54.5 per cent of all the employed), whereas those involved in agriculture, hunting and fishing accounted for 12.4 per cent (as compared to 18.7 per cent in 2000).

**Table 1.1.16 Employment by Economic Activities**

	2005	2006	2005	2006
Total	1473.9 thous.	1499.0 thous.	100 %	100 %
Agriculture, forestry and fishing	207.0	186.6	14.0	12.4
Industry	296.2	296.0	20.1	19.7
Construction	132.5	148.7	9.0	9.9
Services	838.2	867.7	56.9	57.9

The main area of employment for women remains health and social work (in 2006, women made up 84 per cent of all the employees in the area) and education (80 per cent of all the employees). Men dominate in the following areas of economic activity: construction, electricity, gas and water supply, transport, storage and communication.

### Employment by Occupation

In 2006, the majority of employed persons worked as skilled workers and craftsmen (19 per cent), specialists (17 per cent) and service and trade sector workers (13 per cent). The smallest share constituted junior civil servants (4 per cent), followed by legislators, senior officials and managers of companies, organisations and other bodies (9 per cent). The majority of women (67 per cent) were employed as specialists.

**Table 1.1.17 Employed Population by Occupation Groups and Type of Economic Activity, thous.**

	Total	Agriculture	Industry	Construction	Services
<b>Total</b>					
<b>2005</b>	1,473.9	207.0	296.2	132.5	838.2
<b>2006</b>	1,499.0	186.6	296.0	148.7	867.7
<b>Legislators, senior public officials and managers</b>					
<b>2005</b>	117.0	1.1	20.3	7.9	87.7
<b>2006</b>	129.2	1.7	21.9	10.6	94.9
<b>Specialists</b>					
<b>2005</b>	256.0	2.3	24.3	9.2	220.1
<b>2006</b>	253.5	2.8	26.4	8.3	216.0
<b>Junior specialists and technicians</b>					
<b>2005</b>	128.3	1.9	18.7	4.6	103.1
<b>2006</b>	132.5	1.7	17.7	2.7	110.4
<b>Junior civil servants</b>					
<b>2005</b>	60.7	1.8	10.4	2.5	46.0
<b>2006</b>	56.7	1.4	8.8	1.3	45.2
<b>Service and trade sector</b>					

	<b>Total</b>	<b>Agriculture</b>	<b>Industry</b>	<b>Construction</b>	<b>Services</b>
<b>employees</b>					
<b>2005</b>	169.8	0.2	4.6	0.5	164.4
<b>2006</b>	188.2	0.4	5.5	0.6	181.7
<b>Skilled agricultural and fisheries workers</b>					
<b>2005</b>	166.9	163.3	1.0	0.2	2.4
<b>2006</b>	137.0	135.1	0.8	0.1	0.9
<b>Skilled workers and craftsmen</b>					
<b>2005</b>	273.4	4.1	138.0	75.7	55.6
<b>2006</b>	290.5	5.1	137.1	85.5	62.8
<b>Plant, machinery operators and assemblers</b>					
<b>2005</b>	137.9	9.4	43.9	12.5	72.1
<b>2006</b>	146.2	10.6	46.5	16.4	72.7
<b>Unskilled workers</b>					
<b>2005</b>	158.9	22.9	35.0	19.3	81.6
<b>2006</b>	160.6	27.7	31.3	23.1	78.5
<b>Armed forces (hired employees)</b>					
<b>2005</b>	4.9	-	-	-	4.9
<b>2006</b>	4.6	-	-	-	4.6

**Table 1.1.18 Employed Persons by the Type of Economic Activity**

		<b>2005</b>	<b>2006</b>
	<b>Total</b>	<b>1,473.9</b>	<b>1,499.0</b>
A	Agriculture, hunting, forestry	204.2	183.9
B	Fishing	2.8	2.7
C–E	Industry	296.2	296.0
C	Mining and quarrying	3.3	4.3
D	Manufacturing	266.5	264.6
E	Electricity, gas and water supply	26.5	27.1
F	Construction	132.5	148.7
G–Q	Services	838.2	867.7
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	233.3	254.6
H	Hotels and restaurants	33.1	39.0
I	Transport, storage and communication	93.9	98.9
J	Financial intermediation	16.3	16.6
K	Real estate, renting and business activities	62.3	78.3
L	Public administration and defence; compulsory and social security	81.7	75.7
M	Education	148.0	131.5
N	Health and social work	98.6	105.7
O	Other community, social and personal service activities	63.7	63.7
P	Household activities	7.1	3.6
Q	Extra-territorial bodies and organisations	0.2	0.1
	<b>Males</b>	<b>750.9</b>	<b>755.8</b>
A	Agriculture, hunting, forestry	122.6	108.1
B	Fishing	2.2	2.5
C–E	Industry	157.8	161.0
C	Mining and quarrying	2.3	3.9
D	Manufacturing	134.6	137.9



E	Electricity, gas and water supply	20.8	19.1
F	Construction	120.5	139.0
G–Q	Services	347.8	345.2
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	111.1	115.9
H	Hotels and restaurants	7.1	7.6
I	Transport, storage and communication	68.5	69.6
J	Financial intermediation	4.4	5.5
K	Real estate, renting and business activities	34.2	43.2
L	Public administration and defence; compulsory and social security	45.1	38.4
M	Education	35.3	25.6
N	Health and social work	17.2	16.6
O	Other community, social and personal service activities	21.6	21.7
P	Household activities	3.0	1.1
Q	Extra-territorial bodies and organisations	0.2	0.1
	<b>Females</b>	<b>723.0</b>	<b>743.2</b>
A	Agriculture, hunting, forestry	81.6	75.7
B	Fishing	0.6	0.2
C–E	Industry	138.5	135.0
C	Mining and quarrying	0.9	0.4
D	Manufacturing	131.8	126.7
E	Electricity, gas and water supply	5.7	7.9
F	Construction	12.0	9.7
G–Q	Services	490.4	522.5
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	122.2	138.7
H	Hotels and restaurants	26.0	31.5
I	Transport, storage and communication	25.4	29.3
J	Financial intermediation	11.9	11.1
K	Real estate, renting and business activities	28.1	35.1
L	Public administration and defence; compulsory and social security	36.6	37.2
M	Education	112.7	106.0
N	Health and social work	81.3	89.1
O	Other community, social and personal service activities	42.1	42.1
P	Household activities	4.1	2.4
Q	Extra-territorial bodies and organisations	...	...
	<b>Urban</b>	<b>1,040.2</b>	<b>1,066.4</b>
A	Agriculture, hunting, forestry	20.4	19.8
B	Fishing	1.8	2.1
C–E	Industry	232.1	229.5
C	Mining and quarrying	1.9	1.6
D	Manufacturing	207.1	204.7
E	Electricity, gas and water supply	23.0	23.2
F	Construction	103.4	117.1
G–Q	Services	682.5	697.9
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	190.6	203.8
H	Hotels and restaurants	28.4	29.5
I	Transport, storage and communication	77.1	81.2
J	Financial intermediation	14.5	15.1
K	Real estate, renting and business activities	57.9	70.6
L	Public administration and defence; compulsory and	64.4	56.6

	social security		
M	Education	114.2	100.6
N	Health and social work	78.4	84.2
O	Other community, social and personal service activities	52.4	53.4
P	Household activities	4.4	2.8
Q	Extra-territorial bodies and organisations	0.2	0.1
	<b>Rural</b>	<b>433.7</b>	<b>432.6</b>
A	Agriculture, hunting, forestry	183.8	164.1
B	Fishing	1.0	0.6
C–E	Industry	64.1	66.5
C	Mining and quarrying	1.3	2.8
D	Manufacturing	59.3	60.0
E	Electricity, gas and water supply	3.4	3.8
F	Construction	29.1	31.7
G–Q	Services	155.7	169.7
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	42.7	50.7
H	Hotels and restaurants	4.7	9.5
I	Transport, storage and communication	16.8	17.8
J	Financial intermediation	1.9	1.5
K	Real estate, renting and business activities	4.4	7.7
L	Public administration and defence; compulsory and social security	17.3	19.0
M	Education	33.8	30.9
N	Health and social work	20.1	21.5
O	Other community, social and personal service activities	11.3	10.3
P	Household activities	2.7	0.8
Q	Extra-territorial bodies and organisations	...	...

**Table 1.1.19 Hired Employees By the Type of Economic Activity in 2003 and 2004, thous.**

		<b>2005</b>	<b>2006</b>
	<b>Total</b>	<b>1,224.1</b>	<b>1,263.7</b>
A	Agriculture, hunting, forestry	50.4	56.1
B	Fishing	2.8	2.7
C–E	Industry	285.0	285.9
C	Mining and quarrying	3.2	4.3
D	Manufacturing	255.3	254.7
E	Electricity, gas and water supply	26.5	26.9
F	Construction	120.0	131.2
G–Q	Services	765.9	787.7
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	192.2	208.0
H	Hotels and restaurants	31.0	36.5
I	Transport, storage and communication	89.3	94.5
J	Financial intermediation	15.7	15.4
K	Real estate, renting and business activities	53.4	68.2
L	Public administration and defence; compulsory and social security	81.7	75.7
M	Education	147.4	131.0
N	Health and social work	95.6	101.5
O	Other community, social and personal service activities	52.8	54.1
P	Household activities	6.5	2.8
Q	Extra-territorial bodies and organisations	0.2	0.1

		<b>2005</b>	<b>2006</b>
	<b>Males</b>	<b>606.7</b>	<b>622.7</b>
A	Agriculture, hunting, forestry	37.4	41.3
B	Fishing	2.2	2.5
C–E	Industry	150.2	153.8
C	Mining and quarrying	2.3	3.9
D	Manufacturing	127.1	130.9
E	Electricity, gas and water supply	20.8	19.0
F	Construction	108.5	122.1
G–Q	Services	308.5	303.0
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	86.5	89.3
H	Hotels and restaurants	5.6	5.6
I	Transport, storage and communication	64.8	65.8
J	Financial intermediation	4.3	5.0
K	Real estate, renting and business activities	28.8	37.2
L	Public administration and defence; compulsory and social security	45.1	38.4
M	Education	34.9	25.5
N	Health and social work	16.1	15.8
O	Other community, social and personal service activities	19.5	19.5
P	Household activities	2.8	0.9
Q	Extra-territorial bodies and organisations	0.2	0.1
	<b>Females</b>	<b>617.3</b>	<b>641.0</b>
A	Agriculture, hunting, forestry	13.0	14.9
B	Fishing	0.6	0.2
C–E	Industry	134.9	132.1
C	Mining and quarrying	0.9	0.4
D	Manufacturing	128.2	123.8
E	Electricity, gas and water supply	5.7	7.9
F	Construction	11.5	9.1
G–Q	Services	457.4	484.7
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	105.8	118.7
H	Hotels and restaurants	25.4	30.9
I	Transport, storage and communication	24.6	28.7
J	Financial intermediation	11.4	10.4
K	Real estate, renting and business activities	24.7	30.9
L	Public administration and defence; compulsory and social security	36.6	37.2
M	Education	112.5	105.5
N	Health and social work	79.5	85.7
O	Other community, social and personal service activities	33.3	34.6
P	Household activities	3.7	2.0
Q	Extra-territorial bodies and organisations	...	...
	<b>Urban</b>	<b>956.6</b>	<b>972.1</b>
A	Agriculture, hunting, forestry	13.9	13.5
B	Fishing	1.8	2.1
C–E	Industry	224.5	221.0
C	Mining and quarrying	1.9	1.6
D	Manufacturing	199.6	196.2
E	Electricity, gas and water supply	23.0	23.2
F	Construction	93.8	103.4
G–Q	Services	622.6	632.0

		<b>2005</b>	<b>2006</b>
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	157.3	167.3
H	Hotels and restaurants	26.5	27.8
I	Transport, storage and communication	73.4	77.4
J	Financial intermediation	13.9	14.2
K	Real estate, renting and business activities	49.5	60.8
L	Public administration and defence; compulsory and social security	64.4	56.6
M	Education	113.8	100.2
N	Health and social work	76.3	80.8
O	Other community, social and personal service activities	43.2	44.8
P	Household activities	4.0	2.2
Q	Extra-territorial bodies and organisations	0.2	0.1
	<b>Rural</b>	<b>267.5</b>	<b>291.6</b>
A	Agriculture, hunting, forestry	36.5	42.6
B	Fishing	1.0	0.6
C–E	Industry	60.5	64.9
C	Mining and quarrying	1.3	2.8
D	Manufacturing	55.7	58.5
E	Electricity, gas and water supply	3.4	3.7
F	Construction	26.2	27.9
G–Q	Services	143.3	155.7
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	34.9	40.7
H	Hotels and restaurants	4.6	8.7
I	Transport, storage and communication	15.9	17.2
J	Financial intermediation	1.8	1.2
K	Real estate, renting and business activities	3.9	7.4
L	Public administration and defence; compulsory and social security	17.3	19.0
M	Education	33.5	30.8
N	Health and social work	19.3	20.8
O	Other community, social and personal service activities	9.6	9.3
P	Household activities	2.5	0.7
Q	Extra-territorial bodies and organisations	...	...

### Regional Differences

Regional centres with a weak economic potential fail to provide necessary conditions for employment and increasing income to change the situation in the neighbouring areas (located at the radius of 50-70 km around the centres). The economic growth of regional centres remains to be sluggish. In 1997-2005, the economic growth of regional centres with small GDP shrunk from 20.6 to 18.1 per cent. This happened as a result of the lack of investment into human resources, innovation and technology, development of the business support infrastructure during the preceding years. Another reason is weak links between big, small and medium-sized enterprises as well as educational establishments.<sup>6</sup>

On 25 August 2006, the Government of the Republic of Lithuania adopted Resolution No. 816 approving a new version of the Regional Development Programme of the Republic of Lithuania and its Implementation Plan for 2006–2008.

<sup>6</sup> Lietuvos ekonomikos apžvalga. 2007/1 G. Česonis, D. Jankūnaitė Nacionalinė regioninė politika.

While implementing the programme, a holistic feasibility study of regional centres, identified in the Lithuanian Regional Policy until 2013, was developed. The regional centres included Alytus, Marijampolė, Mažeikiai, Tauragė, Telšiai, Utena and Visaginas, looking into their capacities to absorb EU structural funds aimed at holistic urban development.

**Table 1.1.20 Population Employment by Counties, thous.**

	Population (Aged 15 and Over)				Labour Force				Employed			
	2003	2004	2005	2006	2003	2004	2005	2006	2003	2004	2005	2006
<b>Total</b>	<b>2,829.6</b>	<b>2,837.1</b>	<b>2,840.2</b>	<b>2,842.9</b>	<b>1,641.9</b>	<b>1,620.6</b>	<b>1,606.8</b>	<b>1,588.3</b>	<b>1,438.0</b>	<b>1,436.3</b>	<b>1,473.9</b>	<b>1,499.0</b>
Alytus	151.3	151.2	148.8	149.0	77.7	80.3	78.9	74.9	67.1	67.4	72.5	71.0
Kaunas	572.5	571.9	573.0	572.3	331.7	334.4	316.7	322.6	291.7	299.9	288.7	303.6
Klaipėda	312.7	314.8	314.8	320.8	175.7	176.5	178.4	179.0	153.7	154.0	165.9	166.8
Marijampolė	149.2	149.7	149.9	149.5	86.5	81.2	76.3	76.6	80.0	75.6	73.9	74.6
Panevėžys	241.7	241.6	247.9	242.0	134.6	136.2	131.6	123.1	119.2	119.1	117.3	113.3
Šiauliai	296.8	296.6	296.0	302.6	180.6	167.0	170.3	162.5	150.1	145.9	153.1	153.1
Tauragė	105.6	105.9	104.8	103.3	62.6	60.1	60.4	56.1	56.6	54.7	56.8	53.7
Telšiai	141.1	141.5	139.7	140.0	83.7	80.3	80.2	79.9	73.2	72.0	73.9	75.4
Utena	151.9	151.6	153.0	149.3	79.9	76.2	79.1	81.9	67.7	66.8	74.4	77.1
Vilnius	706.8	712.3	712.3	714.0	428.9	428.6	434.9	431.7	378.7	380.9	397.5	410.3
<b>Males</b>	<b>1292.8</b>	<b>1296.3</b>	<b>1298.1</b>	<b>1299.3</b>	<b>831.6</b>	<b>824.4</b>	<b>818.0</b>	<b>802.6</b>	<b>726.2</b>	<b>733.8</b>	<b>750.9</b>	<b>755.8</b>
Alytus	71.2	71.2	69.5	68.3	40.0	42.8	41.4	39.6	33.8	36.8	37.7	37.2
Kaunas	257.7	257.5	257.1	262.3	169.6	168.5	155.6	160.0	148.1	152.7	143.2	152.0
Klaipėda	144.1	144.9	143.0	142.5	86.0	89.3	91.1	90.3	76.6	78.7	84.4	84.3
Marijampolė	69.8	70.0	67.7	67.6	44.8	42.3	39.3	40.6	41.4	39.4	38.4	39.2
Panevėžys	110.1	110.2	112.6	112.8	66.2	66.6	65.2	61.7	57.7	56.1	56.6	55.3
Šiauliai	135.9	135.9	133.3	140.5	95.0	85.3	87.8	84.6	78.5	75.2	79.4	79.1
Tauragė	49.2	49.2	50.6	49.2	32.4	31.6	31.4	28.4	29.5	29.2	29.6	27.5
Telšiai	65.3	65.4	64.7	64.0	42.8	43.6	43.4	40.0	37.4	40.3	40.3	39.0
Utena	70.3	70.3	70.2	72.0	44.3	39.8	41.1	44.8	38.0	34.3	39.3	42.3
Vilnius	319.2	321.8	329.5	320.0	210.3	214.6	221.6	212.5	185.1	191.0	201.9	199.6
<b>Females</b>	<b>1,536.8</b>	<b>1,540.8</b>	<b>1,542.1</b>	<b>1,543.6</b>	<b>810.2</b>	<b>796.3</b>	<b>788.8</b>	<b>785.7</b>	<b>711.8</b>	<b>702.5</b>	<b>723.0</b>	<b>743.2</b>
Alytus	80.1	80.0	79.3	80.8	37.6	37.5	37.5	35.3	33.3	30.6	34.7	33.8
Kaunas	314.8	314.4	315.9	310.0	162.1	165.9	161.1	162.7	143.5	147.2	145.5	151.6
Klaipėda	168.6	169.9	171.9	178.3	89.7	87.2	87.3	88.6	77.2	75.3	81.4	82.5
Marijampolė	79.4	79.7	82.2	81.9	41.7	38.9	36.9	36.0	38.6	36.1	35.5	35.3
Panevėžys	131.6	131.5	135.2	129.2	68.4	69.7	66.3	61.5	61.5	63.0	60.8	58.0
Šiauliai	160.9	160.7	162.7	162.1	85.5	81.7	82.6	77.8	71.6	70.6	73.7	74.0
Tauragė	56.4	56.7	54.2	54.1	30.2	28.5	29.0	27.6	27.1	25.5	27.2	26.2
Telšiai	75.8	76.1	75.0	76.0	40.9	36.6	36.8	39.9	35.7	31.7	33.6	36.3
Utena	81.6	81.3	82.7	77.3	35.6	36.4	37.9	37.1	29.7	32.5	35.1	34.8
Vilnius	387.6	390.5	382.8	394.0	218.6	214.0	213.3	219.2	193.6	190.0	195.6	210.7

**Table 1.1.21 Labour Force Activity and Employment Rate in Counties, %**

Counties	Labour Force Activity Rate (15–64)				Employment Rate (15–64)			
	2003	2004	2005	2006	2003	2004	2005	2006

<b>Total</b>	<b>69.7</b>	<b>69.0</b>	<b>68.3</b>	<b>67.4</b>	<b>60.9</b>	<b>61.1</b>	<b>62.6</b>	<b>63.6</b>
Alytus	63.2	65.7	64.1	61.8	54.5	55.0	58.7	58.6
Kaunas	68.2	70.2	67.5	67.7	59.9	62.9	61.4	63.6
Klaipėda	68.8	69.3	68.0	68.0	60.1	60.4	63.2	63.4
Marijampolė	68.8	67.2	65.6	67.2	63.5	62.4	63.6	65.4
Panevėžys	68.5	68.1	66.9	62.3	60.6	59.4	59.6	57.3
Šiauliai	71.5	66.6	67.3	65.0	59.5	58.2	60.5	61.3
Tauragė	73.3	68.5	68.5	67.8	66.2	62.3	64.4	65.0
Telšiai	69.7	67.7	68.0	67.1	60.7	60.6	62.5	63.3
Utena	67.3	66.0	67.6	67.3	57.0	57.8	63.5	63.3
Vilnius	72.3	71.2	71.5	70.8	63.8	63.2	65.2	67.2
<b>Males</b>	<b>73.1</b>	<b>72.7</b>	<b>72.0</b>	<b>70.5</b>	<b>63.7</b>	<b>64.6</b>	<b>66.0</b>	<b>66.3</b>
Alytus	67.0	69.6	67.7	69.2	56.3	59.7	61.7	65.0
Kaunas	73.0	73.6	70.0	69.9	63.6	66.6	64.3	66.3
Klaipėda	71.2	73.2	73.2	71.9	63.3	64.5	67.8	67.0
Marijampolė	69.5	72.0	69.9	71.7	64.0	67.1	68.2	69.3
Panevėžys	70.5	72.1	68.8	63.9	61.3	60.6	59.6	57.3
Šiauliai	76.7	69.0	72.3	68.4	63.3	60.8	65.3	64.0
Tauragė	76.2	71.1	72.1	68.7	69.2	65.8	67.9	66.5
Telšiai	73.1	71.1	74.0	69.6	63.8	65.6	68.7	68.0
Utena	73.2	71.2	71.2	71.0	62.7	61.3	68.0	67.1
Vilnius	75.0	75.2	74.8	73.8	65.9	66.8	68.1	69.2
<b>Females</b>	<b>66.5</b>	<b>65.6</b>	<b>64.9</b>	<b>64.6</b>	<b>58.4</b>	<b>57.8</b>	<b>59.4</b>	<b>61.0</b>
Alytus	59.7	61.8	60.5	55.2	52.7	50.4	55.8	52.8
Kaunas	63.8	67.0	65.2	65.6	56.5	59.5	58.7	61.2
Klaipėda	66.6	65.7	63.3	64.6	57.3	56.6	59.0	60.1
Marijampolė	68.0	62.5	61.6	62.7	62.9	58.0	59.2	61.5
Panevėžys	66.7	64.7	65.2	60.9	60.0	58.5	59.6	57.3
Šiauliai	66.5	64.3	62.8	61.7	55.8	55.6	56.1	58.6
Tauragė	70.4	65.8	65.1	67.0	63.1	58.8	61.1	63.4
Telšiai	66.4	64.0	62.1	64.8	57.7	55.3	56.5	58.9
Utena	61.2	61.0	64.0	63.3	51.0	54.6	59.2	59.2
Vilnius	69.9	67.7	68.3	68.1	61.9	60.0	62.6	65.4

**Table 1.1.22 Employed Persons by the Type of Economic Activity in Counties in 2005-2006, thous.**

	Agriculture, hunting, forestry and fishing		Industry		Construction		Services	
	2005	2006	2005	2006	2005	2006	2005	2006
<b>Total</b>	<b>207.0</b>	<b>186.6</b>	<b>296.2</b>	<b>296.0</b>	<b>132.5</b>	<b>148.7</b>	<b>838.2</b>	<b>867.7</b>
Alytus	10.6	8.6	16.3	15.1	5.4	7.8	40.3	39.5
Kaunas	33.3	30.0	60.5	63.3	29.1	30.9	165.7	179.4
Klaipėda	17.3	13.5	33.6	33.2	13.5	16.3	101.4	103.8
Marijampolė	22.9	17.3	12.3	13.2	4.9	4.4	33.9	39.7
Panevėžys	20.0	19.2	31.0	24.6	5.7	7.8	60.7	61.6
Šiauliai	34.3	29.4	24.7	25.3	15.0	16.5	79.0	81.9
Tauragė	25.2	20.6	7.7	7.7	3.7	3.4	20.1	22.0
Telšiai	12.9	18.2	17.7	17.7	9.5	10.9	33.7	28.6
Utena	12.6	12.7	18.8	18.8	6.3	9.5	36.6	36.2
Vilnius	17.9	17.1	73.5	77.1	39.4	41.3	266.7	274.9
<b>Males</b>	<b>124.8</b>	<b>110.6</b>	<b>157.8</b>	<b>161.0</b>	<b>120.5</b>	<b>139.0</b>	<b>347.8</b>	<b>345.2</b>
Alytus	6.6	5.0	10.1	9.7	4.9	6.9	16.2	15.7
Kaunas	18.8	18.3	31.9	32.6	26.2	28.8	66.3	72.3

	Agriculture, hunting, forestry and fishing		Industry		Construction		Services	
	2005	2006	2005	2006	2005	2006	2005	2006
Klaipėda	10.6	8.1	21.7	20.5	12.0	14.9	40.2	40.9
Marijampolė	13.0	10.0	5.5	6.8	4.6	4.2	15.3	18.3
Panevėžys	12.6	12.7	16.5	14.3	4.7	6.8	22.7	21.6
Šiauliai	22.5	18.5	10.7	14.7	13.4	15.8	32.8	30.2
Tauragė	14.6	11.4	3.3	3.3	3.4	3.3	8.2	9.5
Telšiai	6.9	8.5	9.6	9.0	9.3	10.3	14.6	11.2
Utena	7.1	8.0	10.3	11.6	5.5	9.0	16.4	13.7
Vilnius	12.1	10.2	38.3	38.6	36.4	39.1	115.1	111.7
<b>Females</b>	<b>82.2</b>	<b>75.9</b>	<b>138.5</b>	<b>135.0</b>	<b>12.0</b>	<b>9.7</b>	<b>490.4</b>	<b>522.5</b>
Alytus	4.0	3.7	6.2	5.4	0.5	0.9	24.0	23.8
Kaunas	14.5	11.6	28.7	30.7	2.9	2.1	99.4	107.1
Klaipėda	6.7	5.5	11.9	12.7	1.5	1.4	61.2	62.9
Marijampolė	9.9	7.3	6.8	6.5	0.2	0.2	18.7	21.4
Panevėžys	7.4	6.6	14.4	10.4	1.0	1.0	38.0	40.0
Šiauliai	11.8	10.9	14.0	10.6	1.7	0.7	46.2	51.7
Tauragė	10.5	9.3	4.5	4.3	0.3	0.1	11.9	12.5
Telšiai	6.1	9.6	8.2	8.8	0.2	0.6	19.2	17.4
Utena	5.5	4.7	8.6	7.1	0.7	0.5	20.2	22.5
Vilnius	5.8	6.9	35.2	38.5	3.0	2.2	151.6	163.1

## Unemployment (Data of the Population Employment Survey)

### General Trends

With the Lithuanian economy growing, the emigration of population increasing and the number of job vacancies augmenting, the number of the unemployed and the unemployment rate was significantly going down. In 2006, the number of the unemployed decreased by 89,000 persons and was the smallest during the reporting period. As compared to 2001, the number of the unemployed reduced threefold. The unemployment rate diminished from 17.4 per cent in 2001 to 5.6 per cent in 2006.

**Table 1.1.23 Unemployed by Age Groups, thous.**

		Total	15–24	25–54	55–64	65–74
<b>Total</b>						
	2005	132.9	20.7	99.5	12.6	0.1
	2006	89.3	13.7	63.8	11.5	0.4
<b>Males</b>						
	2005	67.1	12.6	47.3	7.2	0.1
	2006	46.7	7.9	32.3	6.5	0.1
<b>Females</b>						
	2005	65.8	8.1	52.2	5.5	...
	2006	42.6	5.8	31.5	5.1	0.3
<b>Urban</b>						
	2005	97.4	13.9	73.2	10.2	0.1
	2006	61.9	9.1	44.0	8.5	0.4
<b>Rural</b>						
	2005	35.5	6.8	26.3	2.5	...
	2006	27.4	4.6	19.8	3.0	...

**Table 1.1.24 Unemployment Rate, %**

	2005	2006
<b>Unemployment rate</b>	8.3	5.6

<b>Males</b>	8.2	5.8
<b>Females</b>	8.3	5.4
<b>15-24</b>	15.7	9.8
<b>Urban</b>	16.0	10.1
<b>Rural</b>	15.1	9.2

**Table 1.1.25 Unemployment Rate by Age Groups, %**

		<b>Total</b>	<b>15-24</b>	<b>25-54</b>	<b>55-64</b>	<b>65-74</b>
<b>Total</b>						
	2005	8.3	15.7	7.8	6.8	0.3
	2006	5.6	9.8	5.1	6.2	1.7
<b>Males</b>						
	2005	8.2	16.0	7.5	7.4	0.6
	2006	5.8	10.0	5.2	7.1	0.8
<b>Females</b>						
	2005	8.3	15.3	8.2	6.1	...
	2006	5.4	9.6	5.1	5.3	2.8
<b>Urban</b>						
	2005	8.6	16.0	8.1	7.9	0.4
	2006	5.5	10.1	4.9	6.4	2.4
<b>Rural</b>						
	2005	7.6	15.1	7.2	4.3	...
	2006	6.0	9.2	5.7	5.6	...

The unemployment rate among the youth (aged 15-24) was higher than the national average. The Statistics Department maintains that the rapid decrease of youth unemployment is caused by their emigration: in 2006, the youth unemployment rate was 9.8 per cent as compared to 15.7 per cent in 2005 and as high as 30 per cent in 2000.

**Table 1.1.26 Unemployment Rate of the Youth (aged 15-24)**

	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Urban</b>	<b>Rural</b>
2005	15.7	16.0	15.3	16.0	15.1
2006	9.8	10.0	9.6	10.1	9.2

The diminishing number of the unemployed had a positive effect on the reduction of the number of the long-term unemployed. In 2006, Lithuania had 40,000 long-term unemployed, i.e. persons who had been looking for a job longer than 12 months. That number accounted for 44 per cent of all the unemployed. In 2005, their number was 73,000 people, making up 55 per cent of all the unemployed. In most cases, long-term unemployed persons were senior urban dwellers unable to adapt to the new labour market conditions.

In 2006, the rate of the long-term unemployed was 2.5 per cent; in 2005, it was 4.5 per cent and in 2001, it accounted for 10.2 per cent.

**Table 1.1.27 Unemployed by Unemployment Duration and Gender**

	<b>Thousand</b>				<b>%</b>			
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Total</b>	<b>203.9</b>	<b>184.4</b>	<b>132.9</b>	<b>89.3</b>	<b>100.0</b>	<b>100.0</b>	100.0	100.0
Up to 1 month	15.3	11.0	9.6	11.8	7.5	6.0	7.2	13.2
1-2 months	18.6	13.8	10.7	7.6	9.1	7.5	8.1	8.5
3-5 months	29.9	25.1	16.5	14.8	14.7	13.6	12.4	16.6
6-11 months	37.8	36.2	23.2	15.5	18.5	19.6	17.5	17.4
1 year and over	102.3	98.2	72.9	39.6	50.2	53.3	54.9	44.3



	Thousand				%			
	2003	2004	2005	2006	2003	2004	2005	2006
<b>Males</b>	<b>105.4</b>	<b>90.6</b>	<b>67.1</b>	<b>46.7</b>	<b>100.0</b>	<b>100.0</b>	100.0	100.0
Up to 1 month	8.6	5.7	5.9	7.3	8.2	6.3	8.8	15.6
1–2 months	9.1	7.4	4.7	3.5	8.6	8.2	7.0	7.5
3–5 months	16.5	12.8	8.3	6.7	15.7	14.1	12.4	14.3
6–11 months	19.6	17.4	12.0	8.9	18.6	19.2	17.9	19.0
1 year and over	51.7	47.3	36.2	20.4	49.1	52.2	53.9	43.6
	2003	2004	2005	2006	2003	2004	2005	2006
<b>Females</b>	<b>98.4</b>	<b>93.8</b>	<b>65.8</b>	<b>42.6</b>	<b>100.0</b>	<b>100.0</b>	100.0	100.0
Up to 1 month	6.8	5.4	3.7	4.6	6.9	5.8	5.6	10.8
1–2 months	9.5	6.4	6.0	4.1	9.7	6.8	9.1	9.6
3–5 months	13.4	12.4	8.2	8.1	13.6	13.2	12.5	19.0
6–11 months	18.1	18.7	11.1	6.6	18.4	19.9	16.9	15.5
1 year and over	50.6	50.9	36.8	19.2	51.4	54.3	55.9	45.1

Data of the Population Employment Survey reveals that the difference in employment on county level lessened substantially in the last two years: the difference between the highest and the lowest rate of unemployment in counties made up 9.4 per cent in 2004, to trim down to 5.4 per cent in 2006.

As compared to 2004, the unemployment rate lowered in all the counties. In 2006, the lowest rate of unemployment was in Marijampolė (2.6 per cent) and Tauragė (4.2 per cent), where the majority of the population were engaged in the agricultural sector. The highest unemployment rate was in Panevėžys (8.0 per cent) after the bankruptcy of the largest company in the region, *Panevėžio ekranas*.

The youth unemployment was a far more complex issue. The overall rate of youth employment was growing, yet their unemployment was shrinking at a different pace. In 2006, the highest rate of youth unemployment was registered in Panevėžys (22.0 per cent), following by Utena (15.9 per cent).

**Table 1.1.28 Unemployment Rate in Counties in 2003 and 2006, per cent**

Counties	Unemployment Rate				Youth (aged 15-24) Unemployment Rate			
	2003	2004	2005	2006	2003	2004	2005	2006
<b>Total</b>	<b>12.4</b>	<b>11.4</b>	<b>8.3</b>	<b>5.6</b>	<b>24.8</b>	<b>22.5</b>	15.7	9.8
Alytus	13.6	16.0	8.2	5.1	27.5	30.7	19.1	2.1
Kaunas	12.1	10.3	8.9	5.9	23.2	21.9	17.1	9.9
Klaipėda	12.5	12.7	7.0	6.8	28.1	26.1	9.4	5.7
Marijampolė	7.5	6.9	3.0	2.6	8.5	7.8	4.6	7.3
Panevėžys	11.4	12.6	10.8	8.0	20.5	38.5	33.1	22.2
Šiauliai	16.9	12.6	10.1	5.7	37.6	16.0	16.4	11.8
Tauragė	9.5	8.9	6.0	4.2	17.2	11.2	10.1	7.9
Telšiai	12.5	10.3	7.9	5.6	21.1	19.9	14.9	8.5
Utena	15.3	12.3	6.0	5.9	18.2	36.4	13.3	15.9
Vilnius	11.7	11.1	8.6	5.0	25.1	21.6	15.6	9.9
<b>Males</b>	<b>12.7</b>	<b>11.0</b>	<b>8.2</b>	<b>5.8</b>	<b>22.5</b>	<b>22.3</b>	16.0	10.0
Alytus	15.5	14.0	8.8	6.0	28.9	29.1	13.8	0.8
Kaunas	12.7	9.4	8.0	5.0	19.7	18.8	11.1	5.0
Klaipėda	11.0	11.8	7.3	6.6	27.1	24.2	8.3	3.2
Marijampolė	7.7	6.8	2.3	3.3	7.2	5.6	4.8	13.6
Panevėžys	12.9	15.7	13.2	10.3	22.6	40.9	40.0	28.1

Counties	Unemployment Rate				Youth (aged 15-24) Unemployment Rate			
	2003	2004	2005	2006	2003	2004	2005	2006
Šiauliai	17.4	11.8	9.6	6.5	42.1	19.9	17.1	14.8
Tauragė	9.0	7.5	5.8	3.2	13.4	7.0	17.0	8.8
Telšiai	12.5	7.7	7.0	2.3	16.3	25.5	21.8	2.9
Utena	14.2	13.8	4.5	5.5	14.5	37.6	2.6	12.3
Vilnius	12.0	11.0	8.9	6.1	19.7	22.5	19.5	13.9
<b>Females</b>	<b>12.2</b>	<b>11.8</b>	<b>8.3</b>	<b>5.4</b>	<b>28.1</b>	<b>22.7</b>	15.3	9.6
Alytus	11.6	18.4	7.5	4.1	22.9	37.3	30.6	5.2
Kaunas	11.5	11.3	9.7	6.8	27.9	26.1	25.5	15.8
Klaipėda	13.9	13.6	6.7	6.9	29.3	29.3	11.1	9.0
Marijampolė	7.4	7.1	3.8	1.9	11.1	15.0	4.1	1.3
Panevėžys	10.0	9.6	8.4	5.7	17.8	34.7	21.0	13.9
Šiauliai	16.3	13.5	10.7	4.9	31.8	10.3	15.4	6.6
Tauragė	10.2	10.6	6.1	5.3	24.0	18.3	1.2	7.1
Telšiai	12.6	13.5	8.9	8.9	30.7	11.6	4.9	15.2
Utena	16.6	10.7	7.6	6.4	25.0	34.3	26.6	21.2
Vilnius	11.4	11.2	8.3	3.9	31.0	20.6	10.5	4.7

### Registered Unemployment (Data of the Lithuanian Labour Exchange)

**General Trends.** The labour force supply, dropping substantially until 2005, did not show any significant changes during the year 2006. In 2006, as compared to 2005, the number of the registered unemployed reduced by 2 per cent. Yet the demand for the labour force remained high: both in 2005 and 2006, the number of registered job proposals amounted to 25,000.

In 2006, almost 176,700 job-seekers addressed the territorial labour exchanges, including 160,800 persons who were registered as the unemployed. In 2006 and 2005, the monthly average number of persons registered in territorial labour exchange offices was 13,400 and 13,700 of the unemployed, respectively.

On 1 January 2007, there were 79,300 unemployed people, accounting for 3.7 per cent of the total working age population. As compared to the situation on 1 January 2006, the number of the employed dropped by approximately 9 per cent and the ratio of the unemployed to the number of the working age population changed by 0.4 percentage point.

The average annual number of the unemployed in 2006 was 73,200 people; the average annual ratio of the registered unemployed to the working age population accounted for 3.4 per cent. In 2005, these indicators were accordingly 100,800 people and 4.5 per cent.

**Table 1.1.29 Indicators of Registered Unemployment**

	2000	2001	2002	2003	2004	2005	2006
<b>Registered unemployed during the year, thous.</b>	258.0	249.7	243.8	242.1	204.3	163.9	160.8
<b>Average number of the unemployed per year, thous.</b>	204.9	223.5	198.4	167.3	142.5	100.8	73.2
<b>Average share of the registered unemployed of total the working age population per year</b>	10.2	11.1	9.7	8.1	6.8	4.8	3.4

**Table 1.1.30 Per cent of the Unemployed among the Working Age Population**

At the End of the Year
------------------------

	2005				2006			
	Total	Females	Males	Youth	Total	Females	Males	Youth
<b>Total</b>	<b>4.1</b>	<b>5.1</b>	<b>3.2</b>	<b>1.2</b>	<b>3.7</b>	<b>4.6</b>	<b>2.8</b>	<b>1.3</b>
Alytus	6.3	8.0	4.8	1.9	4.7	5.9	3.6	1.6
Kaunas	3.1	3.7	2.4	1.1	2.9	3.6	2.3	1.3
Klaipėda	3.6	4.6	2.5	0.7	3.3	4.2	2.4	1.0
Marijampolė	4.5	5.7	3.5	1.7	3.1	3.9	2.4	1.0
Panevėžys	5.2	6.0	4.4	1.6	5.7	6.8	4.6	2.1
Šiauliai	4.6	5.5	3.7	1.3	4.2	5.3	3.0	1.5
Tauragė	6.0	7.1	4.9	1.6	4.9	6.0	4.0	1.5
Telšiai	5.5	7.7	3.4	1.1	4.5	6.4	2.6	1.1
Utena	5.7	6.9	4.5	1.8	5.0	6.0	4.1	1.6
Vilnius	3.3	4.0	2.6	1.0	3.1	3.8	2.4	1.2

Although the ratio of males and females addressing labour exchanges was almost the same, on 1 January 2007, females accounted for 62.3 per cent and males made up 37.7 per cent. During one year, the share of females went by 1.2 percentage point. On 1 January 2007, females registered as unemployed made up 4.6 per cent of all the working age females, whereas males accounted for 2.8 per cent of all the working age males. During 2006, female unemployment reduced by 0.5 percentage point, and male unemployment dropped by 0.4 percentage point.

In 2006, the share of the young unemployed (aged up to 25) went up in the overall structure of the unemployed: in late 2005, they accounted for 6.7 per cent of all the unemployed and in late 2006, they made up 8.0 per cent. On 1 January 2007, young unemployed accounted for 1.3 per cent of the population aged 16-24. During the previous year, this indicator was 0.1 percentage point smaller. At the end of 2006, every third jobless person registered with the labour exchange was over 50 and almost 40 per cent of all the unemployed were rural residents.

During 2006, the long-term unemployment rate was shrinking: the number of the long-term unemployed shortened by 43.6 per cent during the year. In late 2006, the number of the registered unemployed persons, searching for work longer than 12 months, was 13,300, accounting for 16.8 per cent of all the unemployed. This indicator was 10.2 percentage point smaller than in late 2005.

### **Territorial Differences in Unemployment**

In 2006, unemployment indicators lessened in all the counties of the country, except for Panevezys County, where it went up by 0.5 percentage point. The sharpest decrease of unemployment, by 1.6 percentage point, was registered in Alytus County.

In 2006, the unemployment rate of the total working age population was decreasing in 45 municipalities out of 60, going up in 12 municipalities and remained the same in three municipalities. In the territories suffering from the highest rate of unemployment, the scope of reduction of unemployment was much more significant than the national average. During the year, the sharpest lessening of unemployment was observed in the municipalities of Ignalina region (3.3 percentage point) and Akmene (2.8 percentage point). The highest unemployment increase was in Panevezys (2.1 percentage point). In June and August, unemployment in Panevezys jumped from 2.7 per cent to 5.9 per cent.

With the overall trends of unemployment going down, the territorial difference in unemployment remained significant. In 2006, the difference between the territory with the highest rate of unemployment and that with the lowest was 7.8 percentage point. In late 2006, similar to early 2006, the biggest share of the unemployed among the working age population was in the municipalities of Ignalina (8.7 per cent) and Akmene (8.7 per cent) regions, and Druskininkai (7.9 per cent). The smallest number of the unemployed was among the population in the municipalities of Elektrenai (0.9 per cent.), Trakai region (1.2 per cent) and Kretinga region (1.9 per cent).



The ratio of the registered unemployed to the working age population in the biggest towns of Lithuania, except for Panevezys, was smaller than the national average. On 1 January 2007, it accounted for as follows: 2.4 per cent in Kaunas, 2.5 per cent in Siauliai, 2.6 per cent in Vilnius and 3.1 per cent in Klaipeda. The unemployment rate in Panevezys went up as a result of the bankruptcy of the company *Panevezio ekranas*, making up 5.3 per cent.

In 2006, the average annual percentage of the registered unemployed of the total working age population accounted for 3.4 per cent. In 2005, this indicator was 1.4 percentage point higher, making up 4.8 per cent.

#### Question C

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

The national economic development and further emigration of the population contributed to the increasing number of job vacancies. The demand for the labour force surpassed its supply. In 2005-2006, the number of job vacancies went up. The biggest shortage was felt of drivers, construction and metal processing workers.

In 2005, more than 124,000 job vacancies were registered, including 101,900 vacancies (82.1 per cent) for permanent employment and 22,200 vacancies (17.9 per cent) for fixed-term work.

In 2006, almost 125,000 job offers were registered in the country, including 87.8 per cent for permanent employment. During the same year, the supply of permanent employment augmented by 7.6 per cent, whereas job offers for fixed-term employment accounted for 31 per cent less than during the previous year. More than 57 per cent of job vacancies were registered in the service sector and industry (26.5 per cent), construction (12.3 per cent) and agriculture (3.8 per cent). As compared to 2005, the demand for the labour force mostly grew in the service sector (by 3.2 percentage point) and dropped in agriculture (by 1.4 percentage point). The lion's share of all the job offers (as much as 92 per cent) were made by the private sector. The majority of registered workplaces was created for skilled workers and craftsmen (30.5 per cent), unskilled workers (24 per cent), service and trade sector workers (15.7 per cent), plant and machinery operators and

assemblers (12.4 per cent). In 2006, as compared to 2005, the demand for the unskilled labour force decreased, making skilled labour more wanted.

**Table 1.1.31 Job Vacancies Registered in the Lithuanian Labour Exchange by the Type of Economic Activity, thous.**

	Permanent employment		fixed-term employment	
	2005	2006	2005	2006
<b>Total</b>	<b>101.9</b>	<b>109.6</b>	<b>22.27</b>	<b>15.28</b>
Agriculture, hunting, forestry and fishing (A+B)	3.4	2.8	3	1.9
Industry (C+D+E)	28.5	29.1	6.1	4
Construction (F)	13.6	14	2.2	1.3
Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods (G)	22.7	22.7	3	2
Hotels and restaurants (H)	4.4	5.2	0.6	0.4
Transport, storage and communication (I)	4.9	7.1	1.1	0.74
Financial intermediation (J)	0.7	0.8	0.07	0.04
Real estate, renting and business activities (K)	7.1	7.2	1.3	1
Public administration and defence; mandatory social security (L)	1.2	1.6	0.6	0.4
Education (M)	3.3	3.6	1.5	1
Health and social work (N)	1.8	1.9	0.6	0.6
Other activities (H+J+O)	10.3	13.6	2.2	1.9

According to the data of the Statistics Department, the average annual number of job vacancies for employed workers was 19,500 in 2006, which is 2.5 times more than in 2005. The survey used the sample method. In 2006, a sample of 8,658 enterprises was made, representing the national economy by the type of the economic activity. The survey interviewed enterprises, institutions and organisations of all kinds and all type of ownership. The survey covered employed staff working in enterprises, institutions and organisations under the labour contracts and receiving work remuneration from them.

In 2006, the number of job vacancies registered by the type of economic activities included the following: 5,500 in industrial companies, 3,300 in construction companies, 2,900 in public administration and defence, mandatory social security and 2,600 in trade companies. The smallest number of job vacancies was noted in agriculture and fishing: as little 1.1 per cent of all the job vacancies.

In 2006, the majority of job vacancies were opened for the following occupations: skilled workers and craftsmen (7,300), specialists (2,700), service and trade sector employees (2,400), unskilled workers, plant, machinery operators and assemblers (2,200 each). The least wanted were skilled workers in the agriculture and fishing sector, accounting for as little as 0.5 per cent of all the job vacancies.

In 2006, job vacancies made up 1.5 per cent in the country, which was 0.8 percentage point higher than in 2005.

By the type of economic activity, the highest rate of job vacancies was in public administration and defence, mandatory social insurance (3.5 per cent), construction (3.1 per cent) and financial intermediation (2.4 per cent). The lowest rate of job vacancies was in education, accounting to as little as 0.2 per cent.

The highest rate of job vacancies was among the following occupation groups: armed forces (5.2 per cent), skilled workers and craftsmen (3.0 per cent), plant, machinery operators and assemblers (1.9 per cent). The lowest rate of job vacancies was registered among legislators, senior public officials, managers of companies, organisations and other bodies as well as skilled workers in agriculture and fishing, each of the groups making up 0.6 per cent.

Job vacancy is a work position occurring after the employer terminates a labour contract with the employee (unless the work post is eliminated), newly created or is to become vacant in the near future. A job vacancy is deemed to be such only when an employer searches for a suitable candidate to occupy a vacant employment post outside his company or organisation and this job vacancy is to filled during the nearest three months.

The rate of job vacancies is calculated by dividing the number of job vacancies by the total number of job vacancies and occupied positions.

**Table 1.1.32 Vacant and Occupied Posts By Occupation Groups, the average annual number**

	Occupation Groups	2005	2006
<b>Job Vacancies</b>			
Thousand			
	<b>Total</b>	<b>7.9</b>	<b>19.5</b>
1	Legislators, senior public officials and managers of companies, organisations and other bodies	0.2	0.5
2	Specialists	1.7	2.7
3	Junior specialists and technicians	0.8	1.3
4	Junior civil servants	0.3	0.4
5	Service and trade sector workers	1.2	2.4
6	Skilled agricultural and fishery workers	0.0	0.1
7	Skilled workers and craftsmen	2.0	7.3
8	Plant and machinery operators and assemblers	0.7	2.2
9	Unskilled workers	0.7	2.2
0	Armed forces	0.3	0.4
<b>Occupied Posts</b>			
Thousand			
	<b>Total</b>	<b>1210,0</b>	<b>1250,1</b>
1	Legislators, senior public officials and managers of companies, organisations and other bodies	88.6	92.5
2	Specialists	276.5	285.4
3	Junior specialists and technicians	118.8	122.2
4	Junior civil servants	63.2	57.5
5	Service and trade sector workers	154.2	166.3
6	Skilled agricultural and fishery workers	14.2	13.8
7	Skilled workers and craftsmen	230.3	236.7
8	Plant and machinery operators and assemblers	103.0	113.8

	<b>Occupation Groups</b>	<b>2005</b>	<b>2006</b>
9	Unskilled workers	152.6	153.9
0	Armed forces	8.6	8.0
<b>Job Vacancies</b>			
Per cent			
	<b>Total</b>	<b>0.7</b>	<b>1.5</b>
1	Legislators, senior public officials and managers of companies, organisations and other bodies	0.3	0.6
2	Specialists	0.6	1.0
3	Junior specialists and technicians	0.7	1.0
4	Junior civil servants	0.4	0.8
5	Service and trade sector workers	0.8	1.4
6	Skilled agricultural and fishery workers	0.3	0.6
7	Skilled workers and craftsmen	0.8	3.0
8	Plant and machinery operators and assemblers	0.7	1.9
9	Unskilled workers	0.4	1.4
0	Armed forces	3.5	5.2

*Source: Statistics Department*

**Table 1.1.33 Job Vacancies and Occupied Posts by Type of Economic Activity, Average Number per Year**

<b>NACE code</b>	<b>Types of Economic Activity</b>	<b>2005</b>	<b>2006</b>
<b>Job Vacancies</b>			
Thousand			
	<b>Total</b>	<b>7.9</b>	<b>19.5</b>
A	Agriculture, hunting, forestry	0.0	0.2
B	Fishing	0.0	0.0
C	Mining and quarrying	0.0	0.0
D	Manufacturing	1.5	5.3
E	Electricity, gas and water supply	0.1	0.2
F	Construction	0.7	3.3
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	1.1	2.6
H	Hotels and restaurants	0.1	0.4
I	Transport, storage and communication	0.6	2.0
J	Financial intermediation	0.2	0.4
K	Real estate, renting and business activities	0.3	0.7
L	Public administration and defence; compulsory and social security	2.1	2.9
M	Education	0.4	0.4
N	Health and social work	0.5	0.7
O	Other community, social and personal service activities	0.3	0.4
<b>Occupied Posts</b>			
Thousand			
	<b>Total</b>	<b>1,210.0</b>	<b>1,250.1</b>
A	Agriculture, hunting, forestry	32.8	32.9
B	Fishing	1.8	1.9
C	Mining and quarrying	3.5	3.4

<b>NACE code</b>	<b>Types of Economic Activity</b>	<b>2005</b>	<b>2006</b>
D	Manufacturing	248.5	247.2
E	Electricity, gas and water supply	27.0	25.7
F	Construction	90.5	104.0
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	206.4	218.6
H	Hotels and restaurants	29.4	32.3
I	Transport, storage and communication	89.3	94.8
J	Financial intermediation	17.5	17.3
K	Real estate, renting and business activities	72.7	83.1
L	Public administration and defence; compulsory and social security	78.8	81.0
M	Education	170.6	162.7
N	Health and social work	94.0	95.5
O	Other community, social and personal service activities	47.2	49.7
<b>Job Vacancies</b>			
Per cent			
	<b>Total</b>	<b>0.7</b>	<b>1.5</b>
A	Agriculture, hunting, forestry	0.2	0.7
B	Fishing	0.1	0.3
C	Mining and quarrying	0.2	0.7
D	Manufacturing	0.6	2.1
E	Electricity, gas and water supply	0.3	0.6
F	Construction	0.8	3.1
G	Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods	0.5	1.2
H	Hotels and restaurants	0.5	1.1
I	Transport, storage and communication	0.7	2.1
J	Financial intermediation	1.1	2.4
K	Real estate, renting and business activities	0.4	0.9
L	Public administration and defence; compulsory and social security	2.6	3.5
M	Education	0.2	0.2
N	Health and social work	0.6	0.7
O	Other community, social and personal service activities	0.6	0.9

*Source: Statistics Department*



## **ARTICLE 1 PARA. 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**

#### **Additional questions of the European Social Rights Committee:**

*The Committee asks for further information on the relationship between Section 2 of the Labour Code and the Law on Equal Treatment.*

Article 2, Part 1, Point 4 of the Labour Code of the Republic of Lithuania provides for the 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. Admittedly, the Labour Code regulates labour relations connected with the exercise and protection of labour rights and performance of obligations established in this Code and other regulatory acts.

The Law on Equal Treatment of the Republic of Lithuania is more widely applied, covering more areas, rather than just legal labour relations. (The Law was adopted on 18 November 2003 and came into effect on 1 January 2005.) The purpose of the Law is to ensure implementation of equal rights of women and men guaranteed by the Constitution of the Republic of Lithuania, and to prohibit any type of discrimination on the grounds of a person's age, sexual orientation, disability, race, ethnicity, religion or beliefs. The law provides for the key definitions covered by the European Union directives, state and municipal authorities in charge of enforcing equal rights (by developing and adopting legislation, programmes and implementation measures, etc.), educational establishments, scientific and academic bodies (by accepting students into educational bodies, evaluating students' knowledge, choosing curricula for them, etc.), employers (by recruiting workers, setting labour conditions, establishing refresher training conditions, the amount of work pay, etc.). Equal rights should be also ensured while protecting consumer rights.

*The prohibition applies to all areas of employment including recruitment, dismissal and training. The Committee ask whether exceptions to the prohibition on discrimination have been made for genuine occupational requirements and/ or positive action measures.*

Article 2, Paragraph 6, Point 4 of the Law on Equal Opportunities of Women and Men stipulates that discrimination shall not be deemed in case of specific temporary measures set forth by the laws, aimed at accelerating the guaranteeing of factual equal rights for women and men and which must be repealed upon implementation of equal rights and equal opportunities for women and men. Point 5 of the same paragraph prescribes that discrimination is not deemed when specific work can be performed only by a person of a particular sex. A new draft law amending the law has been developed providing for a stricter requirement for the reservation made in Point 5: a specific work can be performed by a person of a particular sex only, when such objective is lawful and the requirement is objectively grounded.

The Committee seeks information on how the concept of indirect discrimination has been interpreted by the courts as well as information on how the concept of age discrimination has been interpreted.

Paragraph 5, Article 2 of the Law on Equal Opportunities of Women and Men defines indirect discrimination as action or omission of action, legal norm, evaluation criterion or practice, which are formally equal for women and men, but when implemented or applied, a factual restriction of the use of rights or extending of privileges, priority or advantage may arise or arises with regard to persons of certain gender.

Somewhat differently, Paragraph 4, Article 2 of the Law on Equal Treatment defines indirect discrimination as action or omission of action, legal norm or evaluation criterion, obviously neutral condition or practice, which are formally equal, but in implementing and applying them, a factual restriction of the use of rights or extending of privileges, priority or advantage may arise, arises or could arise with regard to persons of certain age, sexual orientation, disability, race, ethnicity, religion or beliefs.

The Constitutional Court in its Ruling of 4 July 2003 stated that the principle of equality of all persons, which is consolidated in Article 29 of the Constitution, includes the prohibition both of discrimination and privileges. Discrimination is most often understood as restriction of human rights according to gender, race, nationality, language, origin, social status, religion, convictions, opinions or other indications. However, differentiated legal regulation when it is applied to certain groups of persons which are distinguished by the same signs, and in case one strives for positive and socially meaningful goals, is not regarded as discrimination or privileges.

The assessment of the possibly different impact on one of the sexes of measures, criteria and provisions that are intended to be implemented and are obviously neutral may be made on the basis of statistical data and investigation. The final decision with regard to the possible impact of decisions and provisions is made by the competent authority, the Equal Opportunities Ombudsman and/or court. Currently, there is no jurisprudence with regard to the interpretation of indirect discrimination, yet the Equal Opportunities Ombudsman has already examined several complaints on the possible indirect discrimination and when making decisions, it relied on objective statistical data and investigation findings.

Discrimination cases may be brought before the Ombudsman on Equal Opportunities who can investigate the case and make a finding, he may inter alia, impose a fine on a body or person found in breach of the law. The Committee asks whether such cases may also be brought before the courts and whether decisions of the Ombudsman may be appealed against before the courts.

A person who thinks that discriminatory acts specified in the Law on Equal Treatment have been directed against him or her shall have the right to appeal to the Equal Opportunities Ombudsman. This right does not limit the right of the person to defend his or her rights in court. Therefore, any citizen of Lithuania has the right to submit a sex discrimination complaint both to the court and the Equal Opportunities Ombudsman, but in most cases they appeal to the latter. The exception is sex discrimination incurring criminal liability which does not fall within the remit of the Ombudsman.

Decisions taken by the Equal Opportunities Ombudsman may be appealed against in compliance with the Law on Administrative Proceedings of the Republic of Lithuania. Since 1999, there has been very few cases when the decision of the Ombudsman would be appealed against before the court. One of the recent cases was about a company which dissatisfied with the decision taken by the Ombudsman submitted its appeal to the Chief Commission of Administrative Disputes, which

made a decision more favourable to it. In its turn, the Equal Opportunities Ombudsman appealed the decision against the court.

*It also asks whether interested groups as opposed to individuals may take a case alleging discrimination in employment.*

Articles 19 and 21 of the Labour Code stipulate that in labour relations the rights and interests of employees may be represented and protected by the trade unions and the labour councils. These representatives of the employees have the right to appeal to the court against the decisions and actions of the employer and persons authorised by him if the said decisions and actions are contrary to legal norms and agreements or violate the rights of the represented person.

At present, a new draft law on Equal Opportunities of Women and Men has been developed proposing to provide for an opportunity for female non-governmental organisations to take part in court or administrative proceedings with regard to gender issues. Moreover, the draft law proposes providing for bigger protection of employee representatives and employees serving as witnesses in favour of claimants in discrimination cases.

*The Committee asks whether the Law on Equal Treatment provides for a shifting in favour of the plaintiff in discrimination cases.*

On 14 June 2004, the Law on Equal Opportunities of Women and Men was supplemented by Article 2<sup>1</sup> including a definition on the burden of proof in discrimination cases. If a court or another competent authority is hearing complaints and statements made by natural persons, as well as personal claims on the basis of discrimination, it is presumed that the fact of discrimination occurred. The burden of proof then lies with the defendant (a natural person or a body) to prove whether or not the principle of equal rights was violated.

Article 13 of the Law on Equal Treatment of the Republic of Lithuania stipulates that disputes with regard to violation of equal rights shall be examined and solved in accordance with the procedure established by the Law on Equal Opportunities of Women and Men of the Republic of Lithuania.

*The Committee asks whether there are limits to the amount of compensation that may be awarded in discrimination cases, including in cases where the employee is dismissed as a result of making a claim of discrimination.*

The Civil Code does not provide for any limits to the amount of compensation that may be awarded to victims of discrimination.

*The Committee had previously asked whether foreigners were denied access to certain job categories. The report does not clearly provide the information necessary for the Committee to evaluate the situation. Therefore it asks again whether there are and if so what, categories of employment reserved for nationals.*

Article 6 of the Law on State Language of the Republic of Lithuania prescribes that heads, employees and officers of state and local government institutions, offices, services, as well as heads, employees and officers of the police, law-enforcement services, institutions of communications, transportation, health and social security and other institutions providing services to the population must know the state language according to the language knowledge categories, established by the Government of the Republic of Lithuania. Three state language categories have been established, the 1st being the lowest and the 3rd being the highest.

The 1st state language knowledge category is applied to employees working in the areas of service provision, production, transport and other; if their work requires that they have to communicate

with people and/or fill out simple forms (occupations include drivers, cloakroom attendants, sales people and other trade sector employees, as well as other support and technical staff, etc.).

The 2<sup>nd</sup> state language knowledge category is applied to employees working in the areas of education, culture, health, social security and other; civil servants in Level B and C positions, if their work requires that they constantly communicate with people and/or fill out forms (staff of education and cultural establishments, teachers, except for pedagogues teaching in the national language and others).

The 3<sup>rd</sup> category of the state language knowledge is applied to heads of state and municipal bodies, enterprises and organisations, civil servants in Level A positions, pedagogues teaching in the state language, aviation experts ensuring flight safety (flight managers and cabin crews), sea and internal water transportation experts, in charge of shipment of cargo, transportation of passengers or their luggage (vessel captains, harbour captains, pilots), etc.

*As regards discrimination in employment on grounds of past employment in the security services of the former Soviet Union, the Committee notes that the Law on the Evaluation of the USSR State Security Committee (NKVD, NKGB, MGB, KGB) and the Present Activities of Former Permanent Employees of the Organisation (16 July 1998) prescribes the restrictions within the meaning of Article G of the Revised Charter and serve one of the purposes therein, the protection of national security, however it considers that they are not necessary and proportionate in that they apply to a large field of employments and not solely to those services which have responsibilities in the field of law and order and national security or to functions involving such responsibilities.*

On 17 April 2007, the Seimas of the Republic of Lithuania adopted Law No. X-1093 Amending Article 2 of the Law on the Evaluation of the USSR State Security Committee (NKVD, NKGB, MGB, KGB) and the Present Activities of Former Permanent Employees of the Organisation. The new law provides for significantly smaller limitations on the present activities, applicable only to distinctive positions related to national security, state operation and law enforcement, yet the circle of persons subject to the provisions has been widened to include the following:

“During the period of ten years as of the date when the law comes into effect, SSC permanent employees and officers of the reserve of KGB and other special services of the USSR, may not:

- 1) hold the position to which appointment is made by the President of the Republic, Speaker of the Seimas, Government or Prime Minister, as well as be appointed as heads or vice-heads of state bodies or organisations by vice-ministers, state secretaries of the ministries, as well as become principals of state and municipal schools;
- 2) hold a position of a prosecutor, supreme audit officers, statutory public officials;
- 3) hold a position of civil servants or civilian statutory civil servants in the system of the national defence, as well as serve in the active military service;
- 4) hold a position of civil service in the State Security Department;
- 5) hold a position in diplomatic service;
- 6) hold a position related to the use or protection of classified information of the Republic of Lithuania, and/or foreign states or international organisations;
- 7) hold a position of the head or deputy head of the register management bodies or a position directly related to management or processing of register data, also a position directly related to the management or processing of state information systems;
- 8) be a head of a company or a facility that is of strategic importance to the national security of the Republic of Lithuania as well as a head of other enterprises specified in the law on enterprises important for national security;

9) be a head of a security service or a security division protecting an enterprise of strategic importance to the national security.“

The President of the Republic vetoed the law, sending it back to the Seimas for further consideration by Decree No. 1K-942 of 27 April 2007, proposing that the words “and officers of the reserve of KGB and other special services of the USSR” should be crossed out and that limitations on present activities should be applied only to **SSC permanent employees**. Taking into account the opinion of the President, the Seimas autumn session of 2007 registered several new draft laws (No. XP-2296 and XP-523(2)) maintaining narrower limitations of the present activities yet adjusting the circle of persons subject to such limitations.

*The Committee invites the Government to reply to its question in the General Introduction to these Conclusions as to whether legislation against terrorism precludes persons from taking up certain employment.*

Lithuanian legislation doesn't prescribe such restrictions.

#### 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 opinion, religion, race, colour or age and to promote effectively equal opportunities in seeking employment and in taking up an occupation.*<sup>7</sup>

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

The purpose of the National Programme for Equal Treatment of Men and Women for 2005-2009 is gradual, integrated and structural addressing of equal treatment issues all the areas ensuring gender mainstreaming; highlighting specific problems faced by men and women. One of its key directions is ensuring equal opportunities for women and men in the area of employment. It includes the following tasks and measures:

- changing stereotypes about the role of women and men in economic activities;
- improving conditions for women and men to reconcile work and family;
- improving employment opportunities for women returning to the labour market, senior and rural women;
- increasing opportunities for women taking up and developing business;
- promoting economic activity of women;
- encouragement of employers and social partners to set up equal pay for men and women for the work of equal value;
- promotion of social partnership and social dialogue development, ensuring gender mainstreaming in the labour market.

The main directions, tasks and measures of the programme include ensuring equal opportunities for women and men in science and education, in taking economic and political decisions, ensuring human rights, fight against violence against women and trafficking in women, gender mainstreaming in development cooperation, health and environment areas, improvement and development of gender equality promotion mechanisms and techniques. Implementation of the programme measures is supported using both the funds of the state budget and the European Union structural funds.

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<sup>7</sup> The term "discrimination" in this Form is to be understood in terms of ILO Convention No. 111 (Discrimination, Employment, Occupations), Article 1

The implementation results of the programme are satisfactory. Data of the Statistics Department<sup>(8)</sup> reveal that the gap between the level of employment of men and women dropped from 7.6 per cent in 2005 to 5.3 per cent in 2006. The female level of employment made up 59.4 per cent in 2005 and 61 per cent in 2006. In that way, it exceeded the female level of employment provided for in the Lisbon strategy for 2010 (60 per cent). The level of female unemployment accounted for 8.3 per cent in 2005 (male, 8.2 per cent), whereas in 2006, it dropped to 5.4 per cent and became smaller than that of men (5.8 per cent). The 2006 Communication from the Commission to the Council, European Parliament, Economic and Social Committee and Committee of the Regions indicate that according to the data submitted by Eurostat, Lithuania takes the fourth position out of 27 EU member states with regard to the employment gap between men and women. According to the level of employment of senior women, Lithuania takes up the 8<sup>th</sup> place in the EU and with regard to women raising children up to 12 years of age, it is the second. What concerns the gap between the level of unemployment of men and women, Lithuania takes up the eighth place in the EU.

The highest achievement of gender mainstreaming in Lithuania was the joint decision of EU member states, taken on 11 December 2006, to establish a body of the European Union, **the European Institute of Gender Equality**, in Vilnius. Article 23 of Regulation (EC) No. 1922/2006 of the European Parliament and of the Council lays down that the Institute shall be operational as soon as possible and in any event not later than 19 January 2008.

*Are there general provisions in the Lithuanian law providing for the shift of the burden of proof in discrimination cases that are more favourable for the employee dismissed from work or a candidate not accepted to work?*

Article 2(1) of the Law on Equal Opportunities of Women and Men stipulates that when a court or another competent body hears complaints or statements made by a natural person or personal disputes on discrimination with regard to a person's sex, it is presumed that the fact of direct or indirect discrimination occurred. The defendant (a natural person or a body) has to prove whether or not the principle of equal rights was violated. This provision is more favourable to the person who submitted the complaint about discrimination than the relevant provisions of the EU legislation.

*Are the employees who take legal measures against their employer in case of discrimination protected against possible victimisation on the part of the employer?*

Point 4, Article 6 of the Law on Equal Opportunities of Women and Men prescribes that the acts of an employer shall be deemed discriminatory if he/she persecutes an employee who has filed a complaint because of discrimination. Currently, there is a new draft law amending this law and, inter alia, supplementing Point 4, Article 6 with analogous protection of employee representatives or employees serving as witnesses in favour of claimants in discrimination cases. Moreover, Point 5, Article 5 prescribes that the employer is obliged to take measures to protect the employee against adverse conduct, negative consequences or other type of persecution with regard to his discrimination complaint.

#### Question B

*Please indicate any methods adopted:*

- a. *to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the above policy of non-discrimination;*
- b. *to ensure the acceptance and observance of the above policy through educational efforts.*

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<sup>8</sup> <http://www.stat.gov.lt/lt/pages/view/?id=1574>

Quite a few measures provided for in the National Programme for Equal Treatment of Men and Women for 2005 – 2009 are implemented along with the female NGOs. Moreover, the Office of Equal Opportunities Ombudsman is engaged in education of various target groups on equal treatment of genders and non-discrimination. While implementing the programme, training for the specialists from various areas is organised. The specialists include heads of labour market agencies, social partners, employees of state and municipal institutions. The programme measures also cover strengthening of cooperation with female non-governmental organisations, university centres of gender studies, and women councils of trade unions.

While ensuring equal treatment of men and women in the area of employment, the EU structural funds are used. Women NGOs and other organisations are actively taking part in tenders and as a follow-up successfully implement quite a few projects supported by the EU structural funds. The aim of these projects is reduction of traditional gender stereotypes, balanced representation in decision-making processes, reintegration of women into the labour market, reconciliation of family and work, education of social partners on the issue of equal treatment of women and men, and other aspects.

#### Question C

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

#### *Prohibition of forced labour*

Article 24<sup>(1)</sup> of the Law on Equal Opportunities of Women and Men stipulates that a person who has suffered discrimination on the grounds of sex, sexual harassment or harassment shall have the right to demand that guilty persons reimburse material or immaterial damages in compliance with the procedure established by the Civil Code of the Republic of Lithuania.

Furthermore, the Law on Equal Opportunities of Women and Men uses the common term “employee“, covering both the employees that belong to trade unions and those who do not. As a result, Article 5, Point 5 and Article 6, Point 4 of the Law providing for the duty of the employer to take certain measures to ensure protection of employees and prohibit persecution of the employee submitting a discrimination complaint, also covers employees that are members of the employee representatives. The Labour Code also sets for a special norm related to the protection of employees: Article 129, Paragraph 3, Point 3 stipulates that “participation in the proceedings against the employer charged with violations of laws, other regulatory acts (...), as well as application to administrative bodies shall not be legitimate reason to terminate employment relations”. Moreover, Article 22, Paragraph 8, Point 1 of the Labour Code sets forth the right of the representatives of the employees to appeal to the court against the decisions and actions of the employer and persons authorised by him if the said decisions and actions are contrary to legal norms and agreements or violate the rights of the represented person.

#### Question D

*Please indicate whether any form of forced or compulsory labour is authorised or tolerated.<sup>9</sup>*

#### **Additional question of the European Social Rights Committee:**

**According to the report an employee may in certain circumstances be required to perform work not agreed upon in the employment contract; some of these circumstances meet the criteria of Article G of the Revised Charter (see above).**

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<sup>9</sup> The term "forced or compulsory labour" in this Form is to be understood in terms of ILO Convention No. 29 (Forced Labour), Article 2

however others such as in a “down time in production” or “where the process of production or its scope is undergoing changes” do not. The Committee therefore asks who determines when work in such circumstances is necessary, how and what are the consequences for an employee who refuses to undertake such work.

Pursuant to Article 119 of the Labour Code, an employer shall have no right to require an employee to perform any work not agreed in an employment contract, except for the cases established in this Code. Any additional work or duties must be agreed upon and stipulated in an employment contract.

When changes occur with regard to production, its scope, technology or work organisation, as well as in cases of industrial necessity, the employer shall have the right to change the terms of conditions of the employment contract. If an employee disagrees to work under the altered employment conditions, he/she may be dismissed in compliance with Article 129 of the Labour Code pursuant to the procedure of terminating the employment contract. Idle time without any fault on the part of an employee shall be a situation at the workplace when an employer does not provide an employee with the work agreed in an employment contract for certain objective reasons (industrial, etc.). Taking into account their profession, speciality, qualification and health status, employees shall be transferred to another work with their written consent for the period of idle time. Upon the consent of employees, they may be transferred to another work without taking into account their profession, speciality and qualification. Where in the event of idle time the employee is not offered another job at the enterprise, according to his profession, speciality and qualifications, in which he could work without causing harm to his health, he shall be paid at least one-third of the average monthly wage that was used before the idle time but not less than the minimum hourly pay approved by the Government for each idle hour. Where the employee refuses in writing the offered job according to his profession, speciality, and qualifications, in which he could work without causing harm to his health, he shall be paid at least 30 percent of the hourly pay established by the Government for each idle hour (Articles 122 and 195 of the Labour Code).

Article 121 of the Labour Code stipulates that an employer shall have the right to transfer an employee for a period of up to one month to another work not agreed in an employment contract in the same location, as well as to change other conditions laid down in Articles 95 (1) and (2) of this Code, when it is necessary to prevent a natural disaster or industrial emergency, to respond to it or immediately eliminate its consequences, to prevent accidents, to fight fire and in other cases of emergency that have not been anticipated. It shall be prohibited to transfer an employee to such work, which is not permitted due to the employee's health status. If, upon the transfer of an employee to another work, his wage decreases for the reasons beyond his control, the employee shall retain the average wage of his previous work.

Question E

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

Legislation of the Republic of Lithuania does not provide for such labour.

Question F

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

The response to this question is available in the first report submitted in pursuance of the European Social Charter (revised).



Question G

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

**Additional question of the European Social Rights Committee:**

*The Committee notes the information provided in the report on prison labour. It notes that prisoners may under certain conditions work for private entities.*

Section Two of the Penitentiary Code of the Republic of Lithuania (hereinafter referred to as the Code) regulates the work of convicts serving sentences. Article 125, Paragraph 3 of the Code prescribes that the work for convicts shall be chosen by the administration of the penitentiary institution, taking into account vacant positions and workplaces. Since presently the state is incapable of providing work to all the convicts serving sentences and cannot offer them employment according to their speciality, the law requires that the administration of penitentiary institutions employ the convicts taking into account their work capacity and, as much as possible, according to their speciality.

Convicts are usually offered employment in penitentiary institutions (by performing some household work) and state enterprises under penitentiary institutions. The convicts working in state enterprises under penitentiary institutions have labour relations with state enterprises which may perform orders of private legal entities. (Therefore, according to the current legislation, prisoners may only work in state enterprises).

State enterprises under penitentiary institutions employ prisoners by passing an order of the director of the state enterprise on the employment of the prisoner against the signature of the latter. Some categories of prisoners (disabled, of retirement age and with limited legal capacity) have to comply with additional conditions of employment: the prisoners' written consent to be employed and the medical opinion which does not object to such employment. The procedure of assessing working capacity of the prisoners is established by the order of the Minister of Social Security and Labour, *Concerning Approval of the Procedure of Assessing Working Capacity of Convicted Persons that are Disabled, of Retirement Age and with Limited Legal Capacity* (Official Gazette, 2003, No. 43-1984).

Article 125, Paragraph 8 of the Code stipulates that the economic activities of penitentiary institutions and state enterprises should serve the only key purpose, i.e. teach the prisoner to achieve his or her life objectives by lawful means and measures. All the employed convicts must be paid in accordance with the amount and quality of their work, pursuant to Government Resolution No. 228 of 13 February 2002, *Concerning Approval of the Procedure of Payment for Work of Convicts Serving Sentences*. The Resolution provides that prisoners may work on the temporary or hourly basis, taking into account the specifics of work. These particularities shall be specified in the order. If the workplace or type of work performed by the prisoner is subject to changes, the company director shall pass a new order against the signature of the convict. The work of prisoners shall be controlled by the staff of penitentiary institutions and state enterprises under penitentiary institutions.

In 2005, the average share of employed convicts was 31 per cent, including 18.2 per cent employed in state enterprises under penitentiary institutions and the remaining 12.8 per cent in penitentiary institutions. In 2006, the average share of employed convicts accounted for 31.8 per cent of all the convicts, including 18.7 per cent employed in state enterprises under penitentiary institutions and the remaining 13.1 per cent in penitentiary institutions. In January-April 2007, the average percentage of employed prisoners was 31.9, including 18.2 per cent in state enterprises under penitentiary institutions and 13.7 per cent in penitentiary institutions.

Work is one of the most significant factors of a correctional process which is applied in concert with the other correctional measures. The European Prison Rules state that work should maintain or increase prisoners' ability to earn a living after release. Admittedly, the number of working prisoners in developed countries account for 65 – 70 per cent, whereas Lithuanian state companies under penitentiary institutions employ as few as 20 per cent of all the convicts.

Presently, in 15 penitentiary institutions, accountable to the Prison Department under the Ministry of Justice of the Republic of Lithuania, 6,100 prisoners are serving their sentences, including 1,130 prisoners engaged in production activities. Three state enterprises under the penitentiary institutions, founded by the Ministry of Justice of the Republic of Lithuania, include the state enterprise under the Alytus penitentiary institution, the state enterprise under the Marijampole penitentiary institution and the state enterprise under the Pravieniskės 1<sup>st</sup> penitentiary institution.

The state enterprises specialise in the processing of plastic, timber and metal, as well as the production of electrical goods, electricity installation, knitting, sewing, shoemaking, bread bakery, concrete, construction fittings, cast iron alloys, soft, carcass and school furniture. To natural and legal persons they provide the following services: washing, wood cutting and drying, repairing cars, sewing and moulding.

### **ARTICLE 1 PARA. 3**

*"With a view to ensuring the effective exercise of the right to work, the Parties undertake: to establish or maintain free employment services for all workers;"*

#### **Question A**

*Please describe the operation of free employment services available in your country, indicating the age, sex and nature of 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.*

The key tasks of the Lithuanian Labour Exchange is to keep the balance in the labour market between the supply and demand of the labour force; increase employment opportunities among job-seekers of working age; implement bilateral and tripartite cooperation among social partners; reduce social exclusion; apply the measures of employment prevention and mitigation of consequences in cases of dismissal from work in order to diminish structural unemployment; evaluate the situation in the labour market and forecast its changes; actively operate in the network of European employment services while creating a single and transparent labour market of the European Union; develop public services and improve effectiveness of implemented employment support measures; absorb financial support of the European Union structural funds while seeking employment, promoting investment into human capital and ensuring equal opportunities in the labour market; ensure and modernise activities of territorial labour exchange offices, while promoting employment and investment into human capital; making proposals on the improvement of the legal framework on employment support.

With the economic situation in the country improving, unemployment and the number of the unemployed registered with the labour exchange is dropping (See table 1: Supply of the Labour Force). The number of job vacancies registered in the labour exchange offices during the last two years was similar, amounting to around 124,000 jobs (See table 2: Labour Force Demand).

According to the data of surveys conducted by territorial labour exchange offices, 83 per cent of all employers apply to them to find employees. In most cases, they look for unskilled workers and craftsmen or service employees. The number of registered job vacancies for specialists is smaller.

The Law on Support for Employment of the Republic of Lithuania provides that services and support to the unemployed and jobseekers as well as employers looking for skilled staff, mentioned in this law and its secondary legislation, shall be provided by the Lithuanian Labour Exchange under the Ministry of Social Security and Labour and its territorial labour exchange offices.

The Lithuanian Labour Exchange established a single telephone number for registration of job vacancies, 870055155. The website of the Lithuanian Labour Exchange was developed for jobseekers and employers. All the electronic services are provided by the Lithuanian Labour Exchange 24 hours a day. Apart from the other functions, it provides employment services in Lithuania and abroad. The Lithuanian Labour Exchange is a state institution which provides services free of charge.

Since 2005, the website of the Lithuanian Labour Exchange ([www.ldb.lt](http://www.ldb.lt)) has been updated, introducing new and improving the existing electronic services. They include provision of information about the services of the labour exchange offices, advice to the unemployed and employers, relevant information about the situation on the labour market, employment opportunities, trends and forecasts in the development of the labour market.

In 2005, the following new electronic services were introduced:

- *Submitting an application:* by filling out an application the jobseekers may independently register with the labour exchange. The application of preliminary registration is available at <http://www.ldb.lt> and the data are sent to the labour exchange of the place where the applicant is residing;
- *Ordering certificates on the internet:* unemployed persons may order certificates on their registration with the labour exchange, received unemployment insurance benefits and participation in active labour market policy measures;
- *Personal information:* the possibility to check on the internet unemployment insurance benefits and the period of taking part in active labour market policy measures;
- *Making an appointment:* the opportunity to agree on the time of meeting at the territorial labour exchange office;
- *The module of quick search for jobs and job seekers:* a service allowing a quick search of jobs or jobseekers by professions or location on the website of the Labour Exchange;
- *Guide:* a package of modern electronic services aimed at helping website visitors to find the necessary information, job offers and employees in the easiest and most efficient way. The customers of the labour exchange office are provided useful advice on the search for work and employee search, registration and services provided by the labour exchange;
- *Installation of the programme 'The Bank of Seniors',* offering new opportunities for persons of retirement age looking for a job and employers looking for employees with a lot of experience of knowledge;
- *Improved programme 'The Bank of Talents':* additional opportunities for the youth to find employment and for employers to find young specialists;
- Application of the improved electronic service of preliminary registration of unemployed persons.

Over 4,000 jobseekers enjoyed electronic services provided by the labour exchange. More than 19,000 job vacancies were registered by employers on the internet. There were more than 2,000 applicants who place their CVs on the internet.

Lithuania was among the first countries to join the EURES network. It developed a web site EURES-Lietuva ([www.ldb.lt/eures](http://www.ldb.lt/eures)), providing information about the opportunities of living, studying and getting employed in Lithuania and other EU/EEA countries. It also makes links to the other relevant internet websites.

In 2005, with a view to increasing motivation among inactive persons in the labour market, territorial labour exchange offices were developing provision of individual counselling and mediation services. Taking into account customer expectations and results of early identification of their needs, mediators help customers to make a quicker choice of employment that corresponds to their speciality, and get employed. Customers without vocational training consultants create opportunities to choose effective employment measures facilitating preparation for the labour

market. Seeking to improve individual counselling of customers, a methodology was developed for the staff of territorial labour exchange offices, *Making an Interview with the Customer about His/Her Preparedness for the Labour Market*, and training was organised. In 2006, while improving professional career planning of the unemployed, individual employment plans were developed facilitating streamlined participation of the unemployed in the measures applied in the labour market and their firm position on the labour market. Individual employment plans were developed for 98.6 per cent of the unemployed. Each of the plan includes the most effective measures to aspire employment.

**Table 1.3.1 Supply of the Labour Force (Number of the Unemployed registered by Lithuanian Labour Exchange During the Year, thous.)**

	2000	2001	2002	2003	2004	2005	2006
<b>Registered unemployed</b>	258	249.7	243.8	242.1	204.3	164.0	160.8
<b>Including: females</b>	111.3	111.8	112.1	115.0	101.1	85.0	87.5
<b>males</b>	146.7	137.9	131.7	127.1	103.2	79.0	73.3
<b>youth</b>	62.6	58.8	54.9	53.8	40.6	29.1	26.1

**Table 1.3.2 Demand for the Labour Force (Number of Job Vacancies registered by Lithuanian Labour Exchange During the Year, thous.)**

	2000	2001	2002	2003	2004	2005	2006
<b>Registered job vacancies</b>	107.5	134.6	133	130.0	129.9	124.1	124.9
<b>including: for permanent work</b>	74.4	87	91.7	97.3	101.2	101.9	109.6
<b>temporary work</b>	33.1	47.6	41.3	32.7	28.7	22.2	15.3

## **Demand and Supply of Labour Force**

### **Year 2005**

#### **Supply of Labour Force**

During 2005, the total number of unemployed persons addressing territorial labour exchange offices was 163,900, approximately 13,700 persons per month. As compared to 2004, the number of applicants dropped by 40,300 or 19.7 per cent.

In late 2005, there were 87,200 registered jobless people in Lithuania. During the year, the number of the unemployed dropped by 31 per cent (39,200 persons). The average annual number of the unemployed was 100,800 in 2005, i.e. 41,700 persons smaller than in 2004.

In 2005, the share of unemployed women was growing. On 1 January 2005, female unemployment accounted for 57 per cent of all the unemployed and on 1 January 2006, they made up 61 per cent.

In late 2005, there were 13,700 unemployed persons of pre-retirement age (5 years remaining to retirement). They accounted for 15.7 per cent of all the unemployed (compared to 11.4 per cent during the previous year). In 2005, the share of young unemployed (aged up to 25) dropped from 8.1 per cent to 6.7 per cent.

The lion's share (60.7 per cent) of the unemployed registered in 2005 were not prepared for the labour market. Out of that number, 35 per cent of persons did not have any vocational training, 13 per cent had no work practice and 25 per cent of the registered unemployed lost their professional skills as a result of a longer break in employment. Those repeatedly registered during the period of one year accounted for 16 per cent of the unemployed (17 per cent in 2004), and those registered during the period longer than one year made up 60 per cent of the unemployed (59 per cent in 2004).

### **Demand for Labour Force**

With the supply of the labour force decreasing, demand for labour remains high. During one year, territorial labour exchange offices registered 101,900 job vacancies for permanent employment and 22,200 vacancies for fixed-term employment. In 2005, labour exchange offices could offer vacant positions for as many as 75.7 per cent of applicants. In 2004 and 2003, that indicator was accordingly 64 and 54 per cent.

The lion's share (more than 55 per cent) of all job vacancies were in the service sector (as compared to 53 per cent in 2004), industry (28.2 per cent), construction (13.7 per cent), and agriculture (3.4 per cent).

The biggest supply of vacant jobs was for skilled workers, i.e. they were mentioned in more than every second job offer. Every fourth job offer was made for unskilled workers.

Among the job offers for fixed-term employment, 48.6 per cent were in the service sector (which is 3 percentage point more than in 2004), 27.7 per cent in industry, 9.9 per cent in construction and 13.8 per cent in agriculture. Fixed-term job offers mostly looked for unskilled workers (40.7 per cent), skilled workers and craftsmen (34.8 per cent) and employees for the service and trade sector (10.7 per cent).

### **Year 2006**

#### **Supply of Labour Force**

During 2006 the total number of unemployed persons addressing territorial labour exchange offices was 160,800, approximately 13,400 people per month. As compared to 2005, the number of applicants dropped by 3,100 or 1.9 per cent.

In late 2006, there were 79,300 registered unemployed in Lithuania. During the year, the number of the unemployed reduced by 9.1 per cent (7,900 persons). The average annual number of jobless people was 73,200 in 2006, i.e. 27,500 persons smaller than in 2005.

During 2006, the share of unemployed women went up from 61.1 per cent to 62.3 per cent. In late 2006, there were 29,100 unemployed males over 50. They accounted for 36.7 per cent of all the unemployed. The number of young unemployed (aged up to 25) was 6,400 or 8.0 per cent of all the registered unemployed.

The number of long-term employed in 2006 shrunk from 23,600 to 13,300. Admittedly, since 1 August 2006, the category of long-term unemployed includes young unemployed aged up to 25 whose period of unemployment is more than six months, as well as those who were out of work for the

period longer than 12 months. In January 2006, long-term unemployed accounted for 16.8 per cent of all the unemployed (compared to 27 per cent in 2005).

The lion's share of the unemployed registered in 2006 were not prepared for the labour market. 37.3 per cent of the registered unemployed had no vocational training, 11.1 per cent had no work practice and 23.7 per cent who lost their professional skills as a result of over a two-year break in employment. Those repeatedly registered during the period of one year accounted for 17 per cent of the unemployed and those registered during the period longer than one year made up 57.9 per cent of the unemployed.

Approximately 37.3 per cent of all the registered unemployed had no vocational training. As compared to 2005, their share went up by 3 percentage point. The majority of registered unemployed (over 36 per cent) worked as unskilled workers prior to registering with the labour exchange. Over 16 per cent of them had the experience of skilled workers and craftsmen and almost 13 per cent worked in the area of service and trade.

### **Demand for Labour Force**

During 2006, territorial labour exchange offices registered 109,700 job vacancies for permanent employment and 15,300 job vacancies for fixed-term employment. The labour exchange were able to offer employment to over 78 per cent of applicants.

The lion's share (53 per cent) of all job vacancies were in the service sector. Job vacancies for permanent employment grew to 29.0 per cent in the area of industry, 14.6 per cent in construction, and 3.1 per cent in agriculture. The biggest supply of jobs (62 per cent) was for skilled workers. Unskilled workers were mentioned in every fifth permanent job offer.

Among the job offers for fixed-term employment, 50.2 per cent were in the service sector, which is 1.6 percentage point more than in 2005. Slightly less popular than in 2005 were fixed-term job vacancies in industrial companies (27.6 per cent), construction (9.0 per cent) and agriculture (13.2 per cent).

Fixed-term job offers mostly searched for skilled workers and employees for the service and trade sector (48 per cent). Unskilled workers were mentioned in 35 per cent of all the fixed-term employment offers.

**Table 1.3.3 Unemployed by Occupation Groups** (during a year, thousand)

	2004	2005	2006
Total	204.3	164.0	160.8
Legislators, senior public officials and managers	5.8	4.3	4.7
Specialists	7.4	6.7	7.2
Junior specialists and technicians	8.8	7.0	7.1
Junior civil servants	6.9	5.1	5.5
Service and trade sector workers	27.4	21.9	23.2
Skilled agricultural and fishery workers	2.6	2.0	2.1
Skilled workers and craftsmen	38.3	30.5	30.6
Plant and machine operators and assemblers	18.5	13.8	13
Unskilled workers	62.5	49.0	48.4
Armed forces	2.7	1.5	0.8

Were not employed	23.6	22.2	18.2
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**Table 1.3.4 Unemployed by Gender and Age**

	2004	2005	2006	2004	2005	2006
	(At the end of the year, thous.)			(At the end of the year, %)		
Total	126.4	87.2	79.3	100	100	100
including:						
females	72.6	53.3	49.4	?	?	?
males	53.9	33.9	29.9	?	?	?
16 - 19	1.9	1.1	1.5	1.5	1.3	1.9
including:						
females	1	0.6	0.8	1.4	1.1	1.6
males	0.9	0.5	0.7	1.7	1.5	2.3
20 - 24	8.4	4.7	4.9	6.6	5.4	6.2
including:						
females	4.5	2.7	3	6.2	5.1	6.1
males	3.9	2	1.9	7.2	5.9	6.4
25 - 29	8.9	5.3	5.6	7.0	6.1	7.1
including:						
females	5	3.2	3.5	6.9	6.0	7.1
males	3.9	2.1	2.1	7.2	6.2	7.0
30 - 49	67.2	43.5	38.3	53.2	49.9	48.3
including:						
females	39.4	27.2	24.2	54.3	51.0	49.0
males	27.8	16.3	14.1	51.6	48.1	47.2
50 - 54	21.5	15.7	13	17.0	18.0	16.4
including:						
females	13.6	10.4	8.7	18.7	19.5	17.6
males	7.9	5.3	4.3	14.7	15.6	14.4
55 - 59	17.5	1.5	14.2	13.8	17.2	17.9
including:						
females	9	9.2	9.2	12.4	17.3	18.6
males	8.5	5.8	5	15.8	17.1	16.7
60 and over	1.1	1.9	1.8	0.9	2.2	2.3
including:						
females	0	0	0	0.0	0.0	0.0
males	1.1	1.9	1.8	2.0	5.6	6.0

**Table 1.3.5 Unemployed by Duration of Unemployment** (at the end of the year, thous. and per cent)

	2002		2003		2004		2005		2006	
	Number	%	Number	%	Number	%	Number	%	Number	%
Registered, total	191.2	100	158.8	100	126.4	100	87.2	100	79.3	100
Including:										
females	96.1	50.3	85.1	53.6	72.6	57.4	53.3	61.1	49.4	62.3
males	95	49.7	73.7	46.4	53.8	42.6	33.9	38.9	29.9	37.7
By duration of unemployment										
up to 12 months	132.8	69.5	118	74.3	89.5	70.8	73.4	84.2	...	...
including:										
females	65.1	67.7	61.3	72	49.5	68.2	44.8	84.1	...	...
males	67.7	71.3	56.7	76.9	40	74.3	28.6	84.4	...	...
from 12 to 24	34.9	18.3	24.8	15.6	23.2	18.4	9.6	11.0	...	...



	2002		2003		2004		2005		2006	
	Number	%	Number	%	Number	%	Number	%	Number	%
<i>months</i>										
including: females	18.4	19.1	14.1	16.6	14.2	19.6	5.9	11.1	...	...
males	16.5	17.4	10.7	14.5	9	16.7	3.7	10.9	...	...
<i>24 and more months</i>	23.4	12.3	16	10.1	13.7	10.8	4.2	4.8	...	...
including: females	12.6	13.1	9.7	11.4	8.9	12.3	2.6	4.9	...	...
males	10.8	11.4	6.3	8.5	4.8	8.9	1.6	4.7	...	...
<i>up to 25 years of age whose duration of unemployment is more than 6 months</i>	...	...	...	...	...	...	...	...	0.5	0.6
including: females	...	...	...	...	...	...	...	...	0.3	0.6
males	...	...	...	...	...	...	...	...	0.2	0.7
<i>up to 25 years of age whose duration of unemployment is more than 6 months</i>	...	...	...	...	...	...	...	...	12.8	16.1
including: females	...	...	...	...	...	...	...	...	9	18.2
males	...	...	...	...	...	...	...	...	3.8	12.7

**Table 1.3.6 Unemployed by Education (At the End of the Year, thous.)**

	Number				
	Total	Higher	College-level	Vocational	Unskilled
<b>2004</b>					
Total	126.4	7.2	22.1	55.6	41.6
Females	72.6	4.9	15.7	26.4	25.5
Males	53.8	2.3	6.4	29.2	16.1
<b>2005</b>					
Total	126.4	7.2	22.1	55.6	41.6
Females	72.6	4.9	15.7	26.4	25.5
Males	53.8	2.3	6.4	29.2	16.1
<b>2006</b>					
Total	126.4	7.2	22.1	55.6	41.6
Females	72.6	4.9	15.7	26.4	25.5
Males	53.8	2.3	6.4	29.2	16.1

**Table 1.3.7 Unemployed by Education (At the End of the Year, thous.)**

	Per cent				
	Total	Higher	College-level	Vocational	Unskilled
<b>2004</b>					
Total	100	5.7	17.5	44	32.9

Females	100	6.7	21.6	36.4	35.1
Males	100	4.3	11.9	54.3	29.9
<b>2005</b>					
Total	100	5.7	17.5	44	32.9
Females	100	6.7	21.6	36.4	35.1
Males	100	4.3	11.9	54.3	29.9
<b>2006</b>	Total	Higher	College-level	Vocational	Unskilled
Total	100	5.7	17.5	44	32.9
Females	100	6.7	21.6	36.4	35.1
Males	100	4.3	11.9	54.3	29.9

**Table 1.3.8 Unemployed by Former Occupation (at the end of the year)**

	2004	2005	2006	2004	2005	2006
	Thousand			%		
Total	126.4	87.2	79.3	100	100	100
Agriculture, hunting, forestry and fishing (A+B)	16.8	10.5	8.2	13.3	12	10.3
Industry (C+D+E)	30.4	21.4	20.1	24.1	24.5	25.3
Construction (F)	8.2	5.3	4.7	6.5	6.1	5.9
Wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods (G)	17.1	11.4	10.4	13.5	13.1	13.1
Transport, storage and communication (I)	5.1	3.4	3	4	3.9	3.8
Real estate, renting and business activities (K)	4.5	3.4	3.5	3.6	3.9	4.4
Public administration and defence; compulsory and social security (L)	6.3	5.2	5	5	6	6.3
Education (M)	4.5	3.4	3	3.6	3.9	3.8
Health and social work (N)	3.2	2.5	2.1	2.5	2.9	2.6
Other activities (H+J+O)	21.1	14.5	13.3	16.7	16.6	16.8
Were not employed	9.3	6.2	6	7.4	7.1	7.6

## Employment

**Table 1.3.9 Employed by Mediation of the Lithuanian Labour Exchange during the Year, thous.**

	2004	2005	2006
<b>Employed, total</b>	<b>125.5</b>	<b>109.7</b>	<b>99.7</b>
Including: females	62.3	58.7	56.5
Males	63.2	51	43.2
Youth	22.5	16.1	13

In 2005, the Lithuanian Labour Exchange mediated in the placement of 109,700 unemployed persons; 87,900 of them received permanent jobs, while 21,800 were placed under open-ended contracts.

More than 14,700 of unemployed persons received references of the labour exchange and started their own business under a business licence.

During 2006, the Lithuanian Labour Exchange mediated in the placement of 99,700 job-seekers, including 84,600 persons who received permanent employment and 15,100 persons placed under

open-ended contracts. During the year, more than 114,900 unemployed persons received references from the labour exchange offices and started their own business under a business licence.

With the number of the labour force ready to compete in the labour market decreasing and the low level of motivation among the unemployed to gain marketable professions, the labour market faces the problem of the balance in the supply and demand of the labour force. Those who fail to compete in the labour market require information, counselling, vocational guidance, motivation, vocational training, refreshment and application of skills and other measures, facilitating their return to the labour market and finding a firm position on it.

**Table 1.3.10 Dynamics of the Number of Employed and Registered Unemployed During one Year, thous.**

**Table 1.3.11 Employment By Fixed-Term Contracts and Permanent Employment Contracts (per year, thous.)**

	2004	2005	2006
<b>Employed, total</b>	<b>125.5</b>	<b>109.7</b>	<b>99.7</b>
Including: females	62.3	58.7	56.5
Males	63.2	51	43.2
Youth	22.5	16.1	13
<b>Employed under permanent employment contracts</b>	<b>97.2</b>	<b>87.9</b>	<b>84.6</b>
Including females	47.7	46.1	46.9
Males	49.5	41.8	37.7
Youth	19.2	14.1	11.8
<b>Employed under fixed-term employment contracts</b>	<b>28.3</b>	<b>21.8</b>	<b>15.1</b>
Including females	14.6	12.6	9.6
Males	13.7	9.2	5.5
Youth	3.3	2	1.2

### **Bilateral Agreements in the Area of Employment**

At present, there are three bilateral agreements on employment:

1. Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany on Employment of Interns to deepen their Professional and Foreign Language Knowledge (Agreement of Interns), signed and became effective on 20 August 1993.
2. Agreement between the Government of the Republic of Lithuania and the Government of Ukraine concerning mutual employment of citizens, concluded on 28 March 1995 and came into effect on 11 August 1995.
3. Agreement between the Government of the Republic of Lithuania and the Government of the Russian Federation concerning temporary employment of citizens, concluded on 29 June 1999; came into effect on 5 January 2000.

Lithuania has also concluded social security agreements with Poland, Russia, Latvia, Estonia, Belarus, Czech Republic, Finland, Ukraine, USA, Canada and the Netherlands.

### **Employment Abroad**

Since 1 May 2006, Lithuanian nationals can freely get employed in all the EU member states, except for Germany and Austria.

Since before leaving to work abroad Lithuanian nationals do not inform the Lithuanian Labour Exchange, the information provided below is taken from the reports submitted by private employment agencies or the Lithuanian Labour Exchange where it played a role of a mediator.

In 2005, by mediation of the Lithuanian Labour Exchange, 302 persons were employed abroad in 2005 and 157 persons in 2006. The most attractive countries of employment for Lithuanians were the United Kingdom, Ireland, German Federation and Sweden. Those employed worked as nurses, cooks, bakers, butchers, hotel support staff and security.

#### **Table 1.3.12 Employment Abroad**

In 2005, there were 64 mediation enterprises for employing Lithuanian nationals abroad licensed by the Ministry of Social Security and Labour. During 2005, they employed 2,300 persons abroad, including 70 per cent who were unemployed. 85 per cent of the total number was employed in the United Kingdom.

In 2006, there were 63 mediation enterprises for employing Lithuanian nationals abroad licensed by the Ministry of Social Security and Labour. During the year, they employed 2,260 persons, including 76 per cent of the unemployed. 79 per cent of the total number was employed in the United Kingdom.

#### **Employment of Foreigners in Lithuania**

The new Law on the Legal Status of Aliens came into effect on 1 May 2004 (Official Gazette, 2004, No.73-2540). With a view to ensuring approximation of the procedure of issuing residence permits for foreigners in the Republic of Lithuania with the European Union *acquis* in the area of migration, the law provides for the principle that the applicants who apply for a work permit for the first time shall submit their application to the diplomatic representation or a consulate of the Republic of Lithuania. The new law prescribes that an alien, willing to work in the Republic of Lithuania, must obtain a work permit prior to coming to Lithuania. The permit shall be issued to a foreigner taking into account the needs of the labour market of the Republic of Lithuania. The permit shall be issued for the period up to two years, specifying the work (position), the company or the organisation employing the foreigner. The work permits shall be issued and terminated by the Lithuanian Labour Exchange under the Ministry of Social Security and Labour of the Republic of Lithuania. On 24 April 2006, the Minister of Social Security and Labour of the Republic of Lithuania passed Order No. A1-118, *Concerning Approval of the Description of Conditions and Procedure of Issuing Work Permits for Foreigners*, regulating the issuance of work permits, their period of validity, its extension, refusal to issue a work permit or extend the period of its validity and the conditions of termination of a work permit as well as the conditions when a foreigner is not required to get a work permit.

The common order of the Ministers of Social Security and Labour and the Interior (Official Gazette, 2006, No. 135-5126) offers an additional opportunity, as of the end of 2006, for foreigners to obtain

a work permit in Lithuania in exceptional cases. The permit may be granted to foreigners who come to work in Lithuania under labour contracts and only to those who are engaged in economic activities where there is a shortage of labour force and where such shortage limits the economic capacity of the company wherein such foreigner is employed.

The priority is given to highly qualified foreign experts who are either lacking or are not available at all. Employment of highly qualified foreign experts provides an opportunity to learn from the experience of other countries, train our own specialists and encourages investment into the national economy.

In 2005, the Lithuanian Labour Exchange issued 1,565 work permits to foreigners, including 1,490 work permits to men and 75 permits to women. The lion's share of them were issued to ship body assemblers and welders from Ukraine, Russia and Belarus (442), international route drivers from Ukraine, Belarus, Kazakhstan and Georgia (241), electric welders from Belarus and Romania (131), cooks and bakers from China, Turkey, Philippines (120), chemical engineers and oil refinery and aviation engineers from USA, Belarus, Russia (89) and bricklayers from Ukraine, Belarus (88) and philologists from China and USA (38). In 2005, the demand for international route drivers and highly skilled bricklayers was growing, along with the need for defectoscopists, ship fitters, cladders, and welders of high pressure gas supply pipelines.

#### **Table 1.3.13 Issuance of Work Permits to Foreigners**

In 2006, the Lithuanian Labour Exchange issued 2,982 work permits, including 2,927 for men and 55 for women.

The majority of work permits were granted to international route drivers from Ukraine, Belarus, Moldova, Kazakhstan and Georgia (1,011), ship body assemblers and welders from Ukraine, Belarus, Bulgaria and Russia (606), bricklayers from Ukraine, Belarus, Georgia and Uzbekistan (229) electric welders from Belarus, Romania (158), ship fitters from Romania (150) cooks from China, Turkey and Armenia, chemical engineering and oil refinery engineers from USA, Belarus, Russia and Romania (91), cladders from Belarus, Uzbekistan and Georgia (61), ship engineers from Romania (56) and ship painters from Romania (52).

The year 2006 experienced a bigger demand for international route drivers, highly skilled bricklayers and a smaller demand for ship body assemblers and welders, and cooks.

Moreover, more demanded were ship engineers and fitters, carpenters and cladders, boiler and grinding workshop facilities repair fitters.

**Table 1.3.14 Foreigners working in Lithuania (by Occupation)**

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 local and regional employment centres and to redeploy resources when the changing patterns of economic activity and of population so warrant.*

Pursuant to Article 8 of the Law on Support for Employment, the Lithuanian Labour Exchange under the Ministry of Social Security and Labour is one of the bodies in charge of implementation of the employment policy. The main operational principle of the Lithuanian Labour Exchange is management in line with the set objectives. Every year, the Minister of Social Security and Labour sets goals and objectives for improving and modernising customer service.

While seeking the established goals and objectives, the Lithuanian Labour Exchange, along with territorial labour exchange offices, performs the following functions: organises services and support for the unemployed and jobseekers while applying the labour market policy measures provided for in the legislations supporting their employment and entitlement to work; makes payments to the disabled and other persons provided for in the legislation; provides services and support to employers looking for skilled workers; observes the labour market of the country and its territories and forecasts changes on it; takes part in the programming and planning of EU structural support, develops and implements projects.

In early 2006, the Lithuanian Labour Exchange and territorial labour exchange offices employed over 1,500 people. 58 per cent of the staff were directly involved in customer service, providing consulting, mediation, registration and other services.

In 2006, with a view to providing services closer to the place where jobseekers reside, the order of the Director of the Lithuanian Labour Exchange approved the Standard Service Provision in Communities.

In 2006, information and vocational guidance services were provided in 411 communities, including 357 communities with information zones (with notice-boards and files). These information zones provided updated information about the situation in the labour market, employment and training opportunities, job vacancies and services provided by the labour exchange. Specialists of territorial labour exchange offices provided information, registration, consulting and group consulting services at these information zones at least once per month. Communities organised labour market days, labour fairs, information gatherings which provided an opportunity for local residents to meet with employers, learn about the situation on the labour market, the most marketable occupations and the ways of gaining them, job vacancies and services provided by the labour exchange.

After Lithuania became a full-fledged member of the European Union, new opportunities opened for it for dealing with employment issues using the European Union structural funds. In 2005-2006, seeking to provide assistance to a bigger number of people, the Lithuanian Labour Exchange developed and obtained funding for the implementation of nine projects from the European Social Fund, two projects from the European Regional Fund and one project from the Phare PPF. 14 territorial labour exchange offices participated as partners in ten projects of EQUAL Development Partnerships and PHARE ESS 2002.

In 2005, the Lithuanian Labour Exchange began to implement five projects funded by the European Social Fund (hereinafter referred to as the ESF) under Measure 2.1 “Development of Employability” and Measure 2.3 “Prevention of Social Exclusion and Social Integration” under the Single Programming Document (hereinafter referred to as the SPD). The names of the projects were the following: *Development of Institutional Capacities of the Lithuanian Labour Exchange, Employment Support of the Unemployed, Development of Vocational Training of the Unemployed and the Persons who Received Notice of their Dismissal, Implementation of Active Labour Market Policy Programs for Convicted Persons and those who have returned from Places of Imprisonment, Integration of the Disabled into the Labour Market with the Aim to Avoid Social Exclusion*. Moreover, the Lithuanian Labour Exchange implemented a PHARE project, *Improvement of Labour Exchange Services for Employers and Jobseekers as well as Persons Seeking Professional Career*, under the SDP Measure 3.3, Development of Information Technologies Services and infrastructure. Another successful project, funded by the European Regional Development Fund, was *Drafting Documentation for the Project ‘Provision of Electronic Public Services to Employers and Population (eDBIRZA)’*.

The year 2006 saw a successful implementation of the first Lithuanian project funded by the European Social Fund, *Development of Institutional Capacities of the Lithuanian Labour Exchange*, and a project funded by the European Regional Development Fund, *Drafting Documentation for the Project ‘Provision of Electronic Public Services to Employers and Population (eDBIRZA)’*.

As a result of the latter project, a feasibility study was developed, assessing the information system of the Lithuanian Labour Exchange and its territorial labour exchange offices and providing for the ways of its development. In addition, successful implementation was noted of a Phare project, *Improvement of Labour Exchange Services for Employers and Jobseekers as well as Persons Seeking Professional Career*. Its results included: development of a feasibility study, technical specifications for the construction/reconstruction of 12 territorial labour exchange offices, an application for the ERDF support, and development of public tender documentation for the procurement of construction/reconstruction works.

The Lithuanian Labour Exchange continued implementation of four ESF-funded projects of 2005 and started implementing another four ESF-funded projects under SPD Measure 2.1 and 2.3: *Social Adaptation and Integration into the Labour Market of Convicted Persons and those who have returned from Places of Imprisonment, Promotion of Social Integration of the Disabled, Surveys of Service Efficiency of the Lithuanian Labour Exchange and Improvement of Staff Competence, Development of Integration Opportunities into the Labour Market*. In addition, it continued carrying out a project funded by the ERDF, *Modernisation of the Infrastructure and Service Development of Labour Exchange Offices* under SDP Measure 1.5 Development of Infrastructure of Labour Market, Education, Vocational Training, Research and Study Institutions and Social Services.

The SDP Measure 2.3 "Prevention of Social Inclusion and Social Integration" was actively pursued by 8 territorial labour exchange offices (Alytus, Klaipėda, Šalčininkai, Ignalina, Šiauliai, Telšiai, Tauragė and Vilnius). The projects implemented by territorial labour exchange offices in 2006 targeted national minorities, senior females and females returning into the labour market after a longer break, seeking to promote social integration and prevention of social inclusion.

Question C

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

**Additional question of the European Social Rights Committee:**

*The Committee reiterates its request for information about the relative market shares of placements made by public and private employment agencies.*

Pursuant to the new Law on Support for Employment of the Republic of Lithuania of 2006 (Official Gazette, 2006, No. 73-2762), the structure of the labour exchange consists of the Lithuanian Labour Exchange under the Ministry of Social Security and Labour and territorial labour exchange offices. The Lithuanian Labour Exchange implements employment support measures; carries out labour market monitoring; in cooperation with the Lithuanian Labour Market Training Authority, municipal institutions and social partners, evaluates the situation in the labour market and considers measures aimed at solving problems in the labour market; provides state aid to social enterprises; organises and coordinates the provision of vocational rehabilitation services in accordance with the procedure set forth in the Republic of Lithuania Law on Social Integration of the Disabled; after coordination with the Ministry of Social Security and Labour, founds, liquidates or reorganises local labour exchange offices, as well as coordinates, controls and gives methodological instructions concerning their activities.

The Labour Code and the Law on Unemployment Social Insurance stipulates that mediation in the employment of citizens and persons permanently residing in Lithuania abroad shall be implemented by the Lithuanian Labour Exchange. Other enterprises, establishments and organisations may act as mediators in employment of citizens abroad only provided they possess licences issued by the institution authorised by the Government.

19 August 2003 Order No. A1-127 of the Minister of Social Security and Labour, *Concerning Approval of the Procedure of Issuing Licences for Intermediation in Employment Assistance for Citizens of the Republic of Lithuania Abroad*, prescribes that the licence-holder shall be obliged to submit a report to the Lithuanian Labour Exchange about the number of persons employed abroad. The conditions of licensed activity shall be controlled, within the remit of their competence, by the Lithuanian Labour Exchange and the State Tax Inspectorate at least every three years.

The Law on Support for Employment stipulates that other legal and natural persons (and also branches of enterprises and organisations, which were founded in the states that have signed the Agreement on the European Economic Area, in the Republic of Lithuania) may provide general employment support services and submit proposals to institutions implementing the employment support policy concerning the implementation of these services.

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.*



With a view to increasing the role of social partners in dealing with employment problems faced by dismissed persons and seeking to coordinate joint efforts more effectively, the Lithuanian Labour Exchange has concluded cooperation agreements with 24 major state and public organisations as well as employer associations.

The principle of social partnership was set forth in the Law on Employment of Population of the Republic of Lithuania dated 13 December 1990 (now it is known as the Law on Support for Employment of the Republic of Lithuania).

With a view to developing social partnership and increasing its role, the Ministry of Social Security and Labour passed Order No. A1-19 on 23 January 2004, *Concerning Approval of the Statutes of the Tripartite Commission under the Lithuanian Labour Exchange and Model Statutes of the Tripartite Commission under a Territorial Labour Exchange Office*. Order No. 588 of 13 December 2006 of the Director of the Lithuanian Labour Exchange approved the new Statutes of the Tripartite Commission under the Lithuanian Labour Exchange. The main objective of the Commission shall be to set priority directions for the Lithuanian Labour Exchange, examine the situation on the labour market, the purpose of developing employment support programmes and implementation of employment support measures, submit proposals about the ways of increasing the effectiveness of the labour exchange operation. The Commission shall be made up, on the basis of the rights of equal tripartite partnership, of 15 members, including: 5 employees (representing trade unions, associations, organisations, etc.), 5 employers (representing associations, confederations, etc.) and 5 representatives of state institutions. The employees to the Commission shall be delegated by the Lithuanian trade union organisation, represented in the Tripartite Council of the Republic of Lithuania, the employers shall be delegated by the Lithuanian Organisation of Industrialists and Employers, represented in the Tripartite Council of the Republic of Lithuania. The remaining five representatives shall be delegated from the following ministries: Ministry of Social Security and Labour, Ministry of Education and Science, Ministry of Economy, Ministry of the Interior, and Ministry of Agriculture. In addition, the Association of Local Authorities shall delegate one representative holding the observer status.

The functions of the Commission were defined as follows:

- examination of issues related to the employment of population, the situation on the labour market and the factors that have an impact on them, submission of proposals to the Lithuanian Labour Exchange with regard to the preventive reduction of unemployment and application of mitigating measures of its negative social consequences;
- examination of the need for funds from the Employment Fund for the implementation of the labour market policy measures (development of population employment programmes, vocational training, public works, projects of local initiatives for employment, non-formal education of the unemployed and persons given a notice of dismissal, subsidised employment, support for labour skills, subsidised job creation, support for self-employment and job rotation), operation of the Lithuanian Labour Exchange as well as examination of expenditure reports and provision of relevant proposals;
- submission of proposals to the Lithuanian Labour Exchange concerning the implementation of the labour market policy measures and improvement of social support to the unemployed;
- taking into account the foreseen trends of the labour market development, submission of proposals to the Lithuanian Labour Exchange with regard to the priorities of allocating funds of the Employment Fund to territorial labour exchange offices;
- submission of proposals to the Lithuanian Labour Exchange concerning improvement of legal acts regulating implementation of the labour market policy measures;

- pursuant to the Procedure on Implementation of Projects of Local Initiatives for Employment, approved by 4 August 2006 Order No. A1-231 of the Minister of Social Security and Labour, (Official Gazette, 2006, No. 88-3479), submission of proposals for setting target territories for implementation of projects of local initiatives for employment, examination of issues related to the implementation of such projects and submission of proposals with regard to increasing effectiveness of their implementation;
- examination of performance reports of the Lithuanian Labour Exchange and submission of proposals about its improvement;
- examination of reports on the use of funds allocated from the Employment Fund to the Lithuanian Labour Exchange and submission of proposals about increasing the efficiency in the use of funds;
- submission of proposals about research and development in the labour market area; and
- performance of other functions provided for in the legal acts.

Since 1 August 2006, when the Law on Support for Employment came into effect, the Ministry of Social Security and Labour has submitted a draft estimate of funds of the Employment Fund to the Tripartite Council of the Republic of Lithuania for consideration, as well as the information regarding the use of these funds. In addition, the Tripartite Council of the Republic of Lithuania submits to the Ministry of Social Security and Labour proposals concerning a draft estimate of funds of the Employment Fund and the use of these funds.

With a view to addressing problems of regional employment and unemployed, the Director of the Lithuanian Labour Exchange passed Order No. V-337 of 22 December 2003, establishing 10 regional (county) advisory committees to social partners.

The importance of social partnerships is also seen from the fact that project selection committees are set up on the tripartite partnership basis under territorial labour exchange offices. Their task is to administer projects of local initiatives for employment. Another body, project monitoring committee, has been set up under the Lithuanian Labour Exchange. In addition, the principle of tripartite partnership was followed in setting up a Commission for the Affairs of Social Enterprises under the Lithuanian Labour Exchange for the implementation of the Law on Social Enterprises.

### **Development of Social Partnership**

With a view to co-ordinating the efforts of social partners more effectively and increasing their role of solving issues of employment faced by persons who have lost their employment, the Lithuanian Labour Exchange continues signing memorandums of understanding and development of specific measures with employers, associations of employee representations and other partners in the labour market.

Services of territorial labour exchange offices are provided to 41,500 employers, primarily operating in the industrial and service sector. These sectors include more than half of all enterprises operating in the country, 56 per cent. While developing various forms of co-operation with employers, territorial labour exchange offices have signed 19,600 memorandums of understanding, involving employers into unemployment prevention measures and development and implementation of active policy measures.

With a view to mitigating structural economic consequences of group redundancy, territorial labour exchange offices develop targeted programmes of preventive actions. In 2005-2006, there were 76 prevention action programmes developed, providing for the involvement of 3,200 persons given a notice of dismissal into the active labour market policy programmes, 3,100 persons placed into job

vacancies registered in labour exchange offices and 3,000 persons were able to take part in group counselling. Moreover, 10 enterprises set up ad hoc labour exchange desk offices (mini labour exchange offices) which provided individual counselling to persons given a notice of dismissal. In that way, employees were made ready for the integration into the labour market and provided support while looking for a job. The process was facilitated by information technologies. The website of the Lithuanian Labour Exchange published a manual, *Advice in Cases of Group Redundancy*. The purpose of the manual is to make service provision to employers and employees more effective.

Question E

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

Pursuant to the Law on Support for Employment, population employment measures are provided to all the job-seekers free of charge. With a view to increasing the access to the services provided by labour exchange offices, the labour market training and consulting authorities have established an open information and consulting system.

The website of the Lithuanian Labour Exchange include the following programmes: “The Bank of Talents”, “The Bank of Seniors”, “Advice in Cases of Group Redundancy” and “Guide”. Moreover, services are provided by the following specialised centres: four labour centres, seven youth labour centres, a vocation information and counselling centre and 52 information and counselling centres. Job-seekers and employers enjoy electronic services and the SMS messaging helps them look for work or employees.

Paragraph 5 of 13 November 2006 Order No. A1-306 of the Minister of Social Security and Labour of the Republic of Lithuania, *Concerning Approval of Statutes of the Lithuanian Labour Exchange under the Ministry of Social Security and Labour*, prescribes that the Lithuanian Labour Exchange and territorial labour exchange offices shall provide services free of charge.

Free of charge services provided by the Lithuanian Labour Exchange and its territorial offices are guaranteed to all the persons, including the unemployed, employed and students.

Article 5 of the Law on Unemployment Social Insurance provides for the entitlement to unemployment insurance benefits for unemployed persons registered with the territorial labour exchange offices.

#### **ARTICLE 1 PARA. 4**

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

*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:*

- a. vocational guidance;<sup>10</sup>*
- b. vocational training;<sup>11</sup>*
- c. vocational rehabilitation;<sup>12</sup>*

*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.*

#### **Vocational Guidance**

The functions of organisation of labour market vocational training, vocational guidance, counselling, monitoring and methodological guidance are carried out by the Labour Market Training Authority. During 2005-2006, territorial labour market training and counselling agencies provided counselling as showed in Table 1 below:

**Table 1.4.1 Vocational Guidance and Counselling in the Lithuanian Labour Market Training Authority, Number of Persons**

	<b>2005</b>	<b>2006</b>
<b>Counselling provided, Total</b>	<b>68,736</b>	<b>63,465</b>
<b>Individual</b>	29,757	27,723
<b>Group</b>	38,979	35,742
<b>Adults</b>	53,056	46,156
<b>Unemployed</b>	51,921	44,116
<b>General education school pupils, their parents and teachers</b>	15,728	17,326

**Vocational Information at the Lithuanian Labour Exchange.** Vocational information to persons addressing the labour exchange offices, counselling and mediation in employment is performed by 46 territorial labour exchange offices. Vocational information is a part of the open information system of the Lithuanian Labour Exchange covering all the regions of the country: various types of information desk offices have been opened in every territorial labour exchange office. A variety of services may be offered by 4 labour and 7 youth centres opened in the largest towns of Lithuania, a Vocational Information Centre in Vilnius and 52 Information and Counselling centres in every territorial labour exchange. In order to increase public awareness as well as the quality of services

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

<sup>11</sup> If your country has accepted Article 10, it is not necessary to describe the vocational training services here.

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

provided, the information centres are gradually updated and supplied with modern information technologies, offering better quality information sharing tools and techniques. While developing the open system of information, particular attention is paid at increasing the access of information in the most distant areas. Job-seekers may independently obtain vocational information and guidance by reading 370 descriptions of professions that are yearly updated and view 122 films about different occupations, the copies of which are available in all the territorial labour exchange offices.

**Development of the System of Vocational Guidance.** In 2005, with a view to ensuring implementation of the measures provided for in the Implementation Plan of Vocational Guidance Strategy, a ESF-funded project, Development and Implementation of the System of Vocational Guidance, was started implemented under Measure 2.4, Development of Conditions for Life Long Learning of the Single Programming Document for 2004-2006. The duration of the project is three years. Its main objective is to create a system of vocational guidance in Lithuania, comprising subsystems of vocational information and vocational guidance. The expected results are the following:

- analysed the situation in the country, assessed practices in the member states of the European Union, developed proposals and recommendations on the improvement of the system of vocational guidance and counselling in Lithuania;
- developed the project of vocational guidance centres' network;
- developed standards for a vocational counsellor and his/her training; developed standards for service provision, drafted methodological recommendations to vocational guidance specialists;
- created a model of vocational guidance and counselling quality assurance system; developed accreditation and performance quality assessment methodologies, trained evaluators;
- developed and tested vocational guidance programmes for 'drop-outs'; developed and standardised three tests for Lithuania.

In 2006, the project implemented the following tasks:

- developed standards for providing vocational guidance in vocational guidance centres, supplied methodology and information to vocational guidance centres, developed standards for vocational counsellors;
- developed three programmes for 'drop-outs' from the educational system, organised training for 73 persons, trained 43 specialists to work in different towns according to these programmes.

Moreover, having analysed the current situation of vocational guidance in the country and having interviewed vocational guidance customers and suppliers, a feasibility study was performed with regard to the establishment of the network of vocational guidance centres in municipalities. The study revealed that vocational guidance centres could be established on the basis of the currently operating territorial labour market training and counselling services and later on vocational guidance centres could be established in every municipality.

In addition, a counselling and testing information system was developed, comprising e-governance services, integrated into the website of the Lithuanian Labour Market Training Authority, [www.darborinka.lt](http://www.darborinka.lt). The counselling and testing information system is targeted at everyone making a choice of occupation, willing to gain it or change qualifications, or seeking for a job.

The list of active job-seeking and labour skill development programmes include more than 60 programmes of group counselling.

On a regular basis, refresher courses are organised to vocational counsellors.

In 2005, introduction and refresher training programmes were developed for the newly accepted vocational counsellors. The programmes were used in training consultants working in the ESF projects (16 persons in total). Training was positively assessed by looking at the following elements: information provided, methodology, organisation, administration and competence. The qualification gained by the specialists was favourably accepted by the unemployed who took part in training exercises conducted by the consultants during the project.

### **Vocational training**

In 2005–2006, the labour market training centres, falling within the remit of the Lithuanian Labour Market Training Authority, trained the following number of persons, see table 2:

**Table 1.4.2 Vocational training, No. of persons**

	<b>2005</b>	<b>2006</b>
<b>Trained, TOTAL</b>	28,221	29,105
<b>Unemployed and persons given a notice of dismissal or referred by labour exchange offices</b>	14,496	12,390
<b>Persons referred by employers</b>	8,964	9,647
<b>Persons coming on their own initiative</b>	4,449	4,829
<b>Others</b>	384	2,240

**Development of the National Qualifications System.** With a view to creating a uniform and transparent system of qualifications, covering all the qualification levels and ensuring the transition among the levels, assuring the diversity of methods for the acquisition of qualifications, and providing with an opportunity of flexible response to the changing requirements of the environment, the Authority developed and implemented the ESF-funded project, *Development of the National Qualifications System*.

The goals of the project were to develop a model of the national qualifications system based on the model of the qualifications system, make a list of competencies and qualifications in the chosen economic structures and develop human resources necessary for the implementation of the national qualifications system.

In 2006, the project completed the following tasks:

- having analysed the processes of qualification systems and factors having an impact upon the situation in the country in 1990–2005, developed the framework of the qualification system, and having performed a comparative analysis of qualification systems of foreign countries, developed the Concept of the National Qualification System;
- started development of the qualifications register;
- started analysing vocational activities in the construction as well as hotel/restaurant sectors and started developing the information management system of the database of vocational activities results;
- selected 120 experts from various Lithuanian organisations which will be directly related to the implementation of the national qualifications systems; developed training programmes and conducted two training seminars of the first target group; developed a glossary of qualification system terms.

**Licensing of labour market vocational training authorities, development of training curricula, monitoring the quality of their performance and increasing access to them.** The authority carries out full monitoring of the quality of the labour market vocational training. It evaluates the readiness of training establishments seeking to teach according to the labour market vocational training curricula. In 2006, the Authority assessed 55 training establishments according to 122 training curricula. In addition, it performed quality assessment of 203 training curricula in 110 establishments licensed to teach according to the labour market vocational training curricula. Licences to teach were issued to around 260 training establishments.

While developing the training curricula, the aim of the Authority is to have vocational qualifications meet the needs of the labour market and be accessible in all the economic activities. Every year, it analyses the needs of the labour market and develops new training curricula of formal and non-formal education and updates the existing ones. In 2006, it developed 38 and updated 54 curricula of formal education and developed 178 programmes of non-formal education. The total number of training curricula consists of 420 formal education and over 720 non-formal education programmes. Noteworthy, training curricula are developed for various target groups (including the disabled, persons without basic education, etc.). They involve general education and are adapted for distance learning. In addition, modular vocation curricula for the acquisition of qualifications and their improvement are developed based on competence. With a view to refreshing professional skills and knowledge as a result of longer break in employment, special refresher courses (curricula) are organised to make students familiar with the occupation or refresh their knowledge about it. The total number of such curricula is 38.

Taking into account the demand for training curricula, the Authority develops training tools and methodological material as well as supply them to the training establishments.

Seeking to increase access to vocational training of the labour market, distance learning is further development. With that in mind, the ESF funded a project, *Development of Distance Learning and its Integration to the Traditional Labour Market Training System*. The key objective of the project is to enhance the competence of 100 vocational teachers working in Lithuanian labour market training centres and improve the quality of training courses, by providing teachers with the knowledge and practical skills of developing and updating of distance learning courses and their curricula. The plan is to create an integrated management system of distance and traditional training, the database of training participants in order to ensure life-long learning and continuous career planning. In 2006, preparations were made for the implementation of the project and training was organised for computer literacy trainers.

**Acknowledgement of non-formally acquired qualifications.** While developing evaluation and acknowledgement of competence gained in a non-formal and individual ways, the qualification of more and more people is acknowledged after they pass an examination without attending lectures. In 2006, their number was 1,800, which is three times bigger than in 2005. The right to hold such examinations has been granted to 26 educational establishments.

**Investment into modernisation of vocational training system.** Vocational training, which is accessible and satisfying the needs of business and workers, is possible only in modern training centres with up-to-date training material. In order to achieve this objective, the Authority has made several important steps. First, 14 labour market training centres were transformed into 10 and later into 5 bigger regional training establishments. The purpose of such reorganisation is to make better use of the potential offered by combined centres, reduce administrative costs and ensure more effective vocational training of adults.

Second, investment was made to modernise the infrastructure, equipment and technology of the training centres. With that in mind, the ERDF project was developed and launched, *Improvement of the Infrastructure of Lithuanian Labour Market Training and Counselling System by Modernising Regional Centres of Labour Market Training and Counselling*. As a result, new buildings for theoretical and practical education were built in Kaunas, Klaipėda and Alytus training centres, a new training workshop for construction students and a training motordrome was built in the Šiauliai training centre and a new training workshop for construction students in Panevėžys training centre. The Jeruzalė training centre will have renovated training workshops for future construction workers and welders and Žirmūnai training centre will have a newly refurbished building for food-making specialists. Training tools will be updated and a new training curriculum will be offered for machinists.

**The impact of involvement of social partners in vocational training.** Involvement of social partners, and employers in particular, in of vocational training may ensure its better compliance with the labour market needs. Such involvement is encouraged by memorandum of understanding signed by the Ministry of Economy and the Ministry of Social Security and Labour. In 2006, while following this trend and taking part in cluster development policy, the Authority developed a study, *Development of the Training System of Industrial Workers in Lithuania*. The study analysed the possibilities of creating a system of training industrial workers in Lithuania. The study may be used while developing the strategy of vocational training.

### **Vocational rehabilitation**

Projects for the disabled included: *Development of Integration of Disabled Persons into the Labour Market*, an investment project, *Development of Infrastructure of Labour Market, Education, Vocational Training, Research and Study Institutions and Social Services*. The plan is to reconstruct and adapt to the needs of vocational rehabilitation premises which will house the training establishment within the Vilnius Žirmūnai labour market training centre and its office in Druskininkai. The project will train the employees who will be working with the disabled. In addition, it will develop and adapt training curricula and methodology available in the expanded database of the infrastructure.

Territorial services provide assistance to the disabled, giving them advice on the choice of occupation and increasing their motivation and involvement into the labour market. In 2006, they provided counselling to 1,900 disabled persons, including 284 who visited the training centres.



## **ARTICLE 9: THE RIGHT TO VOCATIONAL GUIDANCE**

*"With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults."*

### **Regulations of the Republic of Lithuania**

#### **1. Secondary legislation**

##### ***Resolutions of the Government of the Republic of Lithuania***

- 31 May 2004 Resolution No. 670 of the Government of the Republic of Lithuania, *Concerning Approval of the New Version of the Concept of the Law on Vocational Training* (Official Gazette, 2004, No. 88-3231);
- 22 July 2005 Order No. ISAK-1548 of the Minister of Social Security and Labour, *Concerning General Job Description of the School Psychologist* (Official Gazette, 2005, No. 94-3520);
- 13 March 2007 Order No. ISAK-362 of the Minister of Education and Science, *Concerning Approval of the Standard of Vocational Information* (Official Gazette, 2007, No. 32-1169);
- 4 April 2007 Order No. ISAK-605 of the Minister of Education and Science, *Concerning Approval of Methodological Recommendations on the Use of Funds Allocated for Vocational Counselling* (Official Gazette, 2007, No. 41-1551).

##### ***Common Orders of the Minister of Social Security and Labour and the Minister of Education***

- Order No. ISAK-2540/A1-321 of 9 December 2005, *Concerning Amending Order No. ISAK-415/A1-71 of the Minister of Social Security and Labour and the Minister of Education and Science of the Republic of Lithuania of 23 March 2004, Concerning Approval of Implementation of the Strategy of Vocational Guidance* (Official Gazette, 2006, No. 1-11);
- Order No. ISAK-2422/A1-341 of 21 December 2006, *Concerning Approval of the Composition of the Lithuanian Vocational Guidance Authority and the Statutes thereof*;
- Order No. ISAK-739/A1-116 of 29 April 2005, *Concerning Approval of the Description of the Requirements for the Provision of Vocational Information and Counselling Services* (Official Gazette, 2005, No. 60-2132).

#### **Question A**

*Please give a description of the service - its functions, organisation and operation -specifying in particular:*

- whether access to services is free of charge;*
- whether vocational guidance work is carried out in the public or private sectors;*
- the measures taken to supply all persons with adequate information on the choice of employment;*
- the measures taken to ensure a close link between vocational guidance and training on the one hand and employment on the other;<sup>13</sup>*
- the measures in hand for improving the services;*

<sup>13</sup> If your country has accepted Article 10 para. 1, it is not necessary to describe these measures here.

*f. the details of special measures to assist disabled persons*

This information is available in the previously submitted report.

Question B

*Please indicate the measures taken in the field of vocational guidance to promote occupational and social advancement*

For more information, please refer to Article 1 para. 4 .

Question C

*Please indicate the types of information available in the vocational guidance services and the means employed to disseminate this information.*

Two standards have been developed: the standard for the provision of vocational guidance services in vocational guidance centres and the standard of supplying information and methodological material to vocational guidance centres. (Measures 2.2.1 and 2.2.3 of the Implementation Plan of the Vocational Guidance Strategy).

The purpose of the standard of providing vocational guidance services in vocational guidance centres is to sure good quality vocational guidance services that are in line with the needs of the public and individual customers in vocational guidance centres (hereinafter referred to as VGC). The main objective of the standard is to have a detailed list of services, define the content of services and describe the general principles of service provision in VGCs. The standard establishes the target groups, the main objective and results, it describes the content of the service, the methods applied, the duration, organisation and conditions of service provision as well as the staff in charge of providing the service. The standard is set for VGCs (the accredited public and private institutions), providing counselling services to persons on the issues of vocational guidance, eligibility, career planning, and proficiency. In addition, they inform persons about training, studies and work in Lithuania and abroad, develop and implement specialised programmes, encouraging to make motivated decisions in choosing vocation, training, studies or employment. The standard is the main standardisation document followed by VGCs in providing vocational guidance services.

The purpose of the standard of providing information and supplying methodological material to VGCs is to ensure provision of quality information and methodological material to VGCs. The main objective of the standard is to define the type, content of as well as quantitative and qualitative requirements for information and methodological material necessary for the provision of VGC services. The target group of the standard is VGCs, i.e. accredited public and private bodies providing vocational guidance services, VGC founders and bodies monitoring VGC performance. Pursuant to the standard, the VGC founders and bodies performing monitoring of VGCs will be able to assess appropriateness and sufficiency of information and methodological material used by the VGCs, whereas every VGC will be able to assess available resources and plan the supply of materials.

Question D

*Please indicate:*

*a. the total amount of public expenditure devoted to vocational guidance services during the reference period;*

Vocational counselling, guidance and information is performed by territorial labour market training and counselling offices. Such services are provided free of charge. Apart from these functions, the offices issue licences to enterprises and other organisations willing to provide training under the labour market vocational training programmes, carry out monitoring of the quality of labour market vocational training on the national level, examine the material base for training and make a

selection of enterprises involved in the labour market vocational training eligible to examine students without having them attend the lectures.

Costs of territorial offices (staff remuneration, rental of premises, etc.) are covered using the funds of the Employment Fund. Territorial labour market training and counselling offices take part in various international projects as partners, initiate and implement them, obtaining support from various EU programmes and funds.

In 2005-2007, the Ministry of Education and Science did not have specially allocated funds for carrying out the Implementation Plan of the Strategy of Vocational Guidance (hereinafter referred to as the Strategy). The main measures of the Implementation Plan of the Strategy were funded while implementing the ESF projects of state importance. The projects included: *Creation and Application of Vocational Guidance System* (the project partners were the National House of Pupils' Technical Creativity and the Lithuanian Labour Market Training Authority) and *Development of Open Information, Counselling and Guidance System (AIKOS)* (the project partner was the Centre of Information Technology and Education).

During 2006, while implementing the ESF projects of state importance, the Ministry of Education and Science and the National House of Pupils' Technical Creativity planned to use LTL 2,165,816 and used LTL 780,056. The Lithuanian Labour Market Training Authority planned to use LTL 576,030, while in fact it used LTL 643,030.

In 2007, the Ministry of Education and Science and the National House of Pupils' Technical Creativity plan to use LTL 3,564,677 and the Lithuanian Labour Market Training Authority plan to use LTL 144,806.

*b. the number of specialised staff of the vocational guidance services and their qualifications (teachers, psychologists, administrators, etc.);*

Territorial labour market training and counselling offices have 44 specialists, including 38 employees with higher psychological education and the remaining 6 with pedagogical and social education. Territorial offices employ counsellors and psychological counsellors providing vocational guidance, information and counselling services.

The Career Planning Division of the Lithuanian Labour Exchange Authority responsible for the coordination of activities carried out by territorial vocational training offices has 5 employees.

During 2003-2004, 59 basic schools and one vocational school established vocational information offices providing vocational information services to 120 vocational counsellors (vocational information consultants).

*c. the number of persons benefiting from vocational guidance broken down by age, sex and educational background*

**Table 9.1 Number of Persons Who received Counselling in Territorial Labour Market Training and Counselling Authorities:**

	2005	2006
Counselling provided, total	68,736	63,465
Individual	29,757	27,723
Group	38,979	35,742
Adults	53,056	46,156
Females	34,449	29,792
Unemployed	51,921	44,116

Pupils, their parents and teachers	15,728	17,326
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In **2005**, the Career Planning Centre was approached by 1,127 customers. It provided 13 services of individual counselling to pupils and their parents. The **age** of customers ranged from 14 to 20 years old. Their distribution by **gender** was 80 per cent or 901 females and 226 males, whereas their distribution by **education** was 98 per cent or 1,104 pupils, 13 parents of with various educational background, 10 college and university students.

In **2006**, the Career Planning Centre was approached by 713 customers. It provided 20 individual counselling services to pupils and their parents. The **age** of customers ranged from 14 to 20 years old. Their distribution by **gender** was 570 females and 143 males, whereas their distribution by **education** was 699 pupils and 14 persons having other type of education.

*d. the geographical and institutional distribution of vocational guidance services*

Territorial labour market training and counselling offices are accountable to the Lithuanian Labour Market Training Authority under the Ministry of Social Security and Labour. Their network covers the entire territory of the country. Services are based in Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys, Alytus, Utena and representations are established in Tauragė, Naujoji Akmenė, Kuršėnai and Ignalina.

See response under Article 9.

#### Question E

*Please indicate whether equality of access to vocational guidance 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 persons.*

#### **Additional question of the European Social Rights Committee:**

*In response to the questions raised by the European Social Rights Committee concerning vulnerable groups:*

With the growing lack of the labour force, the issue of integrating persons that are otherwise difficult to integrate into the labour market becomes more relevant. Involvement of such persons into the labour market is important both in the social as well as economic sense. The Authority is working with various groups of persons: the disabled, convicts to be released, women who have lost their link with the labour market, long-term unemployed, non-educated people, seniors, officials and servicemen, the youth, basic school pupils, etc. While working with these people, the support of EU programmes and structural funds is provided.

The LLMTA performed the projects for the **disabled**, *Development of Integration of the Disabled into the Labour Market*, and an investment project, *Development of Infrastructure of Labour Market, Education, Vocational Training, Research and Study Institutions and Social Services*. The plan is to reconstruct and adapt to the needs of vocational rehabilitation premises which will house the training establishment within the Vilnius Žirmūnai labour market training centre and its office in Druskininkai. The project will train the employees who will be working with the disabled. In addition, it will develop and adapt training curricula and methodology available in the expanded database of the infrastructure.

Territorial offices provide assistance to the disabled, giving them advice on the choice of occupation and increasing their motivation and involvement into the labour market. In 2006, they provided counselling to 1,900 disabled persons, including 284 who visited the training centres.

Significant attention is paid at psychological and vocational preparation of **convicts** to be released from places of imprisonment. They need self-confidence, job-seeking knowledge, vocational qualification and competence to find employment, their place in life and ability to manage changes. It is important to solve economic and social issues faced by these people in order to prevent repetition of crimes and increase public safety.

Further implementation of the Programme of Social Adaptation of Convicts and Persons Released from Places of Imprisonment of 2004-2007 took place. Psychological and vocational guidance as well as vocational training programmes conducted in Panevėžys penitentiary institution and Pravieniškės treatment and penitentiary institutions involved 64 convicts.

The Authority implemented the ESF-funded project, *Development of Social and Vocational Capacities of Convicts Integrating into the Labour Market*. The project trained specialists, working with convicts and published a training manual. The number of students totalled 168 persons and psychological support was provided to 213 convicts. In addition, vocational guidance terminal programme was developed and applied.

With a view to ensuring closer co-operation while dealing with economic and social integration issues of convicts, the Authority signed a MoU with the Prisons Department under the Ministry of Justice of the Republic of Lithuania.

**Women who have lost the link with the labour market** are supported by the 'EQUAL project EQUAL HIGHWAY: Development Partnership Klaipėda – Vilnius'. The project developed a training curriculum of 54 hours for women and long-term unemployed, *Individual Stream Development and Professional Career Planning*.

Under the Socrates Grundvig project 2, *Guidance, Motivation and Education of Young Mothers*, individual counselling services were provided to young mothers aged 16-25.

The women who lost their link with the labour market took part in the programme, *Self-Cognition and Motivation of Success*.

Nine non-formal education curricula were developed for persons returning into the labour market after a longer break.

While eliminating the obstacles for the integration of persons **without basic education**, the Authority participated as a partner in a project, *the Second Chance*. Furthermore, vocational guidance methods were selected and described to be used by the consultants of the LLMTA system. The Authority organised a conference for consultants and trainers of the training centre discussing the project activities and a workshop about methodological principles of developing student-oriented vocational training and counselling.

The ESF project, *Development and Implementation of Vocational Guidance System* (with the Ministry of Education and Science as the Implementing Authority), developed three programmes titled *Active Position in Professional Career Planning*. The target audience was **'drop-outs' from educational system**. The duration of the programmes was 80, 100 and 120 hours. The programmes were implemented under Measure 2.1.5 of the Implementation Plan of the Vocational Guidance Strategy. Training for working with those programmes was provided to 43 specialists from different towns, including Kuršėnai, Tauragė, Ignalina, Klaipėda and Kaunas. The total number of

participants in all the three programmes was 73 persons. After the programmes were tested on the 'drop-outs' and opinions of independent experts considered, they were subject to further improvement.

Special attention should be paid at the vocational training programme of 120 hours which targeted drop-outs aged 14 – 29 and those having no basic education. The purpose of the programme is to develop students' pro-activeness and independence in professional career planning. The programme consists of the following three modules: assessment and strengthening of motivation for studying, development of independence in decision-making and career planning. Training uses active training techniques. 12 vocational counsellors were trained to apply the programme while working with the drop-outs (and persons without basic education).

In addition, programmes giving vocational qualification to persons without basic education were developed.

Seeking to maintain senior persons active in the labour market, increase opportunities of life-long learning and ensuring their full participation in the labour market, the Ministry of Social Security and Labour has carried the **measures of the National Strategy of Overcoming Consequences of Ageing of 2005-2013**, approved by Government Resolution No. 5. The measures provide for identification of the need for vocational training and counselling programmes for senior persons; development, approval and implementation of vocational training curricula contributing to the development of general abilities of senior persons. With that in mind, a survey was conducted in 2006 to identify the need for vocational training and counselling programmes for senior people. The survey interviewed persons aged 60-80 to find out that one third of them would like to remain socially active. About 15 per cent of all the respondents, including mostly persons under 70, would like to find employment, and another 15 per cent of them would like to take part in the activities of non-governmental organisation, clubs, be involved in art or education. The survey revealed that vocational training or retraining services are of little interest to Lithuanian nationals over 60 years of age. The main motivation of studying for seniors is the pleasure opening additional communication and improvement benefits. The most wanted occupations among seniors is computer literacy and foreign language courses.

The National Strategy of Overcoming Consequences of Ageing of 2005-2013 provides for the development, approval and implementation of specialised counselling and increasing of motivation programmes for senior persons with a view to keeping them in the labour market and help them acquire marketable occupations. Under the measure, a programme was developed in 2005: *Development of Capacities and Skills for Successful Competition in the Labour Market*. The duration of this non-formal education programme is 42 hours and its target is persons over 50 years of age. The programme was approved by the Director of the Lithuanian Labour Market Authority on 11 May 2005, Order No. V(9)-67. In 2006, a non-formal vocational guidance and counselling programme was developed, *Social Integration of Senior Persons*. Its purpose is to increase active involvement, occupation, willingness to study and participation in the labour market of people over 60 and the retired. In 2007, the plan is to develop ten training and counselling curricula for senior persons. Training curricula will be developed, taking into account the recommendation on training and counselling curricula to people over 60 years of age and the content of training will correspond to the interests of senior people and will aim to develop their general abilities.

Persons of pre-retirement age took part in the programme *Dealing with Inadaptive Behaviour, Reduction of Anxiety and Stress*. Moreover, they participated in the seminar 'My Best Practice. Art Therapy', which was organised during the educational week.

A particular importance area of activity is the integration of the **youth** into the labour market, and vocational guidance of basic school **pupils**. In 2006, vocational training curricula involved over 2,000 young unemployed persons who were mostly unskilled. Individual and group counselling was provided to 24,700 persons, including 15,600 basic school pupils.

In co-operation with the Ministry of Defence and the Ministry of the Interior, the Authority implemented the programme of social adaptation, health rehabilitation and vocational guidance of **officials and servicemen**. Moreover, it conducted psychological training for the staff of the Ministry of Defence responsible for programme implementation. The training was carried out in accordance with the specially designed curriculum: *Introduction to Psychological Training*. Furthermore, it developed information material about vocational guidance and services provided by vocational guidance specialists and submitted it to the Ministry of Defence. Moreover, in co-operation with the Ministry of the Interior and Defence, the LLMTA developed and approved methodological practical recommendations of social adaptation and medical rehabilitation of **officials and servicemen of retirement age**. As a result, a system will be created allowing officials and servicemen of retirement age to make a decision in choosing a new profession, facilitating their social adaptation and placement in a new occupational environment.

## **ARTICLE 10: THE RIGHT TO VOCATIONAL TRAINING**

### **Regulations of the Republic of Lithuania**

#### **1. Laws of the Republic of Lithuania**

- Law Amending and Supplementing Articles 1, 2, 5, 6, 7(1), 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24(1), 25, 26, 27, 28 and Annexes to the Law on Equal Opportunities of Women and Men (Official Gazette, 2005 07 21 No.88-3281) . Article 4, Paragraph 1 of the Law provides for the duty of science and academic institutions to ensure equal conditions for both women and men while admitting them to schools of general education, vocational institutions, college level and university schools and refresher, retraining and other courses.

#### **2. Secondary legislation**

##### ***Orders of the Minister of Social Security and Labour***

- Order No. 89 of 10 October 2000, *Concerning Amending of Order No. A1-52 of 22 February 2000, Concerning Approval of 10 October 2000 Order No. 89 of the Minister of Social Security and Labour, Concerning Approval of the Procedure of Vocational Training of Labour Market* (Official Gazette, 2005, No.29-914);
- Order No. A1-229 of 4 August 2006, *Concerning Approval of the Description of the Procedure and Conditions of Organisation and Performance of Non-Formal Education of the Unemployed and Persons Given a Notice of Dismissal* (Official Gazette, 2006, No. 88-3477);
- Order No. A1-225 of 31 July 2006, *Concerning Approval of the Description of the Procedure and Conditions of Referral to Vocational Training Programmes of the Unemployed and Persons given a Notice of Dismissal* (Official Gazette, 2006, No. 86-3382);
- Order No. A1-60 of 24 February 2006, *Concerning Amending Order No. A1-278 of 15 December 2004 of the Minister of Social Security and Labour, Concerning Approval of the Description of the Procedure of Examining Performance of Labour Market Vocational Training Programmes and Compliance List of Labour Market Vocational Training Programmes* (Official Gazette, 2006, No. 26-876);
- 21 December 2006 Order No. A1-343 of the Minister of Social Security and Labour, *Concerning Amendment of 31 July 2006 Order No. A1-225 of the Minister of Social Security and Labour, Concerning Approval of the Description of the Procedure and Conditions of Referral to Vocational Training Programmes of the Unemployed and Persons given a Notice of Dismissal* (Official Gazette, 2007, No.1-37);
- 21 December 2006 Order No. A1-342 of the Minister of Social Security and Labour, *Concerning Amendment of 4 August 2006 Order No. A1-229 of the Minister of Social Security and Labour, Concerning Approval of the Description of the Procedure and Conditions of Organisation and Performance of Non-Formal Education of the Unemployed and Persons Given a Notice of Dismissal* (Official Gazette, 2007, No.1-36).



## **ARTICLE 10 PARA. 1**

*"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:*

*to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;"*

### **Question A**

*Please give an account of the functions, organisation, operation and financing of the services designed to provide vocational training for all persons including those with disabilities, specifying in particular:*

- a. the rules laid down by legislation, collective agreements or carried out otherwise;*
- b. the total amount of public expenditure devoted to vocational training;*
- c. the number of vocational and technical training institutions (at elementary and advanced levels);*
- d. the number of teachers in such schools in the last school year;*
- e. the number of pupils, full-time and part-time in such schools in the last school year.*

This information is available in the previously submitted report.

### **Question B**

*Please indicate how the arrangements for vocational training are provided with reference to the various types of vocational activity and, if data are available, to age and to sex.*

According to the data of the Labour Force Survey of the Statistics Department, in 2006, there were 1,456,000 residents who completed studies and acquired speciality, occupation or training programme. This number does not include residents who completed only basic or elementary school and did not acquire any speciality. The majority (40 per cent) of the population completed various studies in the area of engineering, production and construction. About 15 per cent of population completed social, business and legal studies and slightly less of them (14 per cent) completed service studies, about 9 per cent completed agriculture and veterinary studies and another 7 per cent finished studies in the area of teacher training and pedagogy, health care and social security. Among males, the most popular studies were engineering, production and construction and, among females, the most preferred were social sciences, business and law.

**Table 10.1.1 Distribution of Population by Areas of Completed Studies, Thous.**

Area of Education	2005			2006		
	Total	Males	Females	Total	Males	Females
<b>Total</b>	<b>1,990.3</b>	<b>927.0</b>	<b>1,063.3</b>	<b>2,039.9</b>	<b>947.0</b>	<b>1,092.9</b>
General programmes	580.7	263.2	317.5	583.9	259.4	324.5
Teacher training and pedagogy	110.3	17.7	92.6	100.9	14.7	86.2
Humanitarian sciences, Lithuanian language and art	48.8	15.1	33.7	50.2	13.2	37.0
Foreign languages	4.5	0.0	4.5	7.1	1.4	5.7

Area of Education	2005			2006		
	Total	Males	Females	Total	Males	Females
Social sciences, business and law	226.8	41.4	185.4	230.8	47.1	183.7
Natural sciences, mathematics and computer science	5.6	2.0	3.6	7.0	2.6	4.4
Natural sciences	7.5	2.3	5.2	5.3	1.8	3.5
Physics	13.0	5.8	7.2	12.3	6.2	6.1
Mathematics and statistics	10.0	1.8	8.2	12.4	1.8	10.6
Informatics	7.9	5.7	2.2	10.4	7.4	2.9
Computer literacy	4.0	3.0	1.0	4.9	3.2	1.8
Engineering, production and construction	558.1	397.3	160.8	577.4	413.6	163.8
Agriculture and veterinary	126.9	67.4	59.5	126.3	70.4	55.9
Health and social security	96.7	9.4	87.3	103.5	10.1	93.3
Services	188.1	94.1	94.0	204.7	92.7	112.0
Not known	1.6	0.8	0.8	2.9	1.6	1.3

Question C

*Please state what measures are taken to ensure a close link between vocational guidance and training on the one hand and employment on the other;*<sup>14</sup>

This information is available in the previously submitted report.

Question D

*Please indicate the methods adopted by your government with a view to providing access to higher technical education and university education on the basis of the sole criterion of individual aptitude.*

This information is available in the previously submitted report.

Question E

*Please indicate whether equality of access to vocational training opportunities 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 persons.*

This information is available in the previously submitted report.

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<sup>14</sup> If your country has accepted Article 9, it is not necessary to describe these measures here.

## **ARTICLE 10 PARA. 2**

*"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:*

*to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments."*

### Question A- Question D

The information is available in the previously submitted report.

### Question E

*Please indicate whether the measures described are applicable to all categories of young boys and girls likely to benefit from and wishing to undertake apprenticeship or vocational training. 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 Lithuanian educational system develops key literacy capacities, social, cultural and communication competences of both men and women, offering equal opportunities for both genders to acquire education.

Principal schools provide equal opportunities of using training curricula, training methods, teaching tools, premises and facilities of equal quality.

The Description of the Procedure of Supplying Basic School Textbooks and Training Tools (approved by Order No. ISAK-2 of the Minister of Science and Education, dated 4 January 2005) stipulates that while developing and evaluating textbooks, the principle of equal treatment shall be observed: non-preference with regard to the person's gender, age, special needs (disability), social position, racial or ethnic origin, religion or beliefs.

The general curricula of technical schools include integrated teaching of entrepreneurship and consumer practices. All the technical school curricula are targeted at both young girls and boys who are taught in mixed groups.

Vocational schools may admit every Lithuanian national and a foreigner, having a residence permit to live temporary and permanently in the Republic of Lithuania. The nationals of other countries are admitted only in accordance with international agreements in the Republic of Lithuania.

There are no restrictions or requirements to women willing to gain vocational qualification. They are entitled to choose vocational training curricula corresponding to their abilities and choice, as well as improve or gain qualification.

Vocational training curricula are developed in line with the requirements for vocational competence in different fields of activity and acquisition of general capacities irrespective of the place (rural or city vocational school) of the implementation of the curriculum. There is a training programme registered in the state register which could target either only females or males.

The training process in vocational schools is organised taking into account the specifics of vocational training programme. Training methods are applied in line with students' abilities,

specifics of the programme and training base, yet no differentiation is made with regard to the person's sex (Order No. ISAK-604 of the Minister of Education and Science of the Republic of Lithuania, dated 4 April 2007, *Concerning General Education Plans of School Year 2007–2008*).

The assessment of student advancement and achievement is made irrespective of the student's sex. The person who has satisfactory annual evaluations of all subjects included in the training curriculum is deemed to have completed the basic vocational training curriculum and the person who has passed all qualification exams is deemed to have acquired vocational qualification.

The procedure of final exams of basic vocational training regulates acquisition of student qualification, record of educational results and assessment of student achievement irrespective of the student's sex. (Order No. ISAK-991 of the Minister of Education and Science of the Republic of Lithuania, *Concerning Approval of the Description of the Procedure of Final Qualification Exams of Basic Vocational Training*). The procedure offers an opportunity, irrespective of the student's gender, to gain vocational qualification for students studying independently.

Assessment results of student achievement, irrespective of students' sex, seeking to gain professional qualifications and having completed initial programmes of vocational training, are recorded in documents and these documents are issued in compliance with the procedure established by the Minister of Education and Science of the Republic of Lithuania.

The system of vocational information, counselling and guidance is under development and implementation. In addition, vocational information offices are established, supplied with technical equipment and training is organised for the specialists working in them. In 2005, the Description of Requirements for Providing Vocational Information and Counselling Services was adopted (Official Gazette, 2005, No. 60-2132) to help young persons choose their vocation and find employment, as well as active pursue their career. These services are targeted at all persons, irrespective of their sex, who have not started their professional career, the employed, the unemployed and employers.

Statutes of vocational school provide for the opportunities available to all students, irrespective of their sex, to use the school library, sport hall, textbooks, training tools and premises of the equal quality, reside in the school dormitory, take part in the school self-governance, participate in sport competitions and physical training exercises or choose other forms of self-expression.

With a view to reducing the number of 'drop-outs' among females who have not completed school or obtained professional qualification, as well as pregnant women or those raising children, opportunities are provided for them to take an academic leave. Equal opportunities are provided to obtain student grants, allowances or other type of support in compliance with the established procedure.

On 3 June 2007, the Seimas of the Republic of Lithuania adopted Law No. X-1065 Amending the Law on Vocational Education, facilitating implementation of life-long learning.

With a view to promoting employment in rural areas, vocational schools cooperate with the local community, creating opportunities to study according to non-formal education programmes and implement the curricula meeting the needs of the local labour market. Much attention is paid at the improvement of organising vocational training (creation of the common quality assurance system of initial and continuous vocational training, improvement of training programmes, including training of entrepreneurship). 54 training establishments obtained ESF support to develop vocational training/study programmes. The procedure of quality assessment of vocational training was subject

to changes. With a view to ensuring better satisfaction of the needs of the national economy, vocational training standards have been developed and the need for specialists in specific economic areas has been identified.

In 2005, the number of students studying in colleges was 56,000, including 33,000 females. The majority of college studies had the preponderance of females. However, such specialities as computer science, engineering, production and processing, architecture and construction, agriculture, forestry, fishing, and transport services were more popular among males.

The Law on Higher Education of the Republic of Lithuania provides for equal conditions for women to enter higher educational establishments, choose the subject area and acquire qualification degree and/or professional qualification. Lithuania has created a common system for admitting into higher schools, providing wider opportunities for persons, irrespective of their sex, to choose a profession, facilitating the procedure of entering higher educational establishments and help avoid the risk of choosing one option and increasing the objectivity of the selection process.

Examinations, training curricula and other training activities are carried out without identifying the person's gender.

Lithuania offers equal opportunities for men and women to get student grant and state loans to cover tuition fees in Lithuania as well as accommodation and tuition related expenses abroad.

Students raising underage children are entitled to additional social guarantees and forms of support. First, females having daily studies in higher educational establishments and raising underage children may be entitled to a social grant. Second, students raising underage children and having state loans may have the return of the loan suspended until the child becomes three years of age.

The Law on Higher Education of the Republic of Lithuania approved three forms of basic studies: daily, evening and extramural. This distinction offers more flexible ways for women to have employment or family life.

During 2005–2006, the number of students in higher educational establishments was 55,000 males and 83,000 females. The number of educated female specialists was two times bigger than the number of males (18,000). By the stage of studies, the number of studying women was also higher than men. The preponderance of males was seen only in such areas as engineering, architecture and construction, transport services and environment. In contrast, there were more females students of humanitarian, social, physics and biomedical sciences in the 3<sup>rd</sup> stage studies. Technological studies were chosen by 207 females out of 548 students.

Question F

*Please indicate whether equality of access to apprenticeship training 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 persons.*

This information is available in the previously submitted report.

### **ARTICLE 10 PARA. 3**

*"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:*

*to provide or promote, as necessary:*

- a. adequate and readily available training facilities for adult workers;*
- b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;"*

#### **Additional questions of the European Social Rights Committee:**

##### **Employed people**

The report does not explain how training and retraining of employed workers is organised and on what legal basis. The Committee asks how spending is broken down between central government, local authorities, other public bodies, firms and individuals.

The state funds were used for continuous training of employees working in the areas of public administration, health, education and energy. The training of private sector employees is financed by the employers and employees themselves. Employers have not been paying substantial attention or providing funds to the training of employees, although such attitude is slightly changing and they start realising the need for training. Yet the number of companies organising continuous education for their staff is almost three times smaller than in the EU15. According to the data of the Eurostat, 43 per cent of Lithuanian enterprises train their staff (the EU25 average is 61 per cent). In-house training has not been developed, there is a lack of motivation for training, underdeveloped mechanism of distribution of funds and little use of services provided by the system of vocational training. The growing demand for staff training is seen from the interest showed employers in the EU support. In 2004–2006, it was provided under SPD Measure 2.2 (*Development of Labour Force Competencies and the Ability to Adapt to Changes* ).

Participants of the labour market vocational training are defined in the Law on Vocational Training of the Republic of Lithuania (Official Gazette, 1997, No. 98-2478). The labour market vocational training establishments shall admit the following persons:

- 1) who are employed at enterprises, who in the face of unemployment:
  - a) must enhance their qualification;
  - b) must change or acquire a new vocation;
- 2) the unemployed or persons in search for employment, who:
  - a) must enhance their qualification;
  - b) must change or acquire a new vocation;
- 3) who are starting their own business.

##### **Question A**

*Please give details of the facilities provided for the training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change.*

Article 19 of the Law on Support of the Unemployed of the Republic of Lithuania (Official Gazette, 1991, No.2-25; 2003, No.32-1313) and since 1 August 2006, Article 23 of the Law on Support for Employment of the Republic of Lithuania provides for vocational training of the

unemployed and persons given a notice of dismissal, which is further regulated by this law and the Law on Vocational Training.

Vocational training of the unemployed and of the employees who have been given a notice of dismissal is organised seeking to award qualifications and/or develop professional abilities. This vocational training shall be carried out according to formal vocational training programmes included into the State Register of Study and Training Programmes and non-formal vocational training programmes included into the Register of In-service Training Programmes and Events, for a period not longer than that specified in the programmes.

Vocational training programmes may be offered to the following persons:

1. Unemployed individuals registered with the labour exchange and 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;
2. Persons given a notice of dismissal and registered with the labour exchange in the establishment manner, meeting the requirements of the training programme and health.

The unemployed and persons given a notice of dismissal may be referred to training programmes when they are at least 18 years of age. Exceptions shall be granted in accordance with the procedure established by 15 December 1998 Order No. 1607/188 of the Minister of Social Security and Labour and the Minister of Education and Science, *Concerning the Procedure of Admittance of Persons under 18 Years of Age into Labour Market Vocational Training Establishments*.

Training of the unemployed and persons given a notice of dismissal is funded by the Employment Fund, state budget, EU structural funds and other sources.

During the period of training, which cannot be longer than that established in the training programmes, the unemployed persons shall be entitled to an education grant in the amount of 0.7 of the minimum monthly wage approved by the Government during the first 3 months of training and during the remaining period of training – 1 minimum monthly wage; the travelling expenses to and from the place of training and the accommodation, personal accident insurance and medical examination expenses shall also be reimbursed.

Persons given a notice of dismissal shall be covered expenses related to the implementation of the training programme, accommodation, travel and medical examination.

Article 130 of the Labour Code stipulates that during the period of notice the employer must grant the employee some time off from work to seek for a new job. The length of time shall not be less than ten percent of the employee's rate of working time during the term of notice. Time off from work shall be granted in accordance with the procedure agreed between the employee and the employer. The employee shall retain his average wage for this time.

The unemployed and persons given a notice of dismissal shall be referred to vocational training establishments as well as enterprises and organisations having a licence issued by the Ministry of Education and Science to teach and/or carry out practical training in accordance with formal education curricula are prepared to carry out non-formal education curricula. The training establishments shall be chosen by the Lithuanian Labour Market or territorial labour exchange offices tasked by it in compliance with the Public Procurement legislation and other legal acts.

During 2005-2006, the number of the unemployed and persons given a notice of dismissal referred to vocational training programmes to gain or upgrade vocational qualification was accordingly 33,700 and 5,400 persons. During the same period, the labour exchange registered 324,700 unemployed persons, including 10 per cent of persons who were referred to vocational training programmes and every second participant of vocational training who gained the first vocational qualification. Every second person given a notice of dismissal and referred to the vocational training programme was offered a refresher course.

Question B

*Please indicate how the arrangements for vocational training are divided between the various types of vocational activity.*

In 2005-2006, the number of unemployed persons who completed vocational training curricula and acquired qualifications was 28,200 persons. The distribution of vocational qualifications by the areas of occupation is the following:

**Table 10.3.1.**

The majority of persons trained were in the service sector which had the biggest share of registered job vacancies.

In 2005-2006, qualifications were upgraded or acquired by 5,000 persons given a notice of dismissal. Their qualifications fall within the following areas of occupation:



**Table 10.3.2**

As a result of vocational training, all the persons given a notice of dismissal remained working in the same company or found employment in another company. The most popular curricula were of computer literacy, drivers of all categories and health care specialists.

Question C

*Please state whether the measures described are applicable to all categories of interested workers likely to benefit from and in need of training or retraining facilities. If this is not the case, please give an estimate of the proportion of those not covered and, if appropriate, give details of the categories concerned.*

Reference to vocational training programmes may be given to the person given a notice of dismissal, registered with the labour exchange office in accordance with the established procedure and satisfying the requirements set for the training programme and the state of health.

The unemployed and persons given a notice of dismissal may be referred to training programmes when they are at least 18 years of age. Exceptions shall be granted in accordance with to the procedure established by 15 December 1998 Order No. 1607/188 of the Minister of Social Security and Labour and the Minister of Education and Science, *Concerning the Procedure of Admittance of Persons under 18 Years of Age into Labour Market Vocational Training Establishments*.

While choosing the training programme, the following elements are taken into account: the person's state of health, education and/or qualification (as indicated in the training programme), abilities and skills.

Question D

*Please indicate the approximate number of adult workers who have participated in training or retraining measures.*

The number of persons referred by employers and trained in labour market training centres falling with the area of regulation of the Lithuanian Labour Market Authority under the Ministry of Social Security and Labour was 8,964 in 2005 and 9,647 in 2006.

**Table 10.3.3 Vocational training by level of education**

*Beginning of the academic year 2005–2006*

<i>ISCED 1997</i>	<i>Iš viso mokinių Total number of students</i>	<i>Palyginti su visu atitinkamo lygmens mokinių skaičiumi, % Compared to the total number of students of the given level, %</i>	<i>Moterų dalis, procentais Percentage of females</i>	<i>Vaikinų dalis, procentais Percentage of males</i>
<b>Profesinės mokyklos <i>Vocational schools</i></b>				
ISCED 2 programos ( <i>programs</i> )	7,977	2.6	24.8	75.2
ISCED 3 programos ( <i>programs</i> )	30,034	25.7	37.9	62.1
ISCED 4 programos ( <i>programs</i> )	10,426	100.0	53.9	46.1
<b>Aukštesniosios mokyklos <i>Professional colleges</i></b>				

<i>ISCED 1997</i>	Iš viso mokinių <i>Total number of students</i>	Palyginti su visu atitinkamo lygmens mokinių skaičiumi, % <i>Compared to the total number of students of the given level, %</i>	Moterų dalis, procentais <i>Percentage of females</i>	Vaikinų dalis, procentais <i>Percentage of males</i>
ISCED 5B programos (programs) <b>Kolegijos Colleges</b>	832	1.5	62.1	37.9
ISCED 5B programos (programs)	55,949	98.5	59.5	40.5

**Table 10.3.4 Vocational training by level of education**

*Beginning of the academic year 2006–2007*

<i>ISCED 1997</i>	Iš viso mokinių <i>Total number of students</i>	Palyginti su visu atitinkamo lygmens mokinių skaičiumi, % <i>Compared to the total number of students of the given level, %</i>	Moterų dalis, procentais <i>Percentage of females</i>	Vaikinų dalis, procentais <i>Percentage of males</i>
<b>Profesinės mokyklos Vocational schools</b>				
ISCED 2 programos (programs)	7,786	2.7	25.1	74.9
ISCED 3 programos (programs)	29,901	26.4	38.0	72.0
ISCED 4 programos (programs)	9,761	100.0	53.8	46.2
<b>Aukštesniosios mokyklos Professional colleges</b>				
ISCED 5B programos (programs)	16	0.03	18.8	81.2
<b>Kolegijos Colleges</b>				
ISCED 5B programos (programs)	56,297	99.97	59.6	40.4

**Table 10.3.5 Number of students admitted, by fields of education**

*Beginning of the academic year*

Mokymo sritys (LŠK 1999)	Profesinės mokyklos <i>Vocational schools</i>		Aukštesniosios mokyklos <i>Professional colleges</i>		<i>Fields of education (ISCED 97)</i>
	2005–2006	2006–2007	2005–2006	2006–2007*	
<b>Iš viso</b>	<b>20,522</b>	<b>19,913</b>	<b>29</b>	-	<b>Total</b>

Mokytojų rengimas ir pedagogika	-	-	2	-	<i>Teachers training and education</i>
Menas	579	540	5		<i>Arts</i>
Kompiuterija	88	55	-	-	<i>Computing</i>
Teisė	-	-	-	-	<i>Law</i>
Verslas ir administravimas	4,967	4,723	9	-	<i>Business and administration</i>
Inžinerija ir inžinerinės profesijos	4,655	4,317	4	-	<i>Engineering and engineering trades</i>
Gamyba ir perdirbimas	2,382	2,047	2	-	<i>Manufacturing and processing</i>
Architektūra ir statyba	3,155	3,580	5	-	<i>Architecture and building</i>
Žemės ūkis, miškininkystė ir žuvininkystė	444	537	1	-	<i>Agriculture, forestry and fishery</i>
Sveikatos priežiūra	84	132	-	-	<i>Health</i>
Socialinės paslaugos	268	126	-	-	<i>Social services</i>
Paslaugos asmenims	3,145	3,117	-	-	<i>Personal services</i>
Transporto paslaugos	461	432	1	-	<i>Transport services</i>
Saugos paslaugos	294	307	-	-	<i>Security service</i>

**\* In 2006-2007, there was no admittance into professional colleges because they were reformed into colleges and vocational schools.**

**Table 10.3.6. Vocational school students, by fields of education**

*Beginning of the academic year*

Mokymo (LŠK 1999)	Iš viso mokinių <i>Number of students</i>		iš jų moterų <i>of which females</i>		Baigė mokyklą <i>Number of graduates</i>		iš jų moterų <i>of which females</i>		Fields of education (ISCED 97)
	2005–2006	2006–2007	2005–2006	2006–2007	2005	2006	2005	2006	
<b>Iš viso</b>	<b>46,334</b>	<b>45,382</b>	<b>18,337</b>	<b>17,873</b>	<b>12,980</b>	<b>12,581</b>	<b>5,682</b>	<b>5,368</b>	<b>Total</b>
Menas	1,256	1,227	910	896	421	384	304	280	<i>Arts</i>
Kompiuterija	151	117	45	40	28	46	11	18	<i>Computing</i>
Verslas ir administravimas	10,924	10,680	6,332	6,100	3,422	3,186	2,259	1,994	<i>Business and administration</i>
Inžinerija ir inžinerinės profesijos	10,968	10,204	170	179	3,101	3,015	27	30	<i>Engineering and engineering trades</i>
Gamyba ir perdirbimas	5,842	5,299	3,731	3,392	1,792	1,583	1,220	1,021	<i>Manufacturing and processing</i>
Architektūra ir statyba	6,303	7,109	257	239	1,472	1,364	58	46	<i>Architecture and building</i>
Žemės ūkis, miškininkystė ir žuvininkystė	1,106	1,131	365	368	230	163	88	70	<i>Agriculture, forestry and fishery</i>
Sveikatos priežiūra	175	226	65	72	20	60	5	29	<i>Health</i>
Socialinės paslaugos	721	469	701	451	181	210	174	187	<i>Social services</i>
Paslaugos asmenims	7,478	7,481	5,627	5,988	1,931	2,074	1,486	1,604	<i>Personal services</i>

Transporto paslaugos	895	882	38	31	228	268	26	24	<i>Transport services</i>
Saugos paslaugos	515	557	96	117	154	304	24	65	<i>Security service</i>

**Table 10.3.7 Vocational school students, by age**  
*Vocational school students, by age*

*End of the year*

	Iš viso mokinių <i>Total number of students</i>		iš jų moterų <i>of which females</i>	
	2005	2006	2005	2006
<b>Iš viso Total</b>	<b>46,334</b>	<b>45,382</b>	<b>18,337</b>	<b>17,873</b>
iš jų pagal amžių, metais of which by age, years:				
14	85	48	9	8
15	393	357	65	55
16	1,738	1,712	450	492
17	8,201	8,323	2,651	2,926
18	10,674	10,062	3,835	3,622
19	10,820	10,851	4,338	4,415
20	6,331	6,059	2,855	2,434
21	2,664	2,290	1,261	1,080
22	1,273	1,173	592	534
23	657	677	320	320
24	408	420	204	209
25	310	316	141	144
25+	2,780	3,094	1,616	1,634

**Table 10.3.8 Professional college students, by fields of education**

*Beginning of the academic year*

Studijų sritys (LŠK 1999)	Iš viso studentų <i>Number of students</i>		iš jų moterų <i>of which females</i>		Iš viso parengta specialistų <i>Number of graduates</i>		iš jų moterų <i>of which females</i>		Fields of education (ISCED 97)
	2005–2006	2006–2007	2005–2006	2006–2007	2005	2006	2005	2006	
<b>Iš viso</b>	<b>832</b>	<b>16</b>	<b>517</b>	<b>3</b>	<b>2178</b>	<b>698</b>	<b>1328</b>	<b>461</b>	<b>Total</b>
Mokytojų rengimas ir pedagogika	89	1	74	-	545	61	460	53	<i>Teacher training and education science</i>
Menas	9	1	9	1	33	7	28	7	<i>Arts</i>
Humanitariniai mokslai	27	-	18	-	8	26	7	18	<i>Humanities</i>
Verslas ir administravimas	246	1	220	-	371	229	293-	209	<i>Business and administration</i>
Teisė	-	-	-	-	2	-	-	-	<i>Law</i>
Kompiuterija	-	-	-	-	-	-	-	-	<i>Computing</i>
Inžinerija ir inžinerinės profesijos	113	2	5	-	304	94	36	3	<i>Engineering and engineering trades</i>
Gamyba ir perdirbimas	83	7	53	2	161	57	123	44	<i>Manufacturing and processing</i>
Architektūra ir statyba	31	3	6	-	146	39	33	8	<i>Architecture and building</i>
Žemės ūkis, miškininkystė ir žuvininkystė	3	1	2	-	117	1	74	1	<i>Agriculture, forestry and fishery</i>
Veterinarija	-	-	-	-	-	-	-	-	<i>Veterinary</i>
Sveikatos priežiūra	-	-	-	-	23	1	20	1	<i>Health</i>
Socialinės paslaugos	45	-	44	-	77	33	74	32	<i>Social services</i>
Paslaugos asmenims	32	-	22	-	118	30	4	23	<i>Personal services</i>
Transporto paslaugos	120	-	60	-	195	120	85	62	<i>Transport services</i>
Aplinkosauga	-	-	-	-	44	-	17	-	<i>Environmental protection</i>
Saugos paslaugos	34	-	4	-	34	-	-	-	<i>Security services</i>

**Table 10.3.9 Enrolment of professional colleges, by age**

*End of the year*

	2005		2006	
	Iš viso studentų <i>Total number of students</i>	iš jų moterų <i>of which females</i>	Iš viso studentų <i>Total number of students</i>	iš jų moterų <i>of which females</i>
<b>Iš viso Total</b>	<b>832</b>	<b>517</b>	<b>16</b>	<b>3</b>
iš jų pagal amžių, metais – of which by age, years:				
Jaunesni nei 16 metų <i>Up to 16 years</i>	-	-	-	-
16	-	-	-	-

17	-	-	-	-
18	-	-	-	-
19	5	4	-	-
20	21	15	-	-
21	51	36	-	-
22	87	63	1	-
23	68	46	5	1
24	54	33	6	-
25	50	24	1	2
26	37	15	2	-
27	38	17	1	-
28	31	19	-	-
29	28	16	-	-
30–34	147	97	-	-
35–39	111	66	-	-
40 +	104	66	-	-

**Table 10.3.10 College students, by field of education**  
*Beginning of the academic year*

Studijų sritys (LŠK 1999)	Iš viso studentų <i>Number of students</i>		iš jų moterų <i>of which females</i>		Iš viso parengta specialistų <i>Number of graduates</i>		<i>Fields of education (ISCED 97)</i>
	2005– 2006	2006– 2007	2005– 2004	2006– 2005	2005	2006	
<b>Iš viso</b>	<b>55,949</b>	<b>56,297</b>	<b>33,263</b>	<b>33,592</b>	<b>11,173</b>	<b>12,475</b>	<b>Total</b>
Mokytojų rengimas ir pedagogika	2,947	4,334	2,613	3,867	805	1,116	<i>Teacher training and education</i>
Menas	1,448	1,568	912	980	224	290	<i>Arts</i>
Humanitariniai mokslai	468	395	373	292	62	70	<i>Humanities</i>
Verslas ir administravimas	23,852	24,687	16,451	17,163	4,708	4,994	<i>Business and administration</i>
Teisė	3,286	3,231	1,988	2,027	885	695	<i>Law</i>
Kompiuterija	1,184	1,026	155	107	169	208	<i>Computing</i>
Inžinerija ir inžinerinės profesijos	6,107	6,022	363	344	1099	1509	<i>Engineering and engineering trades</i>
Gamyba ir perdirbimas	1,690	1,637	1,200	1,074	378	323	<i>Manufacturing and processing</i>
Architektūra ir statyba	2,770	3,203	672	721	550	623	<i>Architecture and building</i>
Žemės ūkis, miškininkystė ir žuvininkystė	1,432	1,232	582	572	210	301	<i>Agriculture, forestry and fishery</i>
Veterinarija	74	72	45	50	5	18	<i>Veterinary</i>
Sveikatos priežiūra	4,024	3,747	3,616	3,349	1,183	1,258	<i>Health</i>
Socialinės paslaugos	3,306	1,878	2,952	1,660	520	321	<i>Social services</i>
Paslaugos asmenims	917	1,017	683	846	134	152	<i>Personal services</i>
Transporto paslaugos	2,066	1,922	497	427	192	452	<i>Transport services</i>

Aplinkosauga	378	306	161	102	49	145	<i>Environmental protection</i>
Saugos paslaugos	-	20		11		-	<i>Security services</i>

**Table 10.3.11 College students, by age**

**College students, by age**

*End of year*

	2005		2006	
	Iš viso <i>Total</i>	iš jų moterų <i>of which females</i>	Iš viso <i>Total</i>	iš jų moterų <i>of which females</i>
<b>Iš viso – Total</b>	<b>55,949</b>	<b>3,263</b>	<b>56,297</b>	<b>33,592</b>
iš jų pagal amžių, metais – of which by age, years:				
16	1	-	1	1
17	16	11	85	62
18	1,202	808	1,147	748
19	7,597	4,463	7,685	4,632
20	9,167	5,248	9,619	5,463
21	7,791	4,250	8,598	4,728
22	5,057	2,672	5,202	2,684
23	3,208	1,647	3,171	1,631
24	2,273	1,167	2,299	1,260
25	1,849	1,005	1,727	971
26	1,643	895	1,623	915
27	1,510	916	1,355	811
28	1,540	918	1,370	861
29	1,494	939	1,368	871
30–34	5,200	3,606	4,913	3,480
35–39	3,453	2,476	3,375	2,466
40+	2,948	2,242	2,759	2,008

**Question E**

*Please describe special measures to assist adult women wishing to take up or resume employment.*

The share of the female unemployed was increasing. In 2005, females accounted for 52 per cent and in 2006, they made up 54.4 per cent of all the registered unemployed. During 2005-2006, labour exchange offices registered over 172,500 females. They found it more difficult to integrate into the labour market. More than 66 per cent of females were among the long-term unemployed, and they accounted to as much as 69 per cent of those who had been unemployed for the period longer than two years. Every third female registered with the labour exchange had no vocational training, every fourth woman addressed the labour exchange after a break longer than 3 years and every eighth of them had not worked before.

On 1 August 2006, the new Law on Support for Employment came into effect, replacing the Law on Support for the Unemployed of 1996. The new law was developed, taking into account the changes in the labour market and the trends of these changes. Having in mind that a substantial share of persons registered with the labour exchange fail to find their place in the labour market, the new law supplemented and clarified the list of additionally supported groups of persons. One of them is pregnant women, at the choice of a family, a mother (adoptive mother) or a father (adoptive

father), a guardian or a custodian who actually raises a child under 8 years of age or a disabled child under 18 years of age (before 1 July 2005 – a child recognised as an invalid).

During 2005-2006, more than half of females were employed and approximately 80 per cent of them took part in active labour market policy measures, including 27 per cent of them who participated in employment support programmes and around 11 per cent of them who took part in vocational training programmes.

*Question F*

*Please indicate whether equality of access to adult training and retraining 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 persons.*

On 1 August 2006, the new Law on Support for Employment came into effect which is applied to all the citizens of the Republic of Lithuania and foreigners lawfully residing in the Republic of Lithuania. The law provides for new employment support measures: job rotation, subsidies for job creation, subsidised employment, support for acquisition of work skills, and support for self-employment.

On 1 July 2005, the Law of Social Integration of the Disabled came into effect. Its Article 12 stipulates that all the disabled are entitled to education irrespective of their level of disability or working capacity. The disabled shall be educated at schools at other educational establishments with regard to the special education needs, capacities, physical and psychological state of mind.

In 2005, the Lithuanian Labour Exchange started applying the programme of vocational rehabilitation. The purpose of vocational rehabilitation services is to develop or restore working capacities of the disabled and increase their employment possibilities. The programme assesses professional capacities of the disabled, provides vocational guidance and counselling services to them, develops new or restores lost vocational capacities and assist in employment.

In 2005, 12 persons with the need for vocational rehabilitation services were referred to a vocational rehabilitation programme. In 2006, the vocational rehabilitation programme involved 206 persons, who chose the following training programmes: computer basics, accounting, wood design, company administration and tailoring.

During 2005, territorial labour exchange offices registered 8,800 disabled persons, (which is 1,000 less than in 2004), including 1,800 disabled with 30-40 per cent of working capacity (before 1 July 2005, disabled of Group 1 and 2). During 2005, 3,200 disabled persons were employed, including 2,600 persons placed in permanent positions.

Active labour policy programmes involved 6,800 disabled persons. Work club programmes taught information and job-seeking skills to 2,800 disabled, vocational training was conducted to 478 disabled, long-term working skills' restoration programme involved 313 long-term disabled, a course of business basics was attended by 190 disabled, and 310 disabled created their own jobs on preferential conditions by acquiring a business certificate.

The number of disabled persons referred to the employment support programmes was 2,730 people or every third disabled person registered with the territorial labour exchange office (as compared to every fifth person referred in 2004). Public work programmes created 1,800 temporary jobs for the disabled; 644 persons were employed into subsidised workplaces; and 254 disabled improved their working skills under the skill improvement programme.



In 2006, territorial labour exchange offices registered 10,800 disabled persons or approximately 7 per cent of all the unemployed. The number of the disabled referred to the active labour market policy measures totalled 4,400 persons, including 1,700 persons referred to public works, over 900 persons referred to vocational training, over 480 persons referred to subsidised employment, 250 persons referred to the refresher course of working skills development for the long-term unemployed and over 240 persons were sent to the work programmes offered by the Employment Fund. 1,600 registered disabled persons attended work club lessons and gained job-seeking skills and motivation for work.

After taking part in various measures, having restored working skills and vocational capacities, over 3,800 disabled persons were employed, including 85 per cent of persons who found permanent employment.

Several territorial labour exchange offices, along with municipalities, developed targeted unemployment support programmes. The 2006 social integration programme of the disabled developed and implemented by the Švenčionys Labour Exchange Office and municipality involved 77 unemployed persons with disabilities.

#### **ARTICLE 10 PARA. 4**

*"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake;*

*to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;"*

#### **Additional question of the European Social Rights Committee: concerning long-term unemployed**

In response to the changing world subject to globalisation processes Europe approved the Lisbon strategy in 2000. It provides for an ambitious goal: to make the European Union the most competitive and dynamic knowledge-driven economy by 2010.

In 2005, upon reviewing the process of implementing the Lisbon strategy, the decision was made that Member States would develop national programmes for the implementation of the Lisbon strategy for 2005-2008 and submit their annual progress reports to the European Commission.

One of the programme priorities in the area of employment indicated in the 2005 Lithuanian progress report on the implementation of the Lisbon strategy was promotion of employment and investment into human capital. Therefore, seeking to improve employment capacities and prevent long-term unemployment, the Lithuanian Labour Exchange implemented a project, *Development of Vocational Training of the Unemployed and Persons given a Notice of Dismissal*. The project duration was February 2005 – January 2007. The project participants were 5,000 unemployed and persons given a notice of dismissal (2,000 persons aged under 25, 1,500 long-term unemployed and 1,500 socially vulnerable unemployment groups). 4,500 out of all the project participants will acquire professional qualification.

During the period of February 2005 – January 2007, another project was implemented: *Support for Employment of the Unemployed*. The project participants included 5,000 unemployed persons (including 1,500 unemployed who are to become long-term unemployed, 3,000 unemployed requested additional support and 500 unemployed person aged over 50). Out of the total number of project participants, 750 persons were referred to public works, 3,000 persons were sent to supported employment positions and 1,250 people were placed into subsidised jobs.

The long-term unemployed are put into the category of a group additionally supported by the state in the labour market. The Lithuanian Labour Exchange defines the long-term unemployed as the unemployed whose unemployment period exceeds 12 months. Article 7 of the Law on Support for the Unemployed stipulates that unemployed individuals who have or may have difficulties to get employed because of inadequate qualification or work experience, long-term unemployment or loss of working capacity, may be additionally supported when employing them. The unemployed persons who are additionally supported on the labour market also include the long-term unemployed whose unemployment period lasts more than 2 years from the date of registration with a labour exchange.

The Law on Support for Employment of 1 August 2006 defines the long-term unemployed as persons under 25 years of age whose unemployment period exceeds 6 months and persons over 25 years of age whose unemployment period exceeds 12 months calculating from the day of registering with a local labour exchange office.

Since early 2002, the number of the long-term unemployed has been shrinking. In late 2005, the long-term unemployed among the total number of the unemployed accounted for 27.1 per cent and in 2006, they made up 16.8 per cent. More than half of the long-term unemployed had professional qualification and almost every fourth of them has higher or professional college education. The main reason why education did not help them to find their place in the labour market is their non-marketable specialities. Another reason is the age of these persons. Every second unemployed was over 50 and every fourth of them was of pre-retirement age. The youth under 25 years of age constituted as little as 4 per cent among the long-term unemployed.

Integration of the unemployed without any vocational training, education, those of pre-retirement age, having a long break in employment comes as a challenge. Long-term unemployment and the lost link with the labour market becomes an obstacle in assessing one's abilities or undermines motivation for work. Therefore, the integration of the long-term unemployed is one of the priority areas for the labour exchange. This issue is addressed by involving the long-term unemployed into the active labour market policy programmes.

In its Strategic Activity Plan for 2006-2008, the Lithuanian Labour Exchange provides for strengthening of motivation of inactive population, including the long-term unemployed, to come back to the labour market and become active in it. This task will be achieved by developing motivation increasing services and encouraging the unemployed to decide about the choice of vocation, training and active job-seeking. In addition, the plan is to apply prevention measures of long-term unemployment, including timely identification of risk-prone groups, making long-term unemployed more active by referring them to temporary employment measures, refreshing their professional knowledge and practical skills and making a link with the active labour market policy measures.

During 2005-2006, seeking to encourage the long-term unemployed to actively search for a job and get ready for the competition in the labour market, they were referred to the active labour market policy measures (73,500 persons), employment support programmes (30,000) and obtained employment (26,300). A longer gap in employment means the loss of qualification, undermined job motivation, and self-appreciation. Therefore, quite a big share of the long-term unemployed (27,800) were also referred to the targeted job club meetings. Since every second unemployed person was unskilled, they were offered to take part in the temporary employment programme and public works (involving 23,400 persons). The number of the long-term unemployed who gained qualification was approximately 5,100. The number of the long-term unemployed who took part in refresher courses was 20,400 people. The purpose of such refresher courses was to help them refresh their vocational knowledge and skills and choose a marketable profession. Out of those 20,400 long-term unemployed who attended the courses, 7,600 persons were eventually able to make a choice of the profession corresponding to their character features and preferences, 1,900 people refreshed their vocational knowledge and practical skills and another 10,800 people became more motivated in the job-seeking efforts.

In early 2006, the labour exchange recorded 23,600 long-term unemployed. The average number of long-term unemployed was 14,800. One of the evaluation indicators of the progress made set for 2006 by the Lithuanian Labour Exchange is involvement of at least 18 per cent of long-term unemployed of the average number of this category of the unemployed into the active labour market policy measures. During the year, this indicator reached 22.6 per cent. The average number of the long-term unemployed taking part in vocational training accounted to around 3 per cent per year.

## **ARTICLE 10 PARA. 5**

*"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:*

*to encourage the full utilisation of the facilities provided by appropriate measures such as:*

- a. reducing or abolishing any fees or charges;*
- b. granting financial assistance in appropriate cases;*
- c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;*
- d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.*

### **Additional question of the European Social Rights Committee:**

**The Committee requests detailed information on the individual amount of scholarships and social scholarships as well as on the conditions subject to which this financial aid is granted:**

The Law on Support for Employment of the Republic of Lithuania stipulates that during the period of training, which cannot be longer than the period established in the training programmes, the unemployed persons, taking part in **vocational training programmes**, shall be entitled to an education grant in the amount of 0.7 of the minimum monthly wage approved by the Government; the travelling expenses to and from the place of training and the accommodation expenses. The persons who have been given a notice of dismissal and are taking part in vocational training programmes shall not be entitled to a grant and their personal accident insurance shall not be covered.

The unemployed and those given a notice of dismissal are referred to vocational training programmes by territorial labour exchange offices. Pursuant to Paragraph 9 of the Description of the Procedure and Conditions of Referral to Vocational Training Programmes of the Unemployed and Persons given a Notice of Dismissal (approved by Order No. A1-225 of the Minister of Social Security and Labour, dated 31 July 2006), a territorial labour exchange office, referring the unemployed and persons given a notice of dismissal to study, shall conclude a vocational training agreement with the training establishment. Pursuant to Paragraph 17.2 of the aforementioned procedure, the territorial labour exchange office shall pay a grant to the unemployed for the days actually attended by the latter at the training establishment, upon receiving information about attendance from the training establishment.

During the period of non-training, which cannot be longer than that established in the training programmes, the unemployed persons, taking part in **non-formal education** programmes shall be granted an education grant in the amount of 0.7 of the minimum monthly wage approved by the Government; the travelling expenses to and from the place of training and the accommodation expenses shall also be reimbursed. The persons who have been given a notice of dismissal and are taking part in non-formal education programmes shall not be entitled to a grant and their personal accident insurance shall not be covered.

Similarly to vocational training programmes, the unemployed and persons given a notice of dismissal were referred to take part in non-formal education programmes by territorial labour exchange offices. Prior to referring the unemployed and persons given a notice of dismissal to non-formal education programmes, the territorial labour exchange office should sign a non-formal education contract with the training establishment. Paragraph 18.2 of the Description of the Procedure and Conditions of Organisation and Performance of Non-Formal Education of the Unemployed and Persons Given a Notice of Dismissal (approved by 4 August 2006 Order No. A1-229 of the Minister of Social Security and Labour of the Republic of Lithuania) stipulates that a territorial labour exchange office shall provide a grant to the unemployed for the days actually attended by the latter at the training establishment, upon receiving information about attendance from the training establishment.

Question A

*Please give a brief account of any fees or charges imposed in respect of vocational training and indicate, where appropriate, the measures taken to reduce or abolish such fees or charges.*

This information is available in the previously submitted report.

Question B

*Please describe the system existing in your country for providing financial assistance (allowances, grants, loans, etc.) to participants in vocational training. Please indicate also the nature of the financial assistance provided (amounts, duration, eligibility criteria, etc.).*

*Please indicate whether equal treatment in respect of financial assistance is ensured for nationals of all the Contracting Parties to the Charter lawfully resident or working regularly in your territory.*

Article 19 of the Law on Support of the Unemployed stipulates that during the period of training the unemployed individuals shall be paid training allowance payable to the unemployed in the amount of 1.3 of a unemployment benefit which shall not exceed two minimum living standards. 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 may be extended for up to 10 months on the proposal of the tripartite commission at the labour exchange.

Vocational training of the labour market shall be financed by the Employed Fund and other sources. Article 24 of the Law on Support for Employment (which came into effect on 1 August 2006) prescribes that during the period of training, which cannot be longer than that established in the training programmes, the unemployed persons shall be granted an education grant in the amount of 0.7 of the minimum monthly wage approved by the Government; the travelling expenses to and from the place of training and the accommodation expenses shall also be reimbursed.

Training of the unemployed and persons given a notice of dismissal shall be financed by the Employed Fund, the state budget, the European Union structural funds and other sources. The unemployed shall be covered expenses related to implementation of the funded training programme, accommodation, travel, personal accident insurance, medical examination and they shall be entitled to a student grant. Persons given a notice of dismissal shall be covered expenses related to the implementation of the training programme, accommodation, travel and medical examination.

If training takes place in the area which is outside the residence area of the disabled, the territorial labour exchange office shall cover travelling expenses, at least once per month, incurred by the unemployed (the latter should submit a monthly ticket), except for public transportation expenses. If the unemployed fails to submit a travel ticket, travelling expenses shall be covered at the end of training in accordance with the travelling rates approved for buses and trains.

The persons studying in the labour market vocational training establishments independently shall cover their education expenses or apply for funding from the other sources.

Question C

*Please indicate the measures taken to include time spent on training taken by workers, at the request of their employer, in the normal working hours.*

This information is available in the previously submitted report.

Question D

*Please indicate the supervision and evaluation measures taken in consultation with the social partners to ensure the efficiency of apprenticeship and other training arrangements for young workers.*

Every year, seeking to assess the benefit of training the unemployed and the possible problems encountered, the Lithuanian Labour Exchange conducts impact assessment surveys in line with the Law on Public Procurement. During 2006, independent experts conducted a survey of the use of vocational training of the employed, examining the effectiveness of vocational training curricula and the quality of practical exercises. The survey showed that 94 per cent of persons who completed vocational training positively evaluated the benefit of vocational training provided and its social impact, whereas 89 per cent of the respondents were encourage to continue studying and upgrading their qualifications.

Twice a year, the Lithuanian Labour Exchange performs surveys on the assessment services provided by territorial labour exchange offices to employers. During 2006, the Lithuanian Labour Exchange conducted service assessment surveys, including 7,300 employers and 17,100 unemployed.

According to the data of the survey assessing employee motivation, the unemployed acknowledged that they had to be more active in looking for a job. One third of the unemployed indicated that they were not sufficiently active in their job searches. As compared to the survey findings conducted in 2005, the share of the unemployed actively looking for a job dropped by 2.7 percentage point to reach 64.2 per cent.

The survey findings revealed that electronic services are becoming more and more popular. Every third employer uses such services provided by the labour exchange: they register job vacancies on the internet and receive CVs of requested employees into their electronic mailboxes. Every fourth unemployed gets SMS messages about new job offers and every tenth of them gets e-mail messages with such information. Almost half of the unemployed (42 per cent) search for work by browsing the website of the Lithuanian Labour Exchange. The recent survey results revealed that the share of (at least weekly) visitors of [www.ldb.lt](http://www.ldb.lt) increased by 5.3 percentage point to reach 35.7 per cent. The majority of the unemployed (70 per cent) positively assessed the website of the Lithuanian Labour Exchange. Over 89 per cent of the labour exchange customers appreciate its electronic services.

A survey of employers opinion showed that cooperation between the labour exchange and employers is improving. Asked a question about the quality of services provided by the labour exchange, four employers out of five said that cooperation was close and that joint solutions are attempted.

Question E: *Please indicate if the provision of sub-paragraphs (a), (b) and (c) of Article 10 para. 4 are applicable to the great majority of the persons concerned.*

This information is available in the previously submitted report.

**ARTICLE 15: THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY**

**Regulations of the Republic of Lithuania**

**1. Laws of the Republic of Lithuania**

- Law on Support for Employment of the Republic of Lithuania (Official Gazette, 2006, 73-2762).

**2. Secondary legislation**

***Resolution of the Government of the Republic of Lithuania***

- 18 April 2005 Resolution No. 413, *Concerning Approval of Provision of Vocational Rehabilitation Allowances and Provisions of Payment thereof* (Official Gazette, 2005, No. 51-1699).

***Orders of the Minister of Social Security and Labour***

- 19 December 2006 Order No. A1-338, *Concerning Approval of the Description of the Procedure of Supplying Technical Aids to the Disabled and Coverage of Procurement Costs thereof* (Official Gazette, 2006 No. 140-5368);
- 23 December 2004 Order No. A1-285, *Concerning Approval of Rules for Establishing the Level of Working Capacity during Transition Period* (Official Gazette, 2004, No. 186-6947);
- 31 December 2004 Order No. A1-302, *Concerning Approval of Description of Criteria for Establishing the Need for Vocational Rehabilitation Services and Rules for Providing and Funding Vocational Rehabilitation Services* (Official Gazette, 2004, No. 6-163).

***Common Orders of the Minister of Social Security and Labour and the Minister of Health of the Republic of Lithuania***

- 3 January 2005 Order No. A1-1/ V-2, *Concerning Approval of Rules For Establishing the Level of Working Capacity related to Accidents at Work and Outcomes of Professional Illnesses* (Official Gazette, 2005, No. 4-87);
- 21 March 2005 Order No. A1-78/ V-179, *Concerning Approval of Description of Criteria for Establishing the Level of Working Capacity and Description of Establishing Working Capacity* (Official Gazette, 2005, No. 38-1253);
- 23 May 2005 Order No. V-188/A1-84/ISAK-487, *Concerning Approval of the Procedure and Description of Establishing the Level of Working Capacity* (Official Gazette, 2005, No. 39-1277);
- 4 May 2005 Order No. A1-120/ V-346, *Concerning Approval of the Description of Criteria for Establishing the Need for Special Permanent Nursing and Care (Assistance, Compensation of Car Purchasing or Adaptation Costs) and Forms of Certificates* (Official Gazette, 2005, No. 60-2130).

## **ARTICLE 15 PARA. 1**

*"With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:*

*to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;"*

### **Additional question of the European Social Rights Committee:**

The Committee asks whether explicit anti-discrimination legislation exists in Lithuania in the field of education and wishes to receive information on the right of individuals to seek remedies before the courts in cases of discrimination.

Article 5 of the Law on Education of the Republic of Lithuania provides for one of the key principles of the system of education: equal opportunity: the educational system is fair, it ensures equality for individuals irrespective of gender, race, nationality, language, origin, social position, religion, beliefs or convictions; it assures each individual access to education, opportunity for attainment of a general education level and a primary qualification and creates conditions for in-service education or gaining a new qualification.

Article 4 of the Law on Equal Treatment of the Republic of Lithuania provides for the following:

1. Educational institutions, science and academic institutions must ensure equal conditions for persons regardless of their age, sexual orientation, disability, racial or ethnic origin, religion or beliefs when:

- 1) admitting to schools of general education, vocational institutions, college level and university schools and refresher, retraining and other courses;
- 2) awarding study grants and providing loans for studies;
- 3) drawing up, drafting, approving and also, selecting curricula;
- 4) assessing knowledge.

1. Educational institutions and science and academic institutions, and those carrying out the informal adult education programmes must, within the scope of their competence, ensure that that in the curricula and textbooks there would not exist any discrimination or propagation of discrimination on grounds of person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs.

A person, who has suffered from discrimination acts, shall be entitled to address the Equal Opportunities Ombudsman. The Equal Opportunities Ombudsman shall investigate complaints relating to direct and indirect discrimination on the grounds of age, sexual orientation, disability, race, ethnicity, religion or beliefs at work, educational establishment or in providing services.

Upon the completion of the investigation, the Equal Opportunities Ombudsman may take a decision:

- ✓ to refer the material to investigative bodies if indications of an offence have been established;
- ✓ 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;
- ✓ to hear cases of administrative offences and impose administrative sanctions;
- ✓ to dismiss the complaint if the violations mentioned in it have not been corroborated;
- ✓ to discontinue the investigation if the complainant withdraws the complaint;



- ✓ to warn about the violation committed;
- ✓ to temporarily halt the investigation, if the person, whose complaint or actions, in reference to which a complaint has been made, are under investigation, is ill or away.

Question A

*Please indicate the criteria applied to grant disabled status and give an estimation of the total number of persons with disabilities as well as the number of persons with disabilities of working age?*

In 2005, there were 248,260 receiving disability allowances, i.e. they accounted for 7 per cent of the total Lithuanian population (as compared to 2003, their number increased by 6.2 per cent).

In 2006, there were 260,000 disabled persons.

The status of the disabled is granted with regard to the health status of the disabled, his or her functional and occupational factors (professional skills, education, work experience, the necessity to change working environment) as well as the persons' ability to apply the previously acquired professional competence or works requiring smaller professional competence.

The disabled of working age account for approximately 56 per cent of all the disabled, i.e. their number is about 140,000. The number of old age pensioners account for 36 per cent of the disabled. In 2005-2006, there were 27 care institutions for adult disabled, housing 5,240 disabled persons.

Since 1 July 2005, when the Law on Social Integration of the Disabled came into effect, the shift has been made from the medical definition of disability to the social one.

Disability is a long-term impairment of health status of a person due to disorders of individual body structure or functions or adverse interaction of environmental factors leading to decreasing possibilities to participate in public life and other activities.

The law includes definitions of disability and the disabled. The law provides for the principle of ensuring equal rights and opportunities for the disabled in the society, defines principles of social integration of the disabled, determines the system of social integration, the preconditions and terms, as well as the institutions in charge of the implementation of social integration of the disabled, the assessment of disability and working capacity level, the provision of services in occupational rehabilitation, and the principles for the identification and meeting of special needs of the disabled.

Question B- Question D

The information is available in the previously submitted report.

## **ARTICLE 15 PARA. 2**

*"With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:*

*to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;"*

### **Additional questions of the European Social Rights Committee:**

**The Committee asks whether explicit anti-discrimination legislation exists in the field of employment and wishes to receive further information on the right of individuals to seek remedies before the courts in cases of discrimination.**

The Law on Support for Employment of the Republic of Lithuania provides for the legal background for the employment support system for jobseekers, its aim, tasks, the functions of institutions implementing the employment support policy, the employment support measures, as well as organisation and funding of their implementation. The tasks of the employment support system are fulfilled and the employment support measures are implemented in line with the principles of equal opportunities for men and women, and non-discrimination.

Article 5 of the Law on Equal Treatment of the Republic of Lithuania stipulates that when implementing equal treatment the employer, regardless of the person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs, must:

- 1) apply equal recruitment criteria and employment conditions when employing or recruiting to the public service except in the cases set forth in sub-paragraphs 1,2,3,4 and 5 of paragraph 3 of Article 2 of this Law (restrictions on grounds of age; requirement to know the State language, prohibition from taking part in political activities; different rights applied on the basis of citizenship special measures applied in healthcare, work safety, employment, labour market sphere while striving to create and apply conditions and opportunities guaranteeing and promoting the integration of the disabled into the labour environment);
- 2) provide equal working and public service conditions, opportunities to improve qualifications, seek more advanced vocational training, be retrained, acquire practical work experience and grant equal benefits;
- 3) use equal criteria in evaluating work and the performance of public officers;
- 4) apply evaluation criteria of dismissal from work and from public service;
- 5) provide equal pay for equal work or work of equal value;
- 6) take measures to prevent harassment of an employee or a public servant;
- 7) take measures to prevent sexual harassment of an employee or public servant;
- 8) take measures to prevent persecution of or an employee or public servant, who filed a complaint on discrimination to be protect him from hostile behaviour and negative consequences;

9) take appropriate measures to provide conditions for the disabled to obtain work, to work, to a career or to study, provided that the duties of the employer would not be disproportionately burdened as a result.

The Committee would like to receive information on the total number of persons with disabilities of working age in employment and the number registered as seeking employment.

In 2005, the total number of working age employed disabled was 29,383 persons and in 2006, they were 36,662 persons. In 2006, territorial labour exchange offices registered 10,828 disabled persons, i.e. 18.5 per cent more than in 2005 (8,817 disabled persons).

Employers who do not observe the quota requirement are under an obligation to make a contribution to the Employment Fund in the amount of 15 minimum monthly salaries for each disabled person not employed following a corresponding demand by the Labour Exchange. The Committee wishes to receive information on how many employers fulfil their obligations under the quota system and on how many opt out by paying a contribution to the Employment Fund. It further wishes to know whether there are any sanctions for enterprises not complying with the quota requirement.

Every year, tasked by the labour exchange, municipalities establish for the employers quotas for employment or creation of additional jobs for persons with group I or II disability (making up from 2 to 5 per cent of the total number of employees of an enterprise, if not less than 50 employees work in the enterprise). The priority is given to the disabled while providing the services of territorial labour exchange offices, paying unemployment benefits, organising vocational training in the labour market, organising works supported by the Employment Fund and providing support to persons willing to start their own business. Employers who fail to comply with the quotas for employment or creation of additional jobs shall make payments into the Employment Fund in the amount of 15 minimum monthly wages for each disabled person they have not employed, except in cases where the labour exchange has not applied for the employment of the disabled. These funds are used to create jobs for the disabled. In 2005 and 2006, accordingly 15 and 13 persons were employed into the quota workplaces. During 2005-2006, there was no case of incompliance on the part of the employer with the quota requirement. This employment support measure was repealed after the new Law on Support for Employment came into effect on 1 August 2006.

As far as persons becoming disabled due to an occupational accident are concerned, the report states that pursuant to the Act on the Social Integration of the Disabled, employers must retain these employees in their jobs or transfer them to another job which corresponds to the condition of their health. However, the report specifies that this obligation is rarely observed in practice. The Committee asks whether the concerned employee may seek remedies before the courts in these cases and in the case of unfair dismissal.

A person, who has suffered from discrimination acts, shall be entitled to address the Equal Opportunities Ombudsman. The Equal Opportunities Ombudsman shall investigate complaints relating to direct and indirect discrimination on the grounds of age, sexual orientation, disability, race, ethnicity, religion or beliefs at work, educational establishment or in providing services.

Upon the completion of the investigation, the Equal Opportunities Ombudsman may take a decision:

- ✓ to refer the material to investigative bodies if indications of an offence have been established;
- ✓ 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;
- ✓ to hear cases of administrative offences and impose administrative sanctions;
- ✓ to dismiss the complaint if the violations mentioned in it have not been corroborated;

- ✓ to discontinue the investigation if the complainant withdraws the complaint;
- ✓ to warn about the violation committed;
- ✓ to temporarily halt the investigation, if the person, whose complaint or actions, in reference to which a complaint has been made, are under investigation, is ill or away.

#### Question A

*Please describe the measures taken to promote the employment of persons with disabilities in an ordinary working environment and in particular the measures concerning the placing of persons with disabilities; incentives for employers to hire persons with disabilities and, where appropriate, measures obliging employers to adjust working conditions. Please provide information on employment obligation for persons with disabilities.*

*Please specify the measures to ensure the retention of persons with disabilities in employment (duty of occupational redeployment for persons who become disabled following an accident at work or an occupational disease, ban on dismissal of workers because of their disability, obligation for employers to adjust working conditions, provision of support for persons with disabilities to start their own business, etc.).*

According to the data of the Lithuania Labour Exchange, in 2005, there were 8,817 disabled persons registered and actively seeking employment. Out of that number, 1,831 persons were with 20-40 per cent of employment capacity and 6,986 persons with 45-55 per cent of employment capacity. The number of employed disabled was 3,206, including 522 with 30-40 per cent of employment capacity. 6,806 disabled individuals took part in active labour market measures. The lion's share of employed disabled persons and those involved in employment programmes were the disabled with 45-55 per cent of employment capacity (90 per cent). On average, 735 disabled applied to territorial labour exchange offices every month. Among all the unemployed, disabled made up 5.4 per cent in 2005. The majority of them were registered in Vilnius and Kaunas.

In 2006, the number of disabled persons registered with territorial labour exchange offices was 10,828 (including 4,098 with 20-40 per cent of employment capacity and 6,730 with 45-55 per cent of employment capacity) or 18.5 per cent more than in 2005 (when the number of registered disabled was 8,817 persons).

In 2006, labour exchange offices were addressed by approximately 902 disabled persons. The majority of them (like in 2005) were registered in the major towns of Lithuania: Vilnius (2,787), Kaunas (1,436), Šiauliai (739), Panevėžys (687), and Klaipėda (552). Among the registered unemployed, disabled persons accounted to 6.1 per cent, which is 1.2 times more than in 2005.

In 2006, the number of employed disabled persons was 3,809, including 3,230 persons under permanent work contract (1,051 into vacant positions, 23 under the established quotas, 575 into subsidised workplaces, 267 were self-employed and 387 persons under subsidised employment) and 579 persons under fixed-term contracts.

On 15 June 2006, the Seimas of the Republic of Lithuania adopted the Law on Support for Employment which provided for the purpose of employment support: seek full employment of the population, reduce their social exclusion and strengthen social cohesion. The Law widened up opportunities of employing persons having difficulties of integrating into the labour market. The Law sets forth new policy measures of an active labour market offering more flexibility with regard to changes in the labour market. job rotation, subsidies for job creation, subsidised employment, support for the acquisition of professional skills and support for self-employment.

1. Job rotation shall be organised during a special leave of employees, or in the cases provided for in collective agreements, by temporarily replacing employees with jobseekers. Job rotation cannot exceed the period of 12 months. The employers, who have employed the unemployed persons by

way of job rotation, each month shall receive compensation in the amount of 0.5 of the minimum monthly wage approved by the Government for each employed person according to the time actually worked.

2. Support for job creation shall be provided to the employers who are creating new jobs or adapting the already existing workplaces to the disability of the unemployed person and employing unemployed persons under an open-ended contract of employment. The amount of subsidy can not exceed 22 last published national average monthly wages, for the creation of one workplace. The employers must cover at least 35% of the expenses related to the creation (adaptation) of one workplace and maintain one created (adapted) workplace for at least 36 months from the employment of persons sent by local labour exchange offices.

3. The support for self-employment shall be organised for jobseekers willing to start their own business. The disabled whose capacity for work is rated at up to 40% (before 1 July 2005 – persons with Group I or II disability) or the disabled for whom severe or moderate disability has been established shall be provided supported for starting their own business. The amount of subsidy can not exceed 22 last published national average monthly wages, for the creation of one workplace, without the application of the requirement to cover at least 35 per cent of expenses necessary to create (adapt) a workplace.

4. Subsidised employment shall be organised for disabled persons seeking to help them strengthen their positions in the labour market and create special conditions enabling them to remain in the labour market. The employers employing the disabled whose capacity for work is rated at 45-55% (before 1 July 2005 – persons with Group III disability) or the disabled for whom mild disability has been established shall receive a subsidy for the period of up to 12 months. Where fixed-term contracts of employment are concluded with the employed persons, the period of payment of the subsidy may not be longer than 3 months.

Each month employers shall receive a subsidy to compensate for the wage, the amount thereof is specified in the contract of employment concluded with the employed person, paid to each employed person and the insurer's compulsory state social insurance contributions calculated from this wage. The amount of this subsidy may not exceed the amount of the minimum monthly wage approved by the Government.

Employers, who have employed the disabled whose capacity for work is rated at up to 40% (before 1 July 2005 – persons with Group I or II disability) or the disabled for whom severe or moderate disability has been established each month, throughout the whole period of their employment, for each employed person shall receive a wage subsidy calculated for the time actually worked according to the minimum hourly pay approved by the Government.

5. The disabled who have completed vocational rehabilitation programmes may receive support for acquiring professional skills. The duration of such support shall be up to 6 months. The employers who have employed such persons for acquiring professional skills, each month shall receive a subsidy to compensate for the wage, the amount thereof is specified in the contract of employment concluded with the employed person, paid to each employed person and the insurer's compulsory state social insurance contributions calculated from this wage. The amount of this subsidy may not exceed the amount of the minimum monthly wage approved by the Government. In addition, the employers shall be partially compensated for the expenses of organising the acquisition of professional skills directly at the workplace, but not more than 20% of the total amount of the subsidy.

Article 13 of the Law on Social Integration of the Disabled stipulates that other legal acts may establish provision of support to the disabled willing to be employed and employers who have employed them.

Question B

*Please indicate the number (or an approximation) of persons with disabilities who during the reference period found paid employment (whether in specialised institutions or not; in the public or private sector).*

This information is available in the previously submitted report.

Question C

*Please provide information on sheltered employment structures (type, capacity, pay rates for persons with disabilities working there). Please indicate the opportunities which exist to transfer from sheltered employment to open employment.*

A social enterprise of the disabled shall have the employees who are attributed to the target group of the disabled account for not less than 50% of the annual average number of employees on the staff list, of whom the disabled with Group I or Group II invalidity or the disabled for whom severe or moderate disability has been established or whose capacity for work is 30 - 55% or who are rated as having high- or medium-level special needs – for not less than 40% of the annual average number of employees on the staff list.

A social enterprise may be granted the state aid of the following types:

- 1) partial reimbursement of wages and state social insurance contributions;
- 2) subsidy for the creation of workplaces, adaptation of workplaces to disabled employees and acquisition or adaptation of their work equipment;
- 3) subsidy for the training of the employees who are attributed to the target groups.

In addition to the types of state aid indicated above, additional state aid of the following types may be provided to a social enterprise of the disabled:

- 1) subsidy for the adaptation of the work environment of disabled employees, production premises and rest rooms;
- 2) subsidy for the reimbursement of additional administrative and transport expenses;
- 3) subsidy for the reimbursement of expenses on an assistant (sign language interpreter).

With the Law on Social Enterprises coming into effect, the Government passed Resolution No. 852 of 7 July 2004, tasking the Lithuanian Labour Exchange to administer state budgetary funds allocated for granting the status of a social enterprise and provision of state support to social enterprises. In 2005, pursuant to the law, the status of a social enterprise was granted to 37 enterprises, including 20 enterprises which received the status of a social enterprise and 17 enterprises who were granted the status of a social enterprise for the disabled. In 2006, the status of social enterprises was granted to 13 enterprises, including 7 social enterprises and 6 social enterprises for the disabled. In late 2006, the total number of social enterprises was 49. They employed 2,245 persons, including 1,328 disabled persons (224 persons of Group I disability, 564 of Group II, 191 of Group III, 220 persons with 30-40% of working capacity and 129 persons with 45-55% working capacity), 5 long-term unemployed, 3 single women with children under 8 years of age and 3 persons of pre-retirement age (with at least five years remaining until retirement).

In 2005-2006, social enterprises received state support amounting to more than LTL 15 million.

### **ARTICLE 15 PARA. 3**

*"With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:*

*to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.*

**Additional question of the European Social Rights Committee:**

The NATIONAL Programme of Social Integration of the Disabled for the years 2003 –2012 which was approved by the Government in June 2002 takes account of the requirements of the Act on the Social Integration of the Disabled as well as of the UN Standard Rules on Equalisation of Opportunities for Persons with Disabilities. The Committee notes that the period of implementation of this programme lies outside the reference period and wishes to be informed on the progress made under the programme in the next report.

In 2005-2006, the National Programme of Social Integration of the Disabled for 2003-2012 was further implemented.

In 2005, the Lithuanian Council for the Affairs of the Disabled under the Government of the Republic of Lithuania (hereinafter referred to as the Council) carried out the Programme of Social Integration of the Disabled (hereinafter referred to as the Programme), which was prepared in line with the measures provided for in the National Programme of Social Integration of the Disabled. The aim of this Programme is to create conditions and equal opportunities for the disabled to participate socially. The programme received LTL 229,846,600 from the national budget, including LTL 115,000 allocated from the Government reserve.

In 2005, the following programmes of social integration of the disabled according to 7 priority components of the programme were funded: rehabilitation (vocational, psychological and social, development of skills for independent living), social services, accessibility of the environment (adjusting the physical environment, housing and living environment and providing access to information), training, employment (employment and other forms of occupation), public education, culture, sports and recreation.

**Table 15.3.1 Funds used by Programme of Social Integration of the Disabled in 2005** (thous., LTL)

No.	Programme Area	Total
1.	Rehabilitation	5,060
2.	Social services	8,041.80
3.	Accessibility of the environment	5,916.90
4.	Training	1,377
5.	Employment	5,510
6.	Public education	1,904.90
7.	Culture, sport, recreation	2,036
	Total:	29,846.60

As seen from the table above, the biggest attention in 2005 was paid at provision of services to the disabled, accessibility of the environment, occupation and rehabilitation.

The programmes under 7 priority components were implemented by 30 organisations of the disabled, 7 health institutions, vocational rehabilitation, vocational training and educational establishments, the Lithuanian Choir of the blind *Vilnius* and the Council itself. The funds received to implement the programmes were used in a targeted manner according to the approved budget estimates.

Since the funds received from the state budget are insufficient for ensuring full integration of the disabled into various fields and their needs are met only partially, the alternative sources of funding are approached (foundations, municipalities and sponsors). In 2005, the municipalities and counties as well as other sponsors allocated LTL 11,192,770 for the operation of bodies and institutions established at the community level and the implementation of the programme.

**Social services.** The aim of social integration programmes of the disabled in the area of social services is to meet their special needs at the community level. With that in mind, funding was allocated to implement one essential measure, provision of social services. As a result, the funded programmes provided social services to over 33,000 disabled persons.

**Accessibility of the environment.** The aim of social integration programmes of the disabled in the area of increasing accessibility of the environment is to reduce social exclusion of the disabled and adapt public, housing and information environment to their needs. Funding was provided to three programmes ensuring adaptation of public surroundings, adaptation of housing and living settings, and arrangement of information environment. As a result, 302 different objects adapted, including 262 flats and 40 public objects; more than 6,000 of the disabled were provided user-friendly information and communication facilities.

**Employment.** The aim of social integration programmes of the disabled in the area of employment is to include the disabled into the labour market facilitating their employment, developing their in-house activities and patent work possibilities, making use of modern information technologies, introducing general and individual programmes, and to ensuring alternative forms of employment, including labour therapy and overall occupation. Having this in mind, funding was provided to the following three key measures: placement in the free labour market, labour therapy and overall occupation. As a result, 7,800 disabled persons found a job, were involved in labour therapy programmes or other forms of occupation.

According to the data of the State Social Insurance Fund, the number of the working age disabled receiving disability allowances increased from 28,700 at the beginning of 2005 to 29,400 in early 2006. In 2005, among the employed disabled there were 27,500 working age disabled people and 1,900 retirement age disabled persons

Data of the Lithuanian Labour Exchange reveal that in 2005, 8,817 disabled persons were registered with the territorial labour exchanges. Among the registered unemployed, disabled persons accounted for 5.4 per cent, and among the persons receiving additional support, they made up 14.1 per cent.

In 2005, the number of registered disabled with higher education was 553, with college education was 1,637, with secondary education or basic education was accordingly 2,053 and 861 and with elementary education amounted to 273.

In 2005, 3,206 disabled persons were employed, including 2,577 persons under permanent employment contracts (981 into vacant jobs, 23 under the established quotas, 644 into subsidised



workplaces and 203 were self-employed) and 629 under fixed-term contracts. As compared to 2004, the employment rate of the disabled grew by 17 per cent.

In order to further develop the possibilities of the disabled to integrate into the labour market, more attention is paid at their involvement into active labour market programmes. In 2005, they involved 6,806 disabled in the following areas: vocational training (478), labour clubs (2,753), public works (1,832), subsidised workplaces (644), and supported work (254). The number of the disabled involved in the active labour market programmes in 2005 was 1.6 times higher than in 2004 (4,133). In 2005, 310 disabled persons acquired a business certificate, as referred by the labour exchange.

**Rehabilitation.** The aim of these programmes is to restore bio-social functions of the disabled by successive application of rehabilitation (vocational, independency skills, psychological and social) measures, increasing their independence, re-establishing occupational (working) capacities or training in some new skills. For this purpose, three major measures were funded: psychological and social rehabilitation, development of independent life skills, and vocational rehabilitation.

As a result, over 6,750 disabled individuals received rehabilitation services and restored their independence, and 5,286 persons with sight and hearing impairments were provided with technical aids.

In 2005 (as of September) territorial labour exchange offices registered 18 persons requiring vocational rehabilitation, including 12 referred to the establishment providing such services.

In 2006, territorial labour exchange offices registered 252 persons with the need for vocational rehabilitation, including 206 persons referred to the programme of vocational rehabilitation. The programme was completed by 69 persons and every third of them found employment.

**Education.** The aim of social integration programmes of the disabled in the area of education is to develop education of disabled children, young people and adults (with special needs) and to ensure adaptation of training programme and provision of social services necessary for the educational process. For this purpose, two major programmes were funded, including training of disabled children and young persons (with special needs) and informal training of the disabled. As a result, over 8,300 disabled individuals participated in the training process.

**Public education.** The aim of social integration programmes of the disabled in the area of public education is to increase public awareness about social integration of the disabled, develop favourable public attitude towards the disabled and provide them information about the state policy, types of disability, their prevention and services. With that in mind, funding was provided to four programmes related to publishing, conferences, seminars, training and other public education measures, policy making and implementation of social integration of the disabled. As a result, public information and other relevant information on disabilities, diseases, preventive measures, rehabilitation, social services, training, employment and legal issues reached over 38,000 disabled persons.

In 2006, the Department for the Affairs of the Disabled under the Ministry of Social Security and Labour (prior to 2006 known as the Lithuanian Council for the Affairs of Invalids under the Government of the Republic of Lithuania) (hereinafter referred to as the Department) funded social integration programmes of the disabled in line with the new Description of the Procedure of Funding Social Integration Programmes of the Disabled and Annexes thereto approved by 20 July

2006 Order No. A1-199 of the Minister of Social Security and Labour (Official Gazette, 2006, 83-3303).

In 2006, the programmes implemented provided services to 30 per cent of all the disabled (the priority was given to persons with severe disability). 22 per cent of persons with severe disability (group I and II) took part in rehabilitation and social service programmes, 10 per cent of individuals with severe disability and disabled children participated in education and employment programmes.

During 2006, most of funding was allocated to increasing accessibility of the environment, employment, provision of rehabilitation and social services.

**Table 15.3.2 Funds used by Programme of Social Integration of the Disabled in 2006** (thous. LTL )

No.	Programme Area	Total
1.	Rehabilitation	6,369.10
2.	Social services	6,590.90
3.	Accessibility of the environment	9,686.5
4.	Training	2,460.77
5.	Employment	4,711.43
6.	Public education	1,629.60
7.	Culture, sport, recreation	2,425.5
	Total:	33,873.80

**Rehabilitation and social services.** Funded programmes provided social and rehabilitation services and restored independence of over 48,800 disabled persons, technical aids were provided to 6,248 persons with vision and hearing impairment. In addition, the programmes bought ten means of transportation adapted for the disabled.

**Accessibility of the environment.** As a result of implemented programmes, 386 objects were adapted, including 345 flats and 40 public places. Adapted means of information and communication were successfully used by 4,700 disabled persons. The universal system of rehabilitation and integration was put into place.

**Education and employment.** The funded programmes provided employment, labour therapy other forms of occupation to about 4,000 disabled; the training process included 6,000 disabled, whereas culture, sports and recreation events attracted more than 15,000 disabled persons.

**Public education.** The aim of social integration programmes of the disabled in the area of public education is to increase public awareness about social integration of the disabled, develop favourable public attitude towards the disabled and provide them information about the state policy, types of disability, their prevention and services. With that in mind, funding was provided to four programmes related to publishing, conferences, seminars, training and other public education measures, policy making and implementation of social integration of the disabled. As a result, public information and other relevant information on disabilities, diseases, preventive measures, rehabilitation, social services, training, employment and legal issues reached over 35,700 disabled persons.

**Programme managers.** The programmes were carried out by 34 organisations of the disabled, 6 health institutions, vocational rehabilitation, education and academic establishments, the Lithuanian Choir of the Blind *Vilnius* and the Department itself.

Since the funds received from the state budget are insufficient for ensuring full integration of the disabled into various fields and their needs are met only partially, the alternative sources of funding are approached (foundations, municipalities and sponsors). In 2006, the municipalities and counties as well as other sponsors allocated LTL 17,269,550 for the operation of bodies and institutions established at the community level and the implementation of the programme.

The programme created jobs both to the disabled as well as healthy people. In 2006, the programme employed 1,634 persons, including 814 disabled (191 of Group I, 491 of Group II and 132 of Group III).

**Additional questions of the European Social Rights Committee:**

**Technical aids**

The Committee would like to receive information on any support services, provided by the State or by other organisations, such as home help, personal assistance programmes etc. in order to enable persons to live in their own homes. The Committee also wishes to know what the costs are for such support services, if any, to be borne by the disabled.

Home help services are provided for senior and elderly people, disabled persons and children from families with social problems, risk groups and other persons, with a view to providing them normal living conditions and opportunities of having a full life at home. After assessing the level of independence, the following services could be provided: apartment cleaning, personal hygiene and care services, buying and making food, rental of flat, covering utility costs, calling a doctor, buying pharmaceuticals, laundry services, changing bed-lined, household work organisation, etc.

The procedure of organising home help is established by every municipality. It establishes the list of services and their rates. The amount of payment for services depends on the income of the household, its composition, the recipient's health state, the type of services, the duration of service provision and other circumstances.

Municipalities which due to objective reasons are not able to provide home help services directly may pay home help money. The use of the paid amount strictly regulated and limited only to paying for home help costs. The municipality may decide to allocate such home help money, taking into account the person's state of health, the need and type of services requested, the composition of the household and the place of residence.

**Non-discrimination**

The Committee wishes to receive information whether specific anti-discrimination legislation exists in the abovementioned fields and whether remedies exist in the event discrimination occurs.

The purpose of Law on Equal Treatment of the Republic of Lithuania (Official Gazette, 2003, No. 114-5115) is to ensure implementation of equal rights of women and men guaranteed by the Constitution of the Republic of Lithuania, and to prohibit any type of direct or indirect discrimination on the grounds of age, sexual orientation, disability, race, ethnicity, religion or beliefs. The implementation of the Law shall be supervised by the Equal Opportunities Ombudsman. The Equal Opportunities Ombudsman shall investigate complaints relating to direct and indirect discrimination on the grounds of age, sexual orientation, disability, race, ethnicity, religion or beliefs at work, educational establishment or in providing services.

Upon the completion of the investigation, the Equal Opportunities Ombudsman may take a decision:

- ✓ to refer the material to investigative bodies if indications of an offence have been established;
- ✓ 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;
- ✓ to hear cases of administrative offences and impose administrative sanctions;
- ✓ to dismiss the complaint if the violations mentioned in it have not been corroborated;
- ✓ to discontinue the investigation if the complainant withdraws the complaint;
- ✓ to warn about the violation committed;
- ✓ to temporarily halt the investigation, if the person, whose complaint or actions, in reference to which a complaint has been made, are under investigation, is ill or away.

On 19 September 2006, the Government of the Republic of Lithuania adopted Resolution No. 907 approving the National Programme of Anti-Discrimination for 2006-2008. The purpose of the programme is to reduce manifestations of discriminations on the grounds of age, social orientation, disability, race or ethnic origin, religion or beliefs in all the areas of public life and increase public tolerance.

#### Communication

The Committee asks what the legal status of sign language is and whether it is accorded equality with spoken Lithuanian.

Law on the Social Integration of the Disabled stipulates that the sign language shall be the mother-tongue of the deaf.

#### Mobility and Housing

The Committee wishes to receive information on measures undertaken by the Government to improve the accessibility of existing public housing in the next report.

The procedure of adjustment of public physical environment to the disabled was established by Order No. 317 of 14 June 2001 of the Minister of the Environment, *STR 2.03.01:2001 Buildings and territories. Requirements for the Needs of the Disabled* (new version adopted on 20 December 2006, Order No. D1-604). Pursuant to the provisions of STR 2.03.01:2001, buildings shall be adapted to the needs of the disabled by the owners (users) during the construction, reconstruction or overall repair of the building.

In 2005, the Department funded social integration programmes of the disabled. As a result, 40 public institutions were adjusted, including 6 training establishments, 23 social services, employment centres and agencies, 5 public places, 1 recreation centre, 1 social enterprise and 4 sport clubs. Residential areas were adjusted in four towns, and audio information devices were installed in 250 trolley-buses in Vilnius.

The Committee also would like to know whether financial means are available from the Government for the adaptation of private dwellings to the needs of the disabled.

State support for the reconstruction of housing to adapt it to the needs of the disabled with movement disorders is provided for in the Law on State Support for the Acquisition/Rental of Housing and Modernisation of Blocks of Flats (Official Gazette, 1992, No.14-378;2002, No. 116-5188). The law stipulates coverage of insurance premiums or their part and providing of 20 per cent subsidy on the credit. The provisions of the law were put in line with the Law on the Social

Integration of the Disabled by Law No. IX-1549 of 29 April 2003 (Official Gazette, 2003, No. 48-2109). State support is provided pursuant to the *Description of the Procedure of Providing Housing Credits supported by the State* approved by Government Resolution No. 1162 of 23 October 1997 (Official Gazette, 1997, No. 97-2458; 2003, No. 52-2345; 2006, No. 27-886).

In 1998-2006, the issue of adaptation of housing was taken care of by three associations of the disabled (Society of the Physically Disabled, the Association of Adaptation of Housing for the Disabled and the Union of the Disabled), along with city and regional municipalities on the basis of equal social partners. In 2005, the Department used state budgetary funds to finance housing adaptation projects implemented by the aforementioned three associations of the disabled by concluding agreements with municipalities. The ratio of municipal and state funding was 50:50.

In 2005, three associations adapted 262 flats for the disabled, including 247 flats for persons with very severe movement or self-service impairment and 15 flats for persons with severe movement or self-service impairment. The amount of funds used by the programmes (and allocated by the Department from the state budget) was LTL 1,324,000.

In 2005, seeking to analyse the municipal practice of adaptation of housing for the disabled, its organisation and funding, as well as seeking to look for more effective ways of housing adaptation, the Ministry of Social Security and Labour commissioned a study, *Adaptation of Housing for the Disabled: Analysis of the Situation in Lithuania and Proposals for State Support*. The study was conducted by the Institute of Labour and Social Surveys. The study revealed the huge need for adaptation of housing in Lithuania. Presently, there more than 70,000 people in Lithuania with movement impairment. Moreover, there is a similar number of persons aged over 80, the majority of whom face similar movement and self-service problems. The number of such people is increasing. So far, the need of adaptation of housing has been satisfied by 20 per cent.

Order No. 2006 A1-199 of the Minister of Social Security and Labour regulates that the projects of adaptation of housing and environment for the disabled shall be implemented in 2006 in compliance with the procedure established by the Director of the Department, i.e. the amount allocated for the adaptation of housing and environment should not exceed LTL 24,000 per disabled person.

In 2006, the Department allocated the total amount of LTL 2,288,000 for housing adaptation projects to the associations of the disabled. This amount includes LTL 2,093,900 allocated for the adaptation of housing. The amount allocated by municipalities totalled LTL 2,091,000.

While implementing the programme, the three associations of the disabled adapted 345 flats in 53 municipalities, including 328 flats for persons with very severe movement or self-service impairment and 17 flats for persons with severe movement or self-service impairment.

Since 2007, the procedure of adaptation of housing for the disabled has been amended. On 28 June 2006, the Government of the Republic of Lithuania passed Resolution No. 638 *Concerning Approval of the Programme for the Adaptation of Housing for the Disabled for 2007-2011* (Official Gazette, 2006, No. 73-2782) The programme is targeted at the disabled with movement impairment and having difficulty moving around the house. These people have a need for the adaptation of housing. The bodies responsible for the adaptation of housing include the following: the Ministry of Social Security and Labour (development of legal framework regulating adaptation of housing), the Ministry of Environment (development of regulations of special technical construction needs for the adaptation of housing to the disabled), Department of the Disabled Affairs under the Ministry of Social Security and Labour (funding and monitoring of the

programme of adaptation of housing), municipalities (organisation of adaptation of housing to the special needs of the disabled) and associations of the disabled (monitoring of housing adaptation).

Implementation of the Programme for the Adaptation of Housing for the Disabled for 2007-2011 will allow increasing the opportunities of adaptation of housing in line with the needs of the disabled and make municipalities responsible for addressing the problem. Since 2007, the disabled may address the municipality asking it to assess their special needs (adaptation of housing) and they will be included in the waiting-list with regard to the established special needs.

#### Transport

The Committee asks whether any steps are taken to make existing public transport accessible for persons with disabilities.

According to the data of the Ministry of Transport, four passenger lifts were installed for the disabled in the underground pedestrian crossing of Vilnius railway station in 2006. Furthermore, sanitary facilities were built for the disabled in the passenger section of the Kaunas railway station, as well as lifts to reach platform 2 and 3. In addition, the lift for wheelchair users in of the seat train-car *Pajuris* was subject to major repair.

The international airport in Vilnius built 10 sanitary facilities, 3 lifts and 3 ramps. The international airport in Palanga adapted registration seats for the disabled, installed a special lift for the disabled, providing an access to the airport bar and built a rest room for people with disabilities. The Kaunas airport built sanitary facilities a restroom for the disabled.

The Lithuanian Road Administration built pedestrian and bicycle routes of 55.2 km in length. A ferry company AB *Smiltynės perkėla* built lifts/ramps as well as gates for wheelchair users. Special access routes to the ferry and seats were built for the disabled in wheelchairs. The passengers are provided both audio and visual information.

#### Cultural activities and leisure

The Council for the Affairs of the Disabled supports cultural, sports and recreational events organised by non-governmental organisations with a view to increase participation of the disabled in these activities. The Lithuanian Blind, Disabled and Deaf Sports Federations and the Lithuanian Paralympics Committee organise numerous sport events for persons with disabilities. The Committee wishes to know by which means support is rendered to the above non-governmental organisations by the Government in particular with respect to funding. It also wishes to know whether there are measures in place to enable physical access to the corresponding facilities for the disabled.

The Department for the Affairs of the Disabled under the Ministry of Social Security and Labour funded implementation of programmes in priority areas of social integration of the disabled (culture, sport, leisure) under the 2005-2006 National Programme of Social Integration of the Disabled.

In 2005, within the framework of the programme, 236 culture events were organised (celebration of the Day of the Disabled, art group performances, competitions, song and theatre festivals, concerts, creative camps and art exhibitions), with 18,911 attending, including 12,480 disabled persons. . In addition, joint concerts of disabled and non-disabled artists were conducted in boarding-schools and other establishments, involving approximately 5,000 disabled persons.

Furthermore, support was provided to 29 sport clubs of the disabled, involving 2,973 disabled persons. 94 sport events (national and international championships, competitions and health events) were organised for 5,027 persons, including 3,919 disabled participants. 18 international events (championships, competitions, tournaments, games and Olympic games) invited 185 Lithuanian

participants, including 151 disabled persons. 25 training camps were arranged to help sportsmen prepare for national and international championships and competitions (221 persons, including 189 disabled participants). Qualification was raised by 12 disabled sport experts.

In pursuance of the programmes, 14 health, children and youth employment, active rehabilitation and recreational camps were organised with 598 persons attending, including 432 disabled. The number of disabled persons participating in active recreational and study events was approximately 220 persons.

In 2006, 529 culture events (celebration of the Day of the Disabled, art group performances, competitions, festivals, symposiums, theatre performances, concerts, creative camps, art exhibitions, etc.) were organised, involving 18,544 disabled, including 11,172 persons constantly participating in cultural activities. In addition, joint concerts of disabled and non-disabled artists were conducted in boarding-schools and other establishments, involving approximately 5,000 disabled. Furthermore, a conference, *Disabled against the Cultural Backdrop of Lithuania*, invited 150 participants, including 50 disabled persons.

Support was provided for 30 sport clubs of the disabled, involving 3,513 disabled persons. 88 sport events (national and international championships, competitions and health events) were organised for 7,063 persons, including 5,949 disabled persons. Moreover, 62 international and national sport events, tournaments and championships were organised, where the number of disabled made 419 persons out of 465 participants. In addition, 21 sport camps were arranged to help prepare for national and international championships and competitions (102 disabled persons were attending out of 133 participants). Qualifications were upgraded by 7 sport experts, including 5 disabled persons.

Furthermore, 37 recreational events were organised for 480 disabled participants and 8 health camps of active leisure for 432 participants, including 359 disabled persons.

In 2005 and 2006, the number of sport clubs adapted to the needs of the disabled was accordingly 4 and 2.

#### Question A- Question C

The information is available in the previously submitted report.

## **ARTICLE 18: THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES**

### **Regulations of the Republic of Lithuania**

#### **1. Laws of the Republic of Lithuania**

- Law on Support for Employment of the Republic of Lithuania (Official Gazette, 2006, 73-2762).

#### **2. Secondary legislation**

- Order No. A1-118 of the Minister of Social Security and Labour of 24 April 2006, *Concerning Approval of the Description of Conditions and Procedure of Issuing Work Permits for Foreigners* (Official Gazette, 2006, No.46-1669);
- Order No. No.A1-322/ 1V-462 of the Minister of Social Security and Labour and the Minister of the Interior of 4 December 2006, *Concerning Amendment of Order No. A1-223/1V-310 of the Minister of Social Security and Labour and the Minister of the Interior of 28 September 2004, Concerning Approval of the Description of the Procedure and Conditions for Issuing Work Permits for Foreigners Present in the Republic of Lithuania* (Official Gazette, 2004, No. 149-5435; 2006, No. 135-5126).

### **ARTICLE 18 PARA. 1**

*"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:*

*to apply existing regulations in a spirit of liberality;"*

#### **Additional questions of the European Social Rights Committee:**

##### **Work Permits**

*The Committee notes that work permits are issued to foreigners in accordance with the annual quota for employment of foreigners established by the Government and in accordance with the needs of the domestic labour market. It wishes to be kept informed on the application of the quota system and the assessment of the needs of the domestic labour market in future reports.*

Quotas for employment of foreigners are no longer applied after coming into effect of the Law on the Legal Status of Aliens of the Republic of Lithuania (since 30 April 2004), which stipulates that a work permit shall be issued to an alien taking into account the needs of the labour market of the Republic of Lithuania. A work permit may be issued to an alien if there is no specialist in Lithuania meeting the employer's qualification requirements.

##### **Question A**

*How is this paragraph observed in your country, both with regard to wage-earners and with regard to others?*

This paragraph is observed when issuing work permits. The Lithuanian Labour Exchange issues work permits, taking into account the international commitments of the Republic of Lithuania and the labour market needs. Moreover, while examining documents submitted by an alien, his or her education and professional qualifications gained abroad are recognised without further examination.



Please note the statistics specified under Question B which shows how liberal is the procedure of issuing work permits to aliens.

In late 2006, the Law on the Legal Status of Aliens of the Republic of Lithuania (Official Gazette, 2006, No. 137-5199) was amended after transposing provisions of the following directives:

- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities,
- Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.

Amendment of the aforementioned law now provides for an opportunity to enter the labour market for the following aliens having a temporary residence permit in the Republic of Lithuania:

- victims of trafficking in human beings;
- students are entitled to work outside their study time for not longer than 20 hours per week and only from the second year of studies.

#### Question B

*Please indicate the number of permits granted compared with the number of applications made.*

Work permits are issued in accordance with the following legislation: 29 April 2004 Law No. IX-2206 of the Legal Status of Aliens of the Republic of Lithuania, 12 May 2005 Law on Guarantees for Posted Workers of the Republic of Lithuania, 15 December 2000 Government Resolution, *Concerning Approval of the List of Objects Subject to State Fee, the Amount of State Fee, Payment and Return thereof*, 16 July 2004 Order No. A1-179 of the Minister of Social Security and Labour of the Republic of Lithuania, *Concerning the Approval of the Description of the Procedure and Conditions for Issuing Work Permits to Foreigners*, 28 September 2004 Order No. A1-223/ 1V-310 of the Minister of the Social Security and Labour of the Republic of Lithuania and the Minister of the Interior of the Republic of Lithuania, *Concerning Approval of the Description of the Procedure and Conditions for Issuing Work Permits for Foreigners Present in the Republic of Lithuania*, and 5 July 2005 Order of the Minister of the Social Security and Labour of the Republic of Lithuania, *Concerning Amending Order No. A1-179 of 16 July 2004 of the Minister of Social Security and Labour, Concerning Approval of the Description of the Procedure and Conditions for Issuing Work Permits for Foreigners*.

In 2005, the Lithuanian Labour Exchange received 1,777 applications for the employment of foreigners. In 2005, it issued 1,565 work permits to the nationals of the following countries:

1. Ukraine	486	8. Armenia	18	15. Israel	9	22. Georgia	2	29. Japan	1
2. Belarus	456	9. Moldova	17	16. South Korea	4	23. Singapore	1	30. Brazil	1
3. Russia	178	10. Pakistan	14	17. Azerbaidzan	3	24. Canada	1	31. Mexico	1
4. Romania	156	11. Bulgaria	13	18. Without citizenship	3	25. Egypt	1		
5. China	112	12. Turkey	12	19. Vietnam	2	26. Croatia	1		
6. USA	29	13. Kazakhstan	11	20. Argentina	2	27. Philippines	1		
7. India	18	14. Uzbekistan	9	21. Austria	2	28. Lebanon	1		

In 2005, 212 employers' requests were not satisfied because due to the change of circumstances employers refused to employ 197 aliens. 15 work permits were not issued taking into account the situation on the labour market. Permits were not granted to 6 welders from Belarus, 6 cooks from Pakistan who had no documents verifying their qualifications and 3 persons from Belarus, USA and Ukraine who had only secondary education.

In 2006, the Lithuanian Labour Exchange received 3,342 applications to employ foreigners, including 183 requests to employ them in 2006. During that year, work permits were granted to the nationals of the following countries:

1. Belarus	1,104	8. India	22	15. Israel	6	22. Azerbaidzan	2	29. Salvador	1
2. Ukraine	959	9. Georgia	21	16. Armenia	6	23. Egypt	1		
3. Romania	431	10. Kazakhstan	17	17. Without citizenship	6	24. Australia	1		
4. Russia	124	11. USA	16	18. Kyrgyzstan	6	25. Argentina	1		
5. China	117	12. Uzbekistan	15	19. Japan	4	26. Israel	1		
6. Bulgaria	53	13. Turkey	9	20. Korea	3	27. Lebanon	1		
7. Moldova	44	14. Pakistan	8	21. Tadzhikistan	2	28. Canada	1		

In 2006, 174 employers' applications were not satisfied because due to the change of circumstances employers refused to employ 105 aliens. 69 foreigners were refused work permits for the following reasons: 55 of them submitted incomplete documentation specified in 24 April 2006 Order No. No. A1-118 of the Minister of Social Security and Labour, *Concerning Approval of the Description of Conditions and Procedure of Issuing Work Permits for Foreigners*, 8 foreigners had already worked in the Republic of Lithuania for two years, the qualification of four of them did not meet the requirements set for the work and the work permits of two Belorussian nationals were not extended because they did not comply with the conditions set in the labour agreement. In 2005, as compared to 2006, there was a bigger number of aliens coming from Belarus, Romania and a smaller number of foreigners from Russia.

**Table 18.1.1**

Question C

*Please state whether your country applies restrictions to the right to engage in a gainful occupation by nationals of other states and if so, please mention the grounds.*

A work permit is issued to an alien by the Lithuanian Labour Exchange under the Ministry of Social Security and Labour of the Republic of Lithuania. The work permit is issued for a period of up to two years specifying the job (position) and enterprise, agency or organisation where the alien will be employed. An employer willing to employ a foreigner shall submit, to a territorial labour exchange, a request to issue a work permit for an alien, attaching copies of the following documents: registration certificate of the legal entity, the alien's passport, a document certifying the alien's permanent place of residence in a foreign state, a diploma or another document certifying qualification of the alien, a certificate issued by a competent authority verifying acknowledgement of occupational qualification if the occupation is regulated in the Republic of Lithuania, a detailed description of a future job to be given to the alien, a document certifying the alien's work experience, a certificate issued by the professional college of the Republic of Lithuania certifying the second year studies of the alien if the applicant is a foreigner willing to work while studying in Lithuania.

The work permit shall not be issued to a foreigner if his or her employment does not meet the needs of the labour market, the set of submitted documents is not complete, the data provided are

inaccurate, erroneous or it appears that the enterprise where the foreigner intends to work or is working does not carry economic activities or the foreigner took as leave for a period longer than three months.

The Lithuanian Labour Exchange shall withdraw an alien's work permit in cases specified in the Law on the Legal Status of Aliens of the Republic of Lithuania (Article 63), i.e.:

- if the permit has been obtained by fraud;
- upon the termination of an employment contract with the alien;
- in case of termination of employment relationship with the employer in a foreign country, who had placed the alien for temporary employment in the Republic of Lithuania;
- upon the withdrawal of the alien's temporary residence permit.

Moreover, pursuant to *the Description of the Procedure and Conditions for Issuing Work Permits for Foreigners Present in the Republic of Lithuania*, a work permit may be issued to an alien in Lithuania who is lawfully residing in the Republic of Lithuania, i.e. he or she:

- is subject to a visa-free regime in the Republic of Lithuania;
- cannot be expelled or returned from the Republic of Lithuania in compliance with the procedure established in Article 130 of the Law on the Legal Status of Aliens (Official Gazette, 2004, No.73-2539) or whose expulsion has been suspended in compliance with the procedure of Article 130 thereof;
- who obtained education in the case specified in the Law on the Legal Status of Aliens (Article 46, Paragraph 1), has a temporary residence permit in the Republic of Lithuania and has an employment agreement with an employer to work under the speciality gained in the Republic of Lithuania.
- is engaged in one of the economic activities where there is a shortage of labour force and where such shortage limits the economic capacity of the company wherein such foreigner is employed. The list of deficit professions according to the economic activities shall be approved by the Minister of Social Security and Labour. For a new work permit, the employer must apply at least two months prior to the expiry of the alien's work permit.

#### **ARTICLE 18 PARA. 4**

*"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:*

*the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties."*

#### **Additional questions of the European Social Rights Committee:**

*The Committee notes from the report that mediating employment of Lithuanian citizens abroad is the exclusive right of the State and shall be implemented by the Lithuanian Labour Exchange or an organisation that has been granted a corresponding license by the Ministry of Social Security and Labour. The Committee wishes to receive clarification whether Lithuanian citizens are free to seek employment in the territory of Parties to the Revised Charter or the Charter without intervention of the aforementioned organisations.*

The freedom of choice of employment is laid down in the Labour Code of the Republic of Lithuania (Article 2, Point 1). Persons shall exercise the right to work by concluding employment contracts directly with the employers or through the mediation of employment establishments (Ibid, Article 86).

*Are there any restrictions or special conditions having an impact upon the persons willing to leave their country to find paid employment in the territories of other countries? If yes, specify the rules regulating such restrictions or conditions.*

The Labour Code and the Law on Support for Employment stipulates that the Lithuanian Labour Exchange shall mediate in employment of citizens of the Republic of Lithuania and persons permanently living in Lithuania abroad. Other enterprises, institutions and organisations may mediate in employing citizens abroad only if they have a licence issued by the Ministry of Social Security and Labour. On 19 August 2003, the Ministry of Social Security and Labour passed Order No.A1-127 (Official Gazette, 2003, No.82-3760, Official Gazette 2006, No. 48-1750) approving the Procedure of Issuing Licences for Intermediation in Employment Assistance for Citizens of the Republic of Lithuania Abroad (Official Gazette, 2003, No.82-3760; 2006, No. 48-1750). The said procedure regulates issuance of licences, refusal to issue them, suspension of licence and conditions for licensed activities. The licence is issued for an unlimited period of time.

In 2005, there were 64 mediation enterprises for employing Lithuanian nationals abroad licensed by the Ministry of Social Security and Labour. During 2005, they employed 2,320 persons abroad.

In 2006, there were 63 enterprises licensed by the Ministry of Social Security and Labour to engage in employment services abroad. During the year, they employed 2,264 persons in foreign countries, including the United Kingdom, Ireland, Cyprus, Norway and Greece.

*At present, there are three effective bilateral agreements on employment:*

1. Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany on Employment of Interns to deepen their Professional and Foreign Language Knowledge (Agreement of Interns), signed and became effective on 20 August 1993.

2. Agreement between the Government of the Republic of Lithuania and the Government of Ukraine concerning mutual employment of citizens, concluded on 28 March 1995 and came into effect on 11 August 1995.

3. Agreement between the Government of the Republic of Lithuania and the Government of the Russian Federation concerning temporary employment of citizens, concluded on 29 June 1999; came into effect on 5 January 2000.

Bearing in mind and as of 1 May 2006, Sweden has replaced its national measures by the European Union *acquis* in the area of free movement of workers, the latter provisions are more favourable to the exchange of interns than the Bilateral Agreement between the Government of the Republic of Lithuania and the Government of the Kingdom of Sweden on the Exchange of Interns. This agreement is no longer applied in practice and was denounced by 25 August 2006 Resolution No. 810 of the Government of the Republic of Lithuania (Official Gazette, 2006, No. 92-3626). Following six months after promulgation of its denouncement, it becomes no longer effective.

The Labour Code stipulates that mediation in the employment of citizens abroad is the exclusive right of the state. The right shall be implemented by the Lithuanian Labour Exchange.

Since 1 May 2004, Lithuanian nationals can freely move to work in the United Kingdom, Ireland, Sweden and the new EU member States. Since 1 May 2006, they can also get employed without any restrictions in Greece, Iceland, Spain and Italy (which announced opening its labour market at the end of July in 2006), Portugal and Finland. The other EU member states apply a transitional period for the free movement of labour.

## **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:*

- a. access to employment, protection against dismissal and occupational reintegration;*
- b. vocational guidance, training, retraining and rehabilitation;*
- c. terms of employment and working conditions, including remuneration;*
- d. career development, including promotion".*

### **Regulations of the Republic of Lithuania**

#### **1. International legal acts**

- On 29 June 2004, the Seimas of the Republic of Lithuania adopted Law No. IX-2300 (which came into effect on 5 August 2004) ratifying the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women of 6 October 1999, which Lithuania signed in 2000. Ratification of the Protocol will open up wider opportunities for Lithuanian nationals suffering from sex discrimination to defend their rights.

#### **2. Laws**

- Law on Support for Employment of the Republic of Lithuania (Official Gazette, 2006, 73-2762);
- Law on Unemployment Social Insurance of the Republic of Lithuania (Official Gazette, 2004, No. 4-260);
- Law Amending and Supplementing Articles 1, 2, 5, 6, 7(1), 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24(1), 25, 26, 27, 28 and Annexes to the Law on Equal Opportunities of Women and Men (Official Gazette, 2005 07 21 No.88-3281). This law provides for better protection against any type of discrimination. According to the law, discrimination also includes sexual harassment as well as instruction to discriminate, which are also prohibited. It stipulates that if a person suffers from direct or indirect discrimination by reason of sex related to the person's family or marital status, such activity is considered as severe discrimination. Moreover, the law sets forth the same retirement age for men and women in professional pension systems. It also provides for better protection of persons filing discrimination complaints against adverse actions directed against them or negative consequences related to their complaint. The definition of a 'direct discrimination' has been supplemented by an exception where supply of goods and services to a person of one sex is not treated as discrimination.

#### **3. Secondary legislation**

***Resolution of the Government of the Republic of Lithuania***

- Resolution No. 1042 of 26 September 2005, Concerning Approval of the National Programme of Equal Opportunities of Women and Men for 2005–2009 (Official Gazette, 2005, No. 116-4202);
- Resolution No. 1330 of 22 December 2006, Concerning Approval of the National Strategy on the Reduction of Violence against Women and its Implementation Plan for 2007-2009 (Official Gazette, 30 December 2006, No.144-5474);
- Resolution No. 558 of 19 May 2005, *Concerning Approval of the Programme for the Prevention and Control of Trafficking in Human Beings for 2005-2008* (Official Gazette, 2005, No. 65-2333).

**Additional questions of the European Committee of Social Rights:**

**Equal rights**

*The Committee recalls that domestic law must make provision for comparisons of pay and jobs to extend outside the company directly concerned where this is necessary for an appropriate comparison. The Committee views this as a crucial means of ensuring that job appraisal systems are effective under certain circumstances, particularly in companies where the workforce is largely, or even exclusively, female (Conclusions XVII-2, Czech Republic, pp. 112-114, Conclusions XVI-2, Volume I, Iceland, p. 465). It asks if this is the case under Lithuanian legislation.*

Paragraph 4 of Article 5 of the amended Law on Equal Opportunities of Women and Men of 2005 reads as follows: “4) provide equal pay for work of equal value.”

**Paragraph 1 of Article 6** of the law **stipulates that** the acts of an employer shall be deemed discriminatory if, because of the person’s sex, he/she applies to an employee less (more) favourable terms of employment or payment for work of equal value.

In pursuance of the National Programme of Equal Opportunities of Women and Men, the Tripartite Council of the Republic of Lithuania developed and approved, during its meeting on 7 December 2004, a methodology of assessing work and positions. It also recommended that the methodology should be presented to and disseminated among the social partners. With that in mind, social partners are invited to seminars that are organised two or three times a year within the framework of the National Programme of Equal Opportunities of Women and Men.

**Position of women in employment and training**

*No recent data is available with respect to gender participation to continuing vocational training.*

In 2005, training centres of the Lithuanian Labour Market Authority under the Ministry of Social Security and Labour trained 28,221 persons, including 10,873 females. In 2006, they trained 29,105, including 10,519 females.

**Table 20.1 Students in all types of educational establishments**

Mokslo metų pradžioje

*As of the beginning of the academic year*

	Merginos <i>Women</i>	Vaikinai <i>Men</i>	100-ui vaikinių tenka merginių <i>Number of women per 100 men</i>	
Profesinės mokyklos				<i>Vocational schools</i>
2000–2001	18892	28113	67	2000–2001

	Merginos <i>Women</i>	Vaikinai <i>Men</i>	100-ui vaikinų tenka merginų <i>Number of women per 100 men</i>	
2005–2006	18337	27997	65	2005–2006
2006–2007	17873	27509	65	2006–2007

The Committee asks to be kept informed about improvements with respect to the gender pay gap.

In terms of gender pay gap, Lithuania reaches the EU average, yet it is very slow to shrink.

**Table 20.2 Average gross monthly earnings of women compared to average gross monthly earnings of men <sup>1</sup>**

Procentais

*Per cent*

	Šalies ūkis <i>Whole economy</i>	Valstybės sektorius <i>Public sector</i>	Privatus sektorius <i>Private sector</i>
2000	81.7	77.0	84.5
2005	82.4	77.9	82.2
2006	82.1	78.9	80.9

The work pay of men is higher than that of women in almost all the economic sectors. The only exception is two sectors where females are better paid than men: mandatory (state) social security (100.4 per cent) and secondary education (119.4 per cent). One of the most significant factors, having an impact upon the pay gap, is a deep segregation of the labour market, primarily on the horizontal level, the so-called “female” and “male” types of work and sectors. The reason for that are the long-established traditional stereotypes about the role of sexes. Furthermore, although Lithuania takes the 2<sup>nd</sup> position in the EU with regard to the number of females occupying managerial positions in all levels (42 per cent), yet the vertical segregation of the labour market remains with males dominating in top management.

Measures to promote equal opportunities

The Committee asks the next report to be kept informed about developments and results achieved by the implementation of the plan.

The purpose of the National Programme for Equal Opportunities of Women and Men for 2005-2009 is gradual, integrated and structural addressing of equal treatment issues in all the areas ensuring gender mainstreaming as well as highlighting specific problems faced by men and women. One of its key directions is ensuring equal opportunities for women and men in the area of employment. It includes the following tasks and measures: changing stereotypes about the role of women and men in economic activities; improving conditions for women and men to reconcile work and family; improving employment opportunities for women returning to the labour market, senior and rural women; increasing opportunities for women taking up and developing business; promoting economic activity of women; encouraging employers and social partners to set up equal pay for men and women for the work of equal value; promoting social partnership and social dialogue development, ensuring gender mainstreaming in the labour market. The other main directions, tasks and measures of the programme include ensuring equal opportunities for women and men in science and education, in taking economic and political decisions, ensuring human rights, fight against violence against women and trafficking in women, gender mainstreaming in



development co-operation, health and environment areas, improvement and development of gender mainstreaming mechanisms and techniques. Implementation of the programme measures is supported using both the funds of the state budget and the European Union structural funds.

The implementation results of the programme are satisfactory. Data of the Statistics Department reveal that the gap between the level of employment of men and women dropped from 7.6 per cent in 2005 to 5.3 per cent in 2006. The female level of employment made up 59.4 per cent in 2005 and 61 per cent in 2006. In that way, it exceeded the female level of employment provided for in the Lisbon strategy for 2010 (60 per cent). The level of female unemployment accounted for 8.3 per cent in 2005 (male, 8.2 per cent), whereas in 2006, it dropped to 5.4 per cent and became smaller than that of men (5.8 per cent). The 2006 Communication from the Commission to the Council, European Parliament, Economic and Social Committee and Committee of the Regions indicate that according to the data submitted by Eurostat, Lithuania takes the fourth position out of 27 EU member states with regard to the employment gap between men and women. According to the level of employment of senior women, Lithuania takes up the 8<sup>th</sup> place in the EU and with regard to women raising children up to 12 years of age, it is the second. What concerns the gap between the level of unemployment of men and women, Lithuania takes up the eighth place in the EU.

The highest achievement of gender mainstreaming in Lithuania was the joint decision of EU member states, taken on 11 December 2006, to establish a body of the European Union, **the European Institute of Gender Equality**, in Vilnius. Article 23 of Regulation (EC) No. 1922/2006 of the European Parliament and of the Council lays down that the Institute shall be operational as soon as possible and in any event not later than 19 January 2008.

Question A

*Please state how the rights contained in this provision have been protected in legislation. This information should be specified according to the areas listed in paragraph 1 of Article 20.*

Information about the funding of vocational training is provided in the response to Paragraph 5, Article 10 of Question B.

The Law Amending and Supplementing Articles 1, 2, 5, 6, 7(1), 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24(1), 25, 26, 27, 28 and Annexes to the Law on Equal Opportunities of Women and Men ensures better protection against any type of discrimination. Prior to 2005, the concept of discrimination covered only direct and indirect discrimination and sexual harassment. After 2005, when the aforementioned law came into effect, discrimination also includes sexual harassment as well as instruction to discriminate, both of which are prohibited. It stipulates that if a person suffers from direct or indirect discrimination by reason of sex related to the person's family or marital status, such activity is considered as severe discrimination. It also provides for better protection of persons filing discrimination complaints against adverse actions directed against them or negative consequences related to their complaint, stipulating that if an employer harasses an employee who has filed a sex discrimination complaint, this is treated as an act violating equal rights. The law provides for a broader definition of the concept of violation of equal rights of women and men. Now the concept also includes the cases when a person denies the conduct violating equal rights of women and men or submits to such conduct, having no impact upon the decisions made in relation to that person. The definition of a 'direct discrimination' has been supplemented by an exception where supply of goods and services to a person of one sex is not treated as discrimination, i.e. when it is based on a legitimate objective and when the objective is pursued by adequate and necessary measures. Furthermore, the reservation with regard to the

different retirement age for women and men has been narrowed. Moreover, the law sets forth the same retirement age for men and women in professional pension systems.

## **Employment**

The aforementioned amendments to the Law on Equal Treatment of the Republic of Lithuania stipulates that when implementing equal treatment the employer must apply equal recruitment criteria and employment conditions. Furthermore, the employer must ensure equal treatment for women and men in improving their qualifications, being retrained or acquiring practical work experience. Moreover, a draft Law on Equal Opportunities of Women and Men has been developed supplementing an exception to direct discrimination where it shall not be considered to occur when a certain work can be performed only by a person of certain gender *and* when due to a specific nature of vocational activities or conditions to be met, a person's gender is a necessary, unavoidable and determining professional requirement, and such objective is legitimate and requirement is appropriate.

## **Protection against Dismissal from Work**

Pursuant to the Law on Equal Treatment of the Republic of Lithuania, the employer is obliged to take measures to prevent persecution of or an employee, who filed a complaint on discrimination to be protected from hostile behaviour and negative consequences. Furthermore, a new draft law proposes providing for bigger protection of employee representatives and employees serving as witnesses in favour of claimants in discrimination cases.

Paragraph 1 of Article 132 of the Labour Code provides for the following guarantees to pregnant women: 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 the Labour Code as well as in case of temporary labour contract upon its expiry

## **Professional Integration**

One of the tasks provided for in the National Programme for Equal Opportunities of Women and Men for 2005-2009 is improving conditions for women and men to reconcile work and family; improving employment opportunities for women returning to the labour market, senior and rural women; increasing opportunities for women taking up and developing business; promoting economic activities of women. To implement the task, the following measures have been foreseen:

- Organisation of training for senior women as well as women returning to the labour market after a longer break to promote their employment;
- Organisation of training for senior women as well as women returning to the labour market after a longer break to sharpen and upgrade their practical skills;
- Organisation of information day campaigns through business information centres in all counties;
- Provision of information, advice and training services to business women showing them the opportunities to get financial support for business development;
- Organisation of training on the issues related to starting-up and developing business, initial and follow-up employment of employees, promotion of business according to business certificates;
- Provision of advice to rural women starting up or developing agricultural business or an alternative to it;

- Organisation of awareness raising campaigns about development of projects for local employment initiatives and social enterprises.

Admittedly, the majority of the measures linked to the objective are additionally supported by the European Union structural funds. At the beginning of our response to Article 20, information is provided about the results of implementation of the National Programme of Equal Opportunities of Women and Men for 2005-2009.

#### Question B

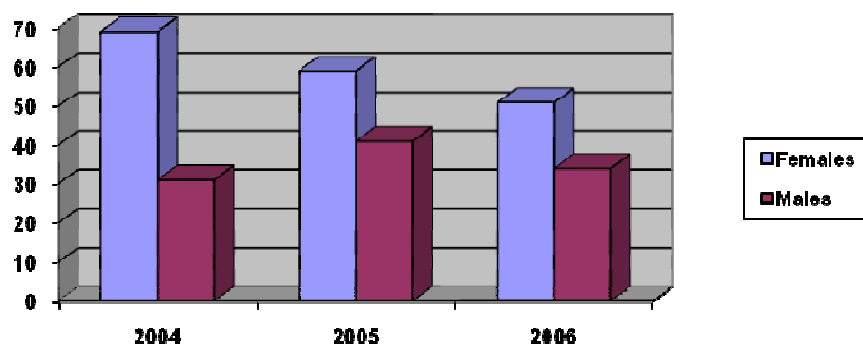
*Please indicate whether legislation provides a right for a worker to take legal action before a court or other competent authority in order to ensure the effective implementation and exercise of his rights under this provision. The information shall cover the four areas specified in the provision.*

Article 96 of the Labour Code stipulates that refusal to employ in the specified cases may be contested in court not later than within one month. 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.

Although a Lithuanian national has a freedom of choice of filing a discrimination claim either with the Equal Opportunities Ombudsman or a court, however, in sex discrimination cases they mostly refer to the Ombudsman. The exception is sex discrimination incurring criminal liability which does not fall within the remit of the Ombudsman.

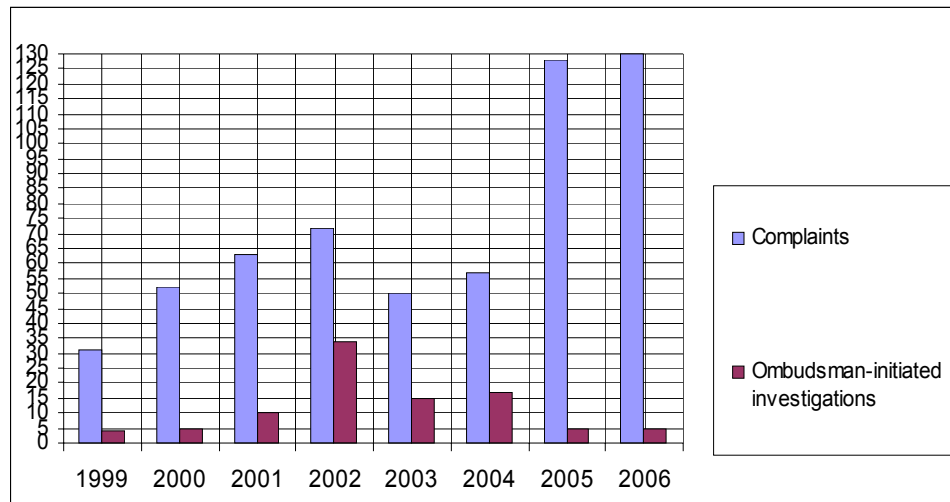
The operational practice of the Ombudsman shows that there have been very few cases since 1999 to have the decision of the Ombudsman appealed before the court. One of the recent cases was about a company which was dissatisfied with the decision taken by the Ombudsman and which submitted its appeal to the Chief Commission of Administrative Disputes. The Commission made a decision more favourable to it. In its turn, the Equal Opportunities Ombudsman appealed the decision against the court.

**Table 20.3 Distribution of Persons who submitted Complaints to the Equal Opportunities Ombudsman, by Gender (during reporting years):**



In 2006, the total number of complaints received by the Equal Opportunities Ombudsman was 130 and the number of investigations initiated by the Ombudsman was 5. Females submitted 51 complaints and males filed 34 complaints.

**Table 20.4 Comparison of the Number of Complaints Filed and Investigations initiated by the Ombudsman during Reporting Periods**



With regard to the gender of the complainants, males usually complain about discrimination on the grounds of disability, ethnic origin, religion or beliefs, whereas females feel discriminated on the grounds of gender and age. In 2006, similarly to previous years, the majority of complainants were pregnant women, women on pre-natal or post-natal and childcare leave. Such females complained that employers applied poorer conditions to them as compared to male employees: women were not entitled to benefits or supplementary work pay for good performance results and were not offered promotion opportunities.

#### 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.*

Paragraph 2 of Article 4 of the Labour Code (Labour Laws and other Regulatory Acts) stipulates 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. The Government may not adopt regulatory acts worsening the position of the employees compared to that established by this Code and other labour laws. The provisions of the regulatory acts of the state and municipal institutions, establishing for the employees condition less favourable than those established by this Code and other labour laws, shall be invalid.

Paragraph 4 of the same Article prescribes 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, of their own accord and by way of an agreement, mutual rights and obligations, the above subjects shall be guided by the principles of justice, reasonableness and good faith. Disputes between an employee and an employer concerning implementation of rights and duties provided for in labour laws, regulations of collective

agreements shall be settled in compliance with the procedure established in Chapter XIX of the Labour Code, (Labour Disputes).

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.*

Paragraph 1 of Article 297 of the Labour Code (Disputes related to the Employment Contract) stipulates that if an employee disagrees with the changing of the principal conditions of the employment contract, suspension from work on the employer's initiative or dismissal from work, he or she 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 principal conditions of the employment contract 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 wage for the entire period of involuntary idle time or the difference in the wage for the time period the employee was employed in a lower paid job. Paragraph 3 of the same Article lays down 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.

In addition to that, in late 2004, the Law on Equal Opportunities of Women and Men was supplemented by new Article 24 (1) stipulating that a person who has suffered discrimination on the grounds of sex, sexual harassment or harassment shall have the right to demand that guilty persons reimburse material or immaterial damages in compliance with the procedure established by the Civil Code of the Republic of Lithuania. This Article provides for reimbursement of damages to all the persons without exception. Furthermore, under the national law, “a worker” is understood as both a person employed under an employment contract as well as a public servant. For example, Paragraph 9 of Article 2 of the Law on Safety and Health at work provides for the following definition of a worker: as established in Article 15 of the Labour Code, as well as a person who has acquired the status of a public servant established by laws and who works in a State or municipal institution or agency. Hence there are provisions in the Law on Equal Opportunities of Women and Men stipulating that it shall *not* apply to public servants. Therefore, it shall be applicable to all persons. Moreover, violation of equal rights of females and males may occur in education and consumer protection rights, as well as in labour and public service relations, thus Article 24(1) of the Law on Equal Opportunities of Women and Men uses a general term, “person”.

Paragraph 1 of Article 6.250 of the Civil Code stipulates that non-pecuniary damage shall be deemed to be a person's suffering, emotional experiences, inconveniences, mental shock, emotional depression, humiliation, deterioration of reputation, diminution of possibilities to associate with others, etc., evaluated by a court in terms of money.

Paragraph 2 of Article 6.250 of the Civil Code lays down that non-pecuniary damage shall be compensated only in cases provided for by laws. Non-pecuniary damage shall be compensated in all cases where it is incurred due to crime, health impairment or deprivation of life, as well as in other cases provided for by laws. The court in assessing the amount of non-pecuniary damage shall take into consideration the consequences of such damage sustained, the gravity of the fault of the person by whom the damage is caused, his financial status, the amount of pecuniary damage sustained by

the aggrieved person, also any other circumstances of importance for the case, likewise to the criteria of good faith, justice and reasonableness. The amount of non-pecuniary damage shall not be limited. Moreover, the Civil Code does not limit remuneration of damages to a certain area, e.g. employment. It covers non-pecuniary damages incurred by a person in any area and by any actions.

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 the latter is the case, please enclose some decisions based on this case law.*

The answer is available in the previous reports of the European Social Charter (revised).

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 the post-natal period.*

One of the key guarantees provided to pregnant women is the prohibition to dismiss females on the grounds of pregnancy. Pursuant to Paragraph 1 of Article 132 of the Labour Code (Guarantees to Pregnant Women and Employees Raising Children), 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 Code as well as upon expiry of the temporary labour contract.

Article 136. 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 the medical conclusion or conclusion of the Disability and Capacity for Work Establishment Office under the Ministry of Social Security and Labour;
- 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.

The Law on Sickness and Maternity Social Insurance stipulates that a woman dismissed from work during her pregnancy or during the pregnancy and child-birth leave due to the liquidation or bankruptcy of the enterprise, establishment, organisation as well as due to the termination of the fixed-term employment contract or due to the expiry of the term of appointment to office or term of powers of the persons specified in the Law on Civil Service or the Law on Remuneration for Work of State Politicians, Judges and State Officials, provided she has sickness and maternity social insurance record specified in paragraph 1 of this Article, shall be paid maternity allowance according to the procedure established in Article 17 of this Law.

When one of the parents (adoptive parents) or guardians who is released from work on child caring leave for a period of one year according to the procedure established by law and receiving maternity (paternity) allowance is dismissed from work due to the liquidation or bankruptcy of the enterprise, establishment, organisation as well as due to the termination of the fixed-term employment contract or due to the expiry of the term of appointment to office or term of powers of the persons specified in the Law on Civil Service or the Law on Remuneration for Work of State Politicians, Judges and State Officials shall be paid maternity (paternity) allowance according to the procedure established in Article 20, but not longer than when employment is found.

When one of the parents (adoptive parents) or guardians who has sickness and maternity social insurance record or has been dismissed from work due to the liquidation or bankruptcy of the enterprise, establishment, organisation as well as due to the termination of the fixed-term employment contract or due to the expiry of the term of appointment to office or term of powers of the persons specified in the Law on Civil Service or the Law on Remuneration for Work of State Politicians, Judges and State Officials and for that reason has not been granted a child care leave for the period of one year shall be paid maternity (paternity) allowance according to the procedure established in Article 20, but not longer than when employment is found.

Question G

*Please indicate whether there are occupations (if so, which ones) that are reserved exclusively for one or other sex, specifying whether this is due to the nature of the activity or the conditions in which it is carried out.*

Presently, a new draft Law on Equal Opportunities of Women and Men has been developed supplementing an exception to direct discrimination where it shall not be considered to occur when a certain work can be performed only by a person of certain gender *and* when due to a specific nature of vocational activities or conditions to be met, a person's gender is a necessary, unavoidable and determining professional requirement, and such objective is legitimate and requirement is appropriate.

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 the reference period.*

Since laws allow application of special measures, the majority of measures provided for in the National Programme of Equal Opportunities for Women and Men are targeted at one of the genders. For example, business promotion by women, increasing the number of women in economic and policy decision-making, promotion of female employment, etc. In addition, this programme provides for closing the gap between female and male life expectancy (which is one of the biggest in Lithuania as compared to the situation in the EU), seeking to ensure a longer life for men.

Question I

*Please provide information on the situation in practice covering the four areas specified in the provision, ie. on:*

- a. *the employment situation of both sexes (ie. the number of men and women who are in employment, unemployed, working part-time or on 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. *differences in terms of employment and working conditions, including remuneration (with an indication of the differences between full-time workers on 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 the economy.*

The overall level of employment among females and males accounted for 62.6 per cent in 2005 and 63.6 per cent in 2006. According to the data of the Statistics Department under the Government of the Republic of Lithuania (hereinafter referred to as the Statistics Department), the employment level of females (aged 15 and above) was lower than that of males, making up 59.4 per cent in 2005 (as compared to 66 per cent of male employment), and 61 per cent in 2006 (against 66.3 per cent of males). During 2005-2006, the overall level of employment increased from 62.6 to 63.6 per cent.

In 2005, the share of unemployed women (8.3 per cent) was slightly bigger than that of men (8.2 per cent), whereas in 2006, the share of unemployed women (5.4 per cent) was slightly smaller than that of men (5.8 per cent).

In 2006, as compared to 2005, the total number of the unemployed dropped from 132,900 (67,100 men and 65,800 women) to 89,300 persons (46,700 men and 42,600 women).

Data of the Statistics Department reveal that in 2005, the total number of men and women in employment was accordingly 606,700 and 617,300 persons, whereas in 2006 it increased to respectively 622,700 and 641,000 persons. The number of permanently employed men was 560,800 in 2005 and 583,000 in 2006. Similarly, the number of permanently employed women increased from 595,300 in 2005 to 623,700 in 2006. Accordingly, the number of temporary employed persons dropped from 45,900 men (22,000 women) in 2005 to 39,700 men (17,300 women) in 2006.

Furthermore, the Statistics Department show data about the number persons employed part-time and full-time in 2005-2006. In 2005, the number of full-time employees was 712,500 men and 657,000 women, whereas in 2006, their number decreased reaching 696,500 men and 653,700 females. However, the number of part-timers went up from 38,400 men (66,100 women) in 2005 to 59,300 men (89,400 women) in 2006.

Data of the Statistics Department show that the amount of remuneration is much smaller in the economic sectors where female employees dominate as compared to those economic sectors where male employment prevails. During the last quarter of 2006, the average monthly net earnings in the area of health and social work, a predominantly female sector, amounted to LTL 1249.5, whereas in the electricity production and distribution sector, the average was LTL 1983.6.

The Statistics Department carried out a survey about the number of part-time workers during 2005-2006 by the amount of monthly gross earnings and the type of economic activity. The survey revealed that in 2005, the share of employees receiving a minimum monthly wage accounted for 10.3 per cent (as compared to 8.5 per cent in 2006); the number of employees receiving LTL 800 or less made up 32 per cent of workers in 2005 (23.5 per cent in 2006); employees paid LTL 801-1000 accounted for 11.8 per cent of workers in 2005 (11 per cent in 2006); workers receiving LTL 1,001-1,200 made up 10.5 per cent of all employees in 2005 (9.4 per cent in 2006); those receiving LTL 1,201-1,500 accounted for 13 per cent of employees in 2005 (13.1 per cent in 2006); persons paid LTL 1,501-2,000: 14.4 per cent in 2005 and 16.7 per cent in 2006; employees paid LTL 2,001-2,500: 7.3 per cent in 2005 and 10.9 per cent in 2006; a work pay of LTL 2,501-3,000 was paid to 3.9 per cent of workers in 2005 (5.7 per cent in 2006); a work pay of LTL 3,001-3,500 was given to 2.2 per cent of employees in 2005 (3.2 per cent in 2006); remuneration of LTL 3,501-4,500 was paid to 2.2 per cent of employees (3.2 per cent in 2006); LTL 4,501-5,500 was paid to 1.1 per cent of employees in 2005 (1.4 per cent in 2006); a work pay of LTL 5,501-7,000 was received by 0.7 per cent of employees in 2005 (1 per cent in 2006); LTL 7,001-10,000 were paid to 0.5 per cent of workers (0.6 per cent in 2006); and finally, LTL 10,001 and more were paid to 0.3 per cent of employees in 2005 (and the same 0.3 per cent in 2006).



Furthermore, the Statistics Department presented data about the number of part-time workers by gross monthly earnings in October 2005-2006. In 2005, the share of employees receiving a minimum monthly wage accounted for 76.1 per cent (75.1 per cent in 2006); the number of employees receiving LTL 800 or less made up 90.4 per cent in 2005 (85.5 per cent in 2006); employees paid LTL 801-1000 accounted for 4 per cent of workers in 2005 (4.9 per cent in 2006); workers receiving LTL 1,001-1,200 made up 1.9 per cent of all employees in 2005 (3.2 per cent in 2006); persons paid LTL 1,501-2,000: 1.7 per cent in 2005 and 2.5 per cent in 2006; persons paid LTL 1,501-2,000: 2 per cent in 2005 and 3.8 per cent in 2006.

The survey revealed that in October 2006, as compared to October 2005, the share of full- and part-time employees receiving a minimum monthly wage (MMW) or a smaller work pay, except for sole proprietors, dropped by 2.7 per cent (in 2006 and 2005 it made up accordingly 14.6 per cent and 17.3 per cent). Almost half of that number was part-time employees. The share of part-timers decreased as a result of a rapid growth in the work pay and the shrinking number of full-timers.

In 2006, the number of full-time employees, as compared to part-time workers, receiving minimum monthly wage accounted for 8.5 per cent in the domestic economy (10.3 per cent in 2005), 5.0 per cent in the public sector (5.2 per cent in 2005) and 10.7 per cent in the private sector (13.9 per cent in 2005).

The biggest share of full-time employees receiving MMW were employed in the following sectors: hotels and restaurants (20.4 per cent), wholesale and retail trade; repair of motor vehicles, motorcycles, personal and household goods (13.0 per cent), other community, social and personal service activities (12.8 per cent).

The Statistics Department does not collect data about the amount of remuneration for fixed-term and permanent employment.

#### Question J

*Please indicate what active policies 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.*

Taking into account the results of the National Programme of Equal Opportunities of Women and Men for 2003-2004, a new programme for 2005-2009 has been developed. It is funded both from the National budget and the EU structural funds. Furthermore, gender mainstreaming has been successfully pursued while implementing a number of other programmes: Rural Development Programme, Implementation of the Lisbon Strategy in Lithuania, the National Demographic Strategy, etc. This has created conditions for targeting more measures and resources at various issues related to the equal treatment of women and men.

The co-ordination of the Programme is carried out by the Commission of Equal Opportunities of Men and Women (hereinafter referred to as the Commission). The Commission was set up pursuant to Government Resolution No. 266 of the Republic of Lithuania, dated 7 March 2000 (Official Gazette, 2000, No. 22-564). By 15 January of each year, the Commission develops and submits reports to the Ministry of Social Security and Labour about the implementation of the Programme measures that are carried out by respective ministries as well as the Statistics Department under the Government of the Republic of Lithuania (hereinafter referred to as the Statistics Department). By 15 February of each year, the Ministry of Social Security and Labour submits the report to the Government of the Republic of Lithuania. Furthermore, every institution or organisation in charge

of implementation of measures provided for in the Programme, informs the public and, where necessary, other institutions about the implementation of the measures it is responsible for.

The results of implementation of the National Programme of Equal Opportunities of Women and Men in 2006 are as follows:

**Smaller gap between employment and the level of unemployment of men and women.** Data of the Statistics Department<sup>15</sup> reveal that the gap between the level of employment of men and women dropped from 7.6 per cent in 2005 to 5.3 per cent in 2006. The female level of employment made up 59.4 per cent in 2005 and 61 per cent in 2006. In that way, it exceeded the female level of employment provided for in the Lisbon strategy for 2010 (60 per cent). The level of female unemployment accounted for 8.3 per cent in 2005 (male, 8.2 per cent), whereas in 2006, it dropped to 5.4 per cent and became smaller than that of men (5.8 per cent). The 2006 Communication from the Commission to the Council, European Parliament, Economic and Social Committee and Committee of the Regions indicate that according to the data submitted by Eurostat, Lithuania takes the fourth position out of 27 EU member states with regard to the employment gap between men and women. According to the level of employment of senior women, Lithuania takes up the 8<sup>th</sup> place in the EU and with regard to women raising children up to 12 years of age, it is the second. What concerns the gap between the level of unemployment of men and women, Lithuania takes up the eighth place in the EU.

**Increasing opportunities of employment for women, and rural women in particular, taking up and developing business.** Women are actively taking advantage of their opportunities to find employment or start a business. According to the data of the Lithuanian Labour Exchange, during the 2006, 10,400 women (54 per cent) were sent to vocational training. That number includes 1,800 women registered in the labour exchange after a break longer than 3 years and 1,200 senior women (aged more than 50). 3,000 (73 per cent) women were referred to refresher courses, taking part in long-term initiatives of refreshing professional expertise of the employed. That number includes 1,200 women registered in the labour exchange after a break longer than three years and 1,400 women aged more than 50. In 2006, 4,400 job seekers, including 2,530 women, finished a course of business fundamentals organised by territorial labour exchange offices. According to the data of the Lithuanian Agency of Small and Medium Business Development, during the year 2006 business information and consulting services were provided to 12,810 future and current businesswomen, i.e. 59.89 per cent of all the customers (as compared to 10,817 women or 59.75 per cent of all the customers in 2005). Both in 2005 and 2006 women were more active business information users provided by business information centres than men.

**Better conditions for family and work reconciliation.** On 1 July 2006, new amendments and supplements to the Labour Code stipulating paternity leave came into effect. According to Article 179 (1) of the Labour Code, men are entitled to paternity leave from the date of birth of their child until the child is one month old. This month is included in the length-of-service while calculating annual holidays. During that period fathers receive a paternity allowance established by the Law on Sickness and Maternity Social Insurance. The amount of paternity allowance is 100 per cent of the compensated amount of work pay. When the insured has several job positions, a paternity leave is calculated on the basis of a compensated amount of work pay only in the workplaces where he is on a paternity leave. The allowance is calculated and paid in compliance with the procedure established by the Regulations of Sickness and Maternity Social Insurance approved by the Government. The entitlement to a paternity leave is given to the insured father who takes a paternity leave in compliance with the procedure established by law until the child is one month old.

<sup>15</sup> <http://www.stat.gov.lt/lt/pages/view/?id=1574>

and whose length-of –service of sickness and maternity social insurance is not shorter than 7 months during the period of 24 months up to the first day of a paternity leave and who is married to the mother of the child. By the end of 2006, 3,085 fathers took advantage of the new amendment.

**With the Programme in place, it became possible to solve the problem of equal treatment of genders using the EU structural funds.** In 2006, LTL 13.2 million of EU structural funds were used to support 20 projects run by female non-governmental organisations, other bodies and organisations. The purpose of these projects is to promote employment of women, with a special emphasis on senior women or those who come back to work after a maternity leave, increase motivation of women in decision-making processes, change traditional stereotypes about the role of men and women in economic activities, the so-called “female” and “male” type of work and sectors, seek to reduce horizontal labour market segregation, the gender imbalance between different sectors and professions which negatively effects the difference in pay for female and male work. The difference in pay for the work of men and women equals the EU average (15 per cent), yet it is very slow to shrink, and by the distribution of women and men in economic sectors, Lithuania is the last but one in the European Union.

**Increasing women’s motivation, competence and capacities to be more active in taking decisions.** 87 females took part in different training events organised in Kaunas and Šiauliai. The training participants were women willing to take part in politics and decision-making. Training helped improve their knowledge and skills, gain self-confidence and obtain more opportunities in taking part in decision-making processes. Such training will be continued until the end of the programme. The motivation of women in decision-making is increasing. According to the data of the Chief Electoral Commission<sup>16</sup>, 39.88 per cent of all the candidates of various political parties or their coalition in the elections to municipal councils of the Republic of Lithuania are women. The 2006 Communication from the Commission to the Council, European Parliament, Economic and Social Committee and Committee of the Regions indicate that according to the data submitted by Eurostat, according to the number of women in managerial positions of all levels, Lithuania comes the 2<sup>nd</sup> (with 43 per cent) in the EU. According to the data of the EU database “Women and Men in Decision-Making Positions”<sup>17</sup>, in 2006, Lithuania ranked the 7<sup>th</sup> in the EU by the number of women presiding in the biggest business companies.

**Increasing cooperation with Lithuanian female organisations.** Pursuant to Government Resolution No. 198 of 13 February 2007, female and male non-governmental organisations are given an opportunity to select and delegate up to four actual members of the Commission of Equal Opportunities of Men and Women that would represent the interests of all female and male non-governmental organisations. From 2000 until 2006 representatives of NGOs were invited to take part in the activities of the Commission holding the advisory position. The Programme supports financially membership of Lithuanian women’s organisation in the EU association of female organisations, *European Women’s Lobby*. With regard to the priorities listed in the Nordic Cooperation Programme on Gender Equality, support was provided to the meeting of national coordinators of the Nordic and Baltic network of bodies involved in the reduction of violence against women.

The highest achievement of gender mainstreaming in Lithuania was the joint decision of the EU member states, taken on 11 December 2006, to establish a body of the European Union, **the European Institute of Gender Equality**, in Vilnius. Article 23 of Regulation (EC) No. 1922/2006 of the European Parliament and of the Council lays down that the Institute shall be operational as soon as possible and in any event not later than 19 January 2008.

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<sup>16</sup> <http://www.vrk.lt/lt/naujienos/procentai.html>

<sup>17</sup> [http://ec.europa.eu/employment\\_social/women\\_men\\_stats/out/measures\\_out438\\_en.htm](http://ec.europa.eu/employment_social/women_men_stats/out/measures_out438_en.htm)

Question K

*Please indicate if social security matters as well as provisions concerning unemployment benefit, old age benefit and survivor's benefit are considered to be within the scope of this provision.*

This information is available in the previously submitted reports.

## **ARTICLE 24: THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT**

*"With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:*

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;*
- b. the right of workers whose employment is terminated without valid reason to adequate compensation or other appropriate relief.*

*To this end, the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body."*

### **Additional questions of the European Committee of Social Rights:**

*According to the report, Lithuanian law on the termination of employment is contained in the 2002 Labour Code. The Committee's understanding is that because the Employment Contracts Act (No I-2048 of 28 November 1991), also quoted in the report, predates the new Labour Code, it no longer governs terminations of employment now that the Labour Code is in force. The report is not clear on this, therefore, so the Committee asks whether this interpretation is correct.*

We confirm that the interpretation of the European Committee of Social Rights is correct. We present a list of laws that were repealed after the Labour Code came into effect on 1 January 2003: Code of Labour Laws, Wages Law, Law on Collective Agreement and Contracts, Law on Employment Contracts, Law on Holidays, Law on Regulation of Collective Disputes, Law on Labour Dispute Resolution, Law on National Holidays.

*To help it assess the extent to which reasons regarded in practice by employers as justifying the termination of employment constitute valid reasons as required by Article 24 of the Revised Charter, the Committee asks for information in the next report on the interpretation given to each of the reasons covered by Article 129.2 of the Labour Code. It asks for decisions and case law judgments in support of these interpretations.*

On 29 December 2003, the Senate of the Supreme Court adopted Ruling No. 44, Concerning Application of Provisions of the Labour Code regulating Termination of an Employment Contract on the Initiative of an Employer without any Fault on the Part of an Employee (Article 129 of the LC) in Court Practice providing its interpretation of the application of Article 129 of the Labour Code (Termination of an Employment Contract on the Initiative of an Employer without any Fault on the Part of an Employee). (The interpretation is attached herein).

*Article 129.3 of the Labour Code lists reasons which are not deemed valid grounds for dismissal. The Committee notes that this list includes participation by the employee "in proceedings against the employer for violations of laws, other regulatory acts or a collective agreement, as well as complaints to administrative bodies". But it does not include temporary absence from work on grounds of illness or injury. The Committee asks for details of the legal consequences of absence on grounds of illness (reason for dismissal and compensation arrangements).*

Article 133 of the Labour Code (Guarantees to Employees who have Contracted a Disease or have been Injured at Work) stipulates that Employees, who have lost their capacity for work as a result of injury at work or occupational disease, shall retain their position and duties until they recover their capacity for work or a disability is established. An employment contract with an employee having an established disability may be terminated subject to the provisions laid down in Section 4 of the

Labour Code. Employees, who have temporarily lost their functional capacity for reasons other than those specified in paragraph 1 of this Article, shall retain their position and duties if they are absent from work due to temporary loss of functional capacity for not more than 120 successive days or for not more than 140 days within the last 12 months, unless laws and other regulatory acts provide that in the case of a specific disease the position and duties shall be retained for a longer period. The periods specified above shall not include the period during which an employee was in receipt of a state social insurance benefit for attending a family member or an allowance in cases of epidemic diseases.

Burden of proof

The report states that all elements of proof are supplied to the courts by the interested parties. The Committee would like more detailed explanation of the system of proof and specifically asks what happens when there is no adequate proof of the reason for dismissal.

In case of a court dispute concerning the legitimacy of dismissal of an employee from work, the employer is obliged to prove all the legitimate reasons that formed the grounds for the dismissal of the employee (Article 178 of the Civil Procedure Code). Admittedly, proof could be also collected by the employee. Moreover, pursuant to Paragraph 1 of Article 414 of the Civil Procedure Code, the court shall be entitled to take initiative in collecting the evidence that is not used as proof by any of the parties if it believes that such evidence is necessary to decide a case fairly. Prior to hearing the case, the court, depending on the circumstances of the case, requests that the defendant should submit documents showing the employee's employment and dismissal (transfer or removal), the application of disciplinary sanctions, the average work pay of the plaintiff and other documents necessary for the case if these cannot be submitted by the plaintiff (Paragraph 1 of Article 415 of the Civil Procedure Code).

Personal scope

According to the report, the employer may dismiss an employee recruited under a fixed-term contract before the end of the contract only in specific cases and where the employee cannot, even though he is willing, be transferred to another post or where the unpaid wages due to him are paid. Since these rules do not feature in the Labour Code, the Committee asks what the legal basis for them is. Employers may dismiss employees without compensation during or on completion of a trial period – which must not be longer than three months – provided notice is given accordingly (Articles 105 - 107 of the Labour Code).

As it was mentioned in the previous report, Paragraph 5 of Article 129 of the Labour Code stipulates that an employer shall be entitled to terminate a fixed-term employment contract before the expiry thereof only in extraordinary cases where the employee cannot, with his consent, be transferred to another work, or upon the payment of the average wage to the employee for the remaining period of the employment contract. The aforementioned Ruling No. 44 of the Senate of the Supreme Court of Lithuania of 29 December 2003 (attached below) lays down that extraordinary cases are usually understood as cases where the retention of an employee would substantially violate the interests of the employer and these are established with regard to the specific nature of the activities of the employer, the conditions thereof and the grounding reasons for that: for example, when employment functions carried out by the appropriate employee are no longer necessary, when the employee is on idle time and there is no possibility of transferring him/her to another work position (Article 122 of the Labour Code).

Question A - Question D

The information is available in the previously submitted reports and responses to the additional questions raised by the European Committee of Social Rights.

## **ARTICLE 25: THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER**

### **Regulations of the Republic of Lithuania**

#### **1. Laws of the Republic of Lithuania**

- Law No. No. X-519 Amending and Supplementing Articles 1, 3, 4, 5, 6, 10, 13 of and Amending Annex to the Law on the Guarantee Fund (Official Gazette, 2006, No. 41- 1460)

#### **2. Secondary legislation**

- Government Resolution No. 685 of the Republic of Lithuania of 7 June 2001, *Concerning Amendment of the Establishment of Guarantee Fund* (Official Gazette, 2006, No. 93-3652)

*"With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers' claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection."*

#### **Additional questions of the European Committee of Social Rights:**

*The Committee requests an estimate of the overall proportion of workers' claims which are satisfied by the guarantee system and of the usual or average duration of the period from a claim is lodged until the worker is paid.*

In 2005, 527 company claims were satisfied. Partially they met the outstanding claims relating to the work pay and other payments linked to the employment relations of 10,654 employees. The fund covered 58.7 per cent of the total amount of the outstanding claims related to work pay.

In 2006, the number of satisfied company claims was 379. Pursuant to the Regulations adopted by the Board of the Guarantee Fund, it partially met the claims of 11,140 employees. The fund covered 68.3 per cent of the total amount of the outstanding claim related to work pay.

The average time period during which the Guarantee Fund makes payments to employees (from the date of submission of the claim until the actual payment) is 4 months.

Pursuant to Paragraph 2 of Article 6 of the Law on the Guarantee Fund, the administrator of the enterprise which is in bankruptcy or a bankrupt enterprise (chairman of the liquidation commission) shall, when the enterprise does not have sufficient funds of its own to pay the employees, within one month following the date of approval of creditor claims, submit documents to the Administrator of the Guarantee Fund regarding allocation of resources to meet the employees' claims resulting from the employment relations. Upon the registration of the enterprise claims with the administration of the Guarantee Fund, the legitimacy of submitted claims and accuracy of calculated payments to employees is verified. In approximately 1-2 months (depending of the complexity of the claim and the accuracy of accounts), the claims are submitted to the Board of the Guarantee Fund which takes a decision regarding the allocation of resources. Once the decision is taken, the funds are transferred into the company's account. The administrator of the bankrupt enterprise must pay the employees in line with the overall deadline of 1 month for paying employees from the Guarantee Fund.

The Committee asks that the next report specify in more detail who are the workers not covered by the guarantee system and that it provide an estimate of the number of workers concerned. It also asks what the position is of domestic employees.

The guarantee system is applied to the employees of all enterprises, except for state budgetary institutions, municipal budgetary bodies, political parties, trade unions, religion communities and communions (Paragraph 2 of Article 1 of the Guarantee Fund). The provisions of this Law shall be applicable to all enterprises, public institutions, banks, with the exception of the Bank of Lithuania, and credit unions (hereinafter “enterprises”) which are registered in accordance with the procedure established by the laws of the Republic of Lithuania

Pursuant to Paragraph 12 of Article 5 of the Guarantee Fund, the payments from the Guarantee Fund shall not be allocated to employees who are personally or together with their spouse (co-habitant) and/or close relatives own more than 50 per cent of the enterprise shares (interests, member shares). Payments to such employees may be allocated only in cases when such an enterprise goes bankrupt due the reasons that do not depend on the activity and competence of the owners (shareholders) of the enterprise. Such cases that detail the application of Paragraph 12 of Article 5 of the Law on the Guarantee fund were approved by Minutes No. 1.8-12 of the Board of the Guarantee Fund, dated 30 November 2006.

During the reporting period (i.e. since coming into effect of the Law on the Guarantee Fund No. X-519 on 13 April 2006) payments from the Guarantee Fund were not made to the employees of 48 enterprises who personally or together with their spouse (co-habitant) owned more than 50 per cent of the enterprise shares (interests, member shares).

Furthermore, pursuant to Paragraph 11 of Article 5 of the Guarantee Fund, payments from the resources of the Guarantee Fund shall not be made to employees who concluded an employment contract with an insolvent company from the date of notification of the enterprise by the creditor(s) about their intention to bring the case of initiation of bankruptcy to court or from the date of public notification or other type of communication to the creditor(s) about the failure or unwillingness to meet commitments or the date of the claim submitted to court concerning initiation of bankruptcy proceedings against the enterprise (whichever date comes first) or from the date of sending out a proposal to creditors offering extra-judicial bankruptcy proceedings.

There is no statistics kept about the cases of non-allocation of payments to such employees.

The existing laws equally treats all the employees (enterprises) covered by the guarantee system, irrespective of the enterprise they are employed in (domestic or foreign) and irrespective of the country they are residing in (i.e. the nationals of which country they are).

#### Question A

*Please indicate whether workers' claims in the event of the insolvency of their employer, are secured by means of a guarantee institution, a privilege, a combination thereof or by other means.*

The Guarantee Fund is a monetary fund, whose resources are allocated for the payment of sums in the amount fixed by this Law to the employees of enterprises in bankruptcy or bankrupt enterprises whose employment relationships with the said enterprises were discontinued, to the employees who continue employment relationships with the enterprise in bankruptcy and to the former employees of enterprises liquidated by reason of bankruptcy after entry into force of this Law, where the



enterprises have not paid their outstanding claims as well as for covering the Guarantee Fund administration expenses.

Resources from the Guarantee Fund are also allocated for payments to the employees of the branches and representations of enterprises of the EU member states and other EEA countries who are working under employment contracts in such branches or representations in the territory of the Republic of Lithuania when such enterprises are subject to an insolvency procedure that is adequate to the bankruptcy proceedings of enterprises provided for in the legislation of the Republic of Lithuania.

During the reporting period, 21,794 employee claims were satisfied using the resources of the Guarantee Fund amounting to LTL 40.2 million.

Question B

*Please state how the term "insolvency" has been defined and to which situations it has been applied.*

This information is available in the previously submitted reports.

Question C18

*Please indicate which claims are protected in case of the insolvency of the employer?*

In the event of bankruptcy proceedings of the enterprise and in compliance with the procedure of its liquidation, all the employee claims can be satisfied.

Paragraph 3 of Article 5 of the Law on Guarantee Fund stipulates that the Guarantee Fund shall cover the outstanding claims of bankrupt enterprises or enterprises in bankruptcy that accumulated prior to the date of the court ruling to initiate bankruptcy proceedings against the enterprise or prior to the date of the decision taken by the creditors' meeting to initiate extra-judicial bankruptcy proceedings for the period up to two months, following the date of the aforementioned court ruling or the decision of the creditors' meeting.

This means that the Guarantee Fund covers the entire period as of the date from the outstanding claim occurring vis-à-vis an employee of the enterprise in bankruptcy (no statute of limitations is applied to the credit claims of employees of bankrupt enterprises) until the initiation of bankruptcy proceedings as well as the period of two months following coming into effect of the court ruling initiating bankruptcy proceedings.

Pursuant to the existing legislation, an employee of a bankrupt enterprise or an enterprise in bankruptcy as well as a former employee of a liquidated company due to bankruptcy proceedings shall be paid amounts related to labour relations, upon coming into effect of the Law on the Guarantee Fund. These amounts are the following:

1. the pay for work under of the employee's outstanding claim but not higher than the sum of work pays paid for the last three months in sequence during the period of 18 months prior to the to the date of the court ruling to initiate bankruptcy proceedings against the enterprise or prior to the date of the decision taken by the creditors' meeting to initiate extra-judicial bankruptcy proceedings and not higher than the sum of three average gross work pays in the domestic economy during the last but one quarter, which preceded the month during which the claim was submitted to the administration of the Guarantee Fund. When the sum of work pays paid during three months is

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<sup>18</sup> See paragraph 3 of the appendix to Article 25.

smaller than 3 minimum monthly wages, the maximum amount of such payment shall be the sum of three minimum monthly wages;

2. a monetary compensation for the unused annual leave, up to 1 minimum monthly wage;
3. the severance pay, up to 2 minimum monthly wages;
4. a compensation for damage caused by accidents at work or an occupational disease, where this obligation is not passed-on to the state according to the established procedure;
5. payment for idle time, up to 1 minimum monthly wage.

The aforementioned provisions of the Law on the Guarantee Fund are effective as of 1 May 2006.

Prior 1 May 2006, provisions of Article 5 of the Law on the Guarantee Fund and Government Resolution No. 2103 of 31 December 2002, *Concerning Payments from the Guarantee Fund*, read as follows:

- the pay for work under of the employee's outstanding claim but not higher than the sum of three minimum monthly wages;
- a monetary compensation for the unused annual leave but only for a period of one working year and up to 1 minimum monthly wage;
- the severance pay, up to 2 minimum monthly wages;
- payment for idle time, up to 1 minimum monthly wage;
- a compensation for damage caused by accidents at work, which occurred prior to 31 December 1999, or an occupational disease, determined prior to 31 December 1999, for employees performing activities in bankrupt enterprises, where this obligation is not passed-on to the state according to the established procedure.

The minimum monthly wage since 1 July 2005 established by Government Resolution No. 361 of the Republic of Lithuania, dated 4 April 2005, was LTL 550.

The minimum monthly wage since 1 July 2006 established by Government Resolution No. 298 of the Republic of Lithuania, dated 27 March 2006, was LTL 600.

The minimum monthly wage since 1 July 2007 established by Government Resolution No. 643 of the Republic of Lithuania, dated 4 June 2007, is LTL 700.

#### Question D

*Please indicate whether there are any categories of workers not covered by the protection offered in this field by reason of the special nature of their employment relationship.*

Pursuant to the current Law on the Guarantee Fund, it is applicable to all legal entities, except for state budgetary institutions, municipal budgetary bodies, political parties, trade unions, religion communities and communions. It is also applicable to branches and representations of enterprises established in the European Union member states and other countries of the European Economic Area that are subject to insolvency procedures applicable in compliance with the legislation of these countries that are registered in the Republic of Lithuania in compliance with the procedure established by law.

#### Question E

*Please indicate whether workers' claims are limited to a prescribed amount. If so, state what the amount is and how it is determined.*

This information is available in the previously submitted reports.

## ADDENDUM 1

### Important addresses

**Ministry of Social Security and Labour:**

*(Socialinės apsaugos ir darbo ministerija)*

A. Vivulskio st. 11

03610 Vilnius

[www.socmin.lt](http://www.socmin.lt)

**The State Social Insurance Fund Board:**

*(Valstybinio socialinio draudimo fondo valdyba (SoDra))*

Konstitucijos av. 12

09308 Vilnius

[www.sodra.lt](http://www.sodra.lt)

**Lithuanian Labour Exchange:**

*(Lietuvos darbo birža)*

Geležinio Vilko st. 3a

03131 Vilnius

[www.ldb.lt](http://www.ldb.lt)

**Ministry of Health:**

*(Sveikatos apsaugos ministerija)*

Vilniaus st. 33

01119 Vilnius

[www.sam.lt](http://www.sam.lt)

**State Patient Fund:**

*(Valstybinė ligonių kasa)*

Kalvariju st. 147

03147 Vilnius

[www.vlk.lt](http://www.vlk.lt)

**Document Search of the Seimas (Parliament) of the Republic of Lithuania:**

<http://www3.lrs.lt/n/eng/DPaieska.html>

## **ADDENDUM 2**

### **RULING NO. 44 OF THE SENATE OF THE SUPREME COURT OF LITHUANIA**

29 December 2003  
Vilnius

Concerning Application of Provisions of the Labour Code regulating Termination of an Employment Contract on the Initiative of an Employer without any Fault on the Part of an Employee (Article 129 of the LC) in Court Practice

On 1 January 2003, a new Labour Code came into effect (except for Paragraph 6 of Article 47), in principle reforming the labour law, newly regulating the majority of labour relations, providing for a unified source of codified labour law incorporating the key legal provisions of the European Union and International Labour Organisation legislation as well as the European Social Charter (revised). One of the key novelties of the new institution of the employment contract provided for in the Labour Code (hereinafter referred to as the LC) is that it abandoned a finite list of the grounds for termination of an employment contract on the initiative of an employer without the fault of an employee and sets forth the provision (Article 129 of the LC), allowing the employer to make a decision concerning the necessity to terminate the employment contract and the specific grounds for that. Furthermore, the LC legal norms provide for other novelties, including a new procedure for the termination of the employment contract. Employment contracts are often terminated on the initiative of an employer without any fault on the part of an employee. Therefore, it is important that the legal norms regulating such termination of employment contracts would be interpreted and applied fairly. Moreover, the employees who disagree with their dismissal from work, often contest the termination of the employment contract in court. Therefore, a fair and unified application of the new legal norms of the LC regulating termination of an employment contract on the initiative of an employer without any fault on the part of an employee is an important and relevant task of the court practice.

Having analysed the cases submitted for making a summary, a conclusion is to be made that the practical interpretation and application of legal norms differs and that courts do not always fairly interpret and apply the legal norms of the LC regulating termination of an employment contract pursuant to Article 129 of the LC.

Seeking to unify the practice of the application of the laws and following Point 2, Paragraph 2, Article 23 of the Law on Courts of the Republic of Lithuania as well as Point 3, Paragraph 1, Article 5 of the Statute of the Supreme Court of Lithuania, the Senate of the Supreme Court of Lithuania

**r u l e s :**

**I.** To interpret to the courts that:

**1.** A proper interpretation and application of the labour legal norms regulating termination of an employment contract is an important means of effective defence and protection of the rights of subjects of labour relations strengthening trust in the state of Lithuania and its system of justice administration.

Article 129 of the LC sets forth one of the grounds for terminating an employed contract, provided for in Paragraph 1 of Article 124 of the LC.

**2.** Article 129 of the LC shall not be applicable in cases of:

a) termination of an employment contract on the grounds of the violation of labour discipline on the part of the employee (Article 134 of the LC);

b) termination of an employment contract in the case of the bankruptcy of an employer (Article 137 of the LC);

c) termination of an employment contract on the grounds provided for in Article 136 of the LC and other legal acts;

d) other cases when termination of an employment contract is not possible on the grounds of the legal norm in question.

**3.** The grounds for terminating an employment contract are understood as a certain legal fact or their elements allowing for the termination of a labour contract. The elements of legal facts, while dismissing an employee pursuant to Article 129 of the LC, always includes the initiative of the employer which shall be expressed in compliance with the procedure of Article 130 of the LC in cases established by law as well as:

a) termination of a permanent employment contract with employees who are not indicated in Paragraph 4 of 129 of the LC: the absence of a valid reason as well as the fact that an employee may not, with his consent, be transferred to another work;

b) termination of a permanent employment contract with employees who are indicated in Paragraph 4 of 129 of the LC: the absence of a valid reason or extraordinary case, as well as the fact that an employee may not, with his consent, be transferred to another work;

c) termination of a fixed-term contract (a part of the sentence of Paragraph 5, Article 129 of the LC, up to the word 'or'): the absence of a valid reason or extraordinary case, as well as the fact that during the moment of expression of the initiative of an employer the period of a fixed-term employment contract has not expired or the time remaining before the expiry of the period is not shorter than the period of notice applicable to the employee, and the fact that the employee cannot, with his consent, be transferred to another work;

d) termination of a fixed-term contract (a part of the sentence of Paragraph 5, Article 129 of the LC, after the word 'or'): the fact during the moment of expression of the initiative of an employer the period of a fixed-term employment contract has not expired and the fact that the employer pays the employee the average wage for the remaining period of the employment contract.

**4.** In the event of a court dispute with regard to the lawfulness of dismissal of an employee from work, the employer must prove the legitimate reasons that formed the grounds for terminating the employment contract (Article 178 of the CPC), and the court, taking into account the specific circumstances of the case, shall assess whether these grounds are sufficiently legitimate to form the grounds for termination of the employment contract in the specific case (Paragraph 6, Article 3 of the CPC).

**4.1.** The qualifications of an employee, relevant for the application of Paragraph 2, Article 129 of the LC, shall be understood as the degree of the employee's readiness to perform certain work. The employee's qualifications are described by his theoretical knowledge, practical skills, and experience necessary to perform certain work. It is not the same as education as it is only one of the criteria describing the employee's qualifications. A valid reason to terminate a non-fixed employment contract may be acknowledged insufficient qualifications on the part on an employee and the absence of necessary qualifications, etc. The fact that an employee lacks a certain diploma, certificate or similar does not constitute the grounds for dismissing the employee pursuant to Article 129 of the LC, except for cases when regulatory acts explicitly stipulate that a certain work (position) may be undertaken only by a person having an appropriate diploma or certificate. In other cases, the circumstance that an employee lacks appropriate education (a diploma, certificate and similar) may only constitute one of the evidence showing that due to the lack of qualifications the

employee is deemed unsuitable to perform the task. In addition, a valid reason to terminate an employment contract shall be unsatisfactory results of certification carried out in compliance with the procedure established by regulatory legal acts (for example, the Procedure for Organisation of Competitions for Positions of Scientific Workers, Other Researchers and Teachers at State Institutions of Science and Studies and of Certification of Scientific Workers, Other Researchers and Teachers, etc. approved by Government Resolution of 11 July 2001 of the Republic of Lithuania). In other cases, unsatisfactory results of certification alone shall not constitute a valid reason to terminate an employment contract. However, it may be considered as one of the evidence serving as the proof of a valid reason related to the employee's qualification whose presence enables the employer to terminate the employment contract.

**4.2.** The concept 'professional abilities' in a certain sense describes the concept 'qualifications'. They are closely related and can be used as synonyms in the LC sense. An employee may have the necessary qualification (in a formal sense, education and accompanying diploma, certificate, etc.) yet due to other circumstances related to his professional abilities he may be considered unsuitable for performing a certain work. Professional abilities in the meaning of the legal norm in question covers all the objective circumstances due to which an employee may be considered unsuitable for performing a certain work (for example, the employee's health status, the cases showing that the employee constantly produces faulty goods, fails to comply with work requirements, etc.). The employee may have the necessary qualifications and even properly perform the work function, yet if he requires a much longer period of time to perform the task than the other employees (particularly in the case of the time-based work remuneration system), the employee may be dismissed from work due to the circumstances related to his professional abilities.

**4.3.** The termination of an employment contract for economic reasons has to be based on the economic necessity. For example, a constant reduction of the employer's turn-over, constant losses caused by objective reasons (for example, the appearance of a new competitor in the market, etc.).

**4.4.** Technological reasons as the grounds for terminating an employment contract on the initiative of an employer should be usually understood as certain technological changes in the workplace as a result of which an employee or several employees are no longer capable of performing the work functions agreed in the employment contract because such functions, or the part thereof, are no longer performed in the workplace (for example, replacement of manual work by the automated production line, etc.) or fewer employees are required to perform the work (for example, computerisation of the automated production line, etc.). If, due to the modernisation of production or another area of operation, employees are necessary to monitor (manage) new technologies and the currently employed lack the qualification and are not able to perform such work, employment contracts may be terminated with such employees also due to circumstances related to their qualification.

**4.5.** Restructuring of a workplace may be acknowledged by court as a valid reason to terminate an employment contract in the event where due to such restructuring, an employee or several employees are no longer capable of performing the work functions agreed in the employment contract because such functions, or the part thereof, are no longer performed in the workplace or their performance requires a smaller number of employees. Restructuring of an enterprise, institution, organisation or another organisational structure shall be made by the decisions of an appropriate management body (within the remit of which is the adoption of such decision pursuant to the law, statutes or similar). Restructuring of a workplace should be actual, i.e. it is mandatory not only to have the decision taken by an appropriate management body but also the actual implementation thereof. The changes provided for in Article 138 of the LC shall not be deemed structural changes.

**5.** Paragraphs 1 and 2 of Article 129 of the LC shall be interpreted and applied along with Paragraph 3 thereof. It regulates significant circumstances, from the point of the view of the employer, yet they cannot constitute valid reasons to terminate an employment contract. Therefore,

the employer may not terminate an employment contract on the grounds listed in Paragraph 3, Article 129 of the LC.

The employee's age alone provided for in Point 5, Paragraph 3, Article 129 of the LC may not constitute a valid reason to terminate an employment contract. The circumstances related to the person's age may become a legitimate reason to terminate an employment contract only when all the following conditions are met:

- a) an employee has reached pension age;
- b) due to his age, he is unable or is unsuitable to perform the work functions he is tasked to perform;
- c) an employee is entitled to the full old age pension or is in receipt thereof.

**6.** Extraordinary cases in the meaning of Paragraph 4, Article 129 of the LC are usually understood as cases where the retention of an employee would substantially violate the interests of the employer and are established in line with the specific nature of activities of a concrete employer, specific circumstances of terminating a separate employment contract and the reasons forming the grounds for it. For example, when due to the changes occurring with the employer, the functions performed by the employee become completely unnecessary, the employee is on long-term idle time or there is no possibility to transfer him to another work (Article 122 of the LC).

Employees raising children under 14 years of age used in the meaning of Paragraph 4, Article 129 of the LC shall include parents (adoptive parents) and guardians of the child. For the application of this legal norm, it shall not be significant whether the employee is raising a child alone or other issues related to the maintenance of the child.

**7.** The employer terminating an employment contract pursuant to Article 129 of the LC shall, except for terminating a fixed-term employment contract and upon the payment of the average wage to the employee for the remaining period of the employment contract (Paragraph 5 of Article 129 of the LC), be obliged to look for possibilities of transferring the employee to another work and, with the consent of the employee, transfer him to another work. This obligation shall be fulfilled by the employer during the entire notice period of the employee about the planned dismissal, including the working day during which the employee is dismissed.

**7.1.** Another work (vacant workplace or position) shall be offered to the employee, taking into account his profession, speciality, qualification and, where necessary, health status, and, where there are no vacant workplaces or the employee does not give consent to be transferred into that work, any other work shall be offered which the employee, taking into account his capabilities and health status could undertake. If the employee's profession, speciality, qualification and, in appropriate cases, health status is suitable to occupy the vacant workplace (position), the employer shall be obliged to offer such work (position) to the employee, except where an employer is not able to do so due to objective reasons (for example, such a vacant workplace has been offered to another employee dismissed from work and the latter gives his consent to be transferred to that position, etc.).

**7.2.** An employer having operational structural divisions in various regions shall be obliged to offer vacant workplaces (positions) to the dismissed employee in the employer's entire organisational structure, rather than the ones that are in the residential area of the employee or an area in which the structural division where the employee worked is located. First of all, the employer shall offer vacant workplaces (positions) which are in the employee's residential area or the area in which the structural division where the employee worked is located.

**7.3.** The Law does not prescribe a mandatory written form for another job proposal or the employee's refusal to take it. The burden of proof related to these facts shall lie with the employer (defendant) (Article 178 of the CPC). The proof can be presented in all the means of providing proof set forth in Paragraph 2 and 3 of Article 177 of the CPC.

**8.** The employer terminating an employment contract on his own initiative without any fault on the part of an employee (Article 129 of the LC), shall comply with the requirements listed in Article

130 of the LC, except for the case of terminating a fixed-term employment contract and upon the payment of the average wage to the employee for the remaining period of the employment contract (Paragraph 5 of Article 129 of the LC).

**8.1.** A collective or employment contract may establish a longer notice period than is it laid down in Paragraph 1, Article 130 of the LC. If an employee, given a notice of termination of an employment contract, asks to be dismissed pursuant to Article 129 of the LC before the expiration of the time-period for the notice and indicates a specific date for dismissal, the employee may be dismissed from work at the requested date without changing the grounds for dismissal (Paragraph 1, Article 35 of the LC).

**8.2.** The time period for giving a notice established on a case by case basis (for example, from two to four months) shall be set in accordance with the circumstances prevailing during the time when the notice is given to the employee and significant for determining the time period and if they change, the period of giving a notice shall be accordingly extended.

**8.3.** A notice period about the termination of the employment contract shall be calculated in line with the rules set forth in Article 26 of the LC. The time of temporary disability or leave of the employee given a notice of termination of the employment contract shall be included in the notice period.

**8.4.** Paragraph 1 of Article 130 of the LC lays down the mandatory form, i.e. written, in which the notice about the termination of the employment contract shall be provided. If the employee is not given a notice of the termination of the employment contract in writing, his dismissal from work shall be considered as a violation of the procedure established by law resulting in the legal implications provided for in Paragraphs 3 and 4 of Article 297 of the LC.

**8.5.** The notice shall specify a specific reason for the termination of the employment contract (Point 1, Paragraph 2, Article 130 of the LC). The notice which does not specify the reason for terminating the employment contract or indicating the reason which is not specific (for example, repeating the abstract wording of Article 129 of the LC, etc.) shall be considered as non-compliant with the requirements of Point 1, Paragraph 2, Article 130 of the LC.

**8.6.** The law does not regulate the way of issuing the notice to the employee. The notice about the termination of the employment contract may be issued to the employee, as a written document, in person, sending it by post, telegraph, fax or other telecommunication devices if the security of text is ensured or it is possible to identify the sender's signature, as well as other means. The employee's refusal to accept the document shall be equalled to his reception thereof.

**8.7.** Paragraph 4 of Article 130 of the LC shall apply in the event of not only the intended dismissal of employees on economic or technological grounds as well as the restructuring of the workplace, but also similar valid reasons provided for in the second sentence of Paragraph 2 of Article 129 of the LC (Paragraphs 1, 3 of Article 10 of the LC).

Where there are no representatives of employees (Article 19 of the LC) or they have ignored the initiative of the employer to organise consultations or refused to sign the minutes of consultations, thereby violating Paragraph 1, Article 35 of the LC, it shall not form the grounds for acknowledging that the employer has violated the requirements of Paragraph 4, Article 130 of the LC.

**8.8.** If an employer does not comply with his obligation provided for in Paragraph 5, Article 130 of the LC, such non-compliance shall not constitute the grounds for considering dismissal of an employee unlawful yet the legal consequences provided for in Paragraph 4, Article 10 of the Law on Support of the Unemployed may apply: the employee's (plaintiff's) date of dismissal shall be moved to the date when the period of notice was to have expired. For the time which is moved to the date of dismissal from work, the court shall award to the employee the average work pay to be paid by the employer (Paragraph 1, Article 9 of the LC, Paragraph 3, Article 297 of the LC, Paragraph 6, Article 3 of the CPC).

**8.9.** An employer who has given a notice of terminating the employment contract may dismiss the employee from work only within the period of one month set forth in Paragraph 7, Article 130.



If the employer fails to dismiss the employee within the time period, upon its expiration the notice shall become invalid and the employer shall lose the opportunity to terminate the employment contract. If the employee contests his dismissal in court, and the court finds that the employee (plaintiff) has been dismissed from work in violation of Paragraph 7, Article 130 of the LC, it shall apply legal implications provided for in Paragraph 3 and 4, Article 130 of the LC.

**8.10.** Paragraph 8, Article 130 of the LC provides for the legal implications of non-compliance with the term of notice. They may be applied by both the employer, rectifying his infringement, and the court hearing the labour dispute. For the time which is moved to the date of dismissal from work, the court shall award to the employee the average work pay to be paid by the employer (defendant) (Paragraph 1, Article 9 of the LC, Paragraph 3, Article 297 of the LC, Paragraph 6, Article 3 of the CPC).

**9.** In the event of termination of an employment contract pursuant to Article 129 of the LC, the LC and other legislation provide for certain guarantees to separate categories of employees, including the following: pregnant women and employees raising children (Article 132 of the LC); employees who have contracted a disease or have been injured at work (Article 133 of the LC); representatives of employees (Article 134 of the LC); the categories of employees listed in Article 135 of the LC; members of the Labour Disputes Commission (Paragraph 1, Article 303 of the LC); workers' representative with responsibility for the safety and health of workers (Paragraph 9, Article 13 of the Law on Safety and Health at Work); disabled (Article 19 of the Law on Social Integration of the Disabled); persons indicated in Paragraph 6, Article 9 of the Law on Support of the Unemployed. Guarantees may be established by other legislation or collective agreements.

Article 135 of the LC shall not be applicable in the event of termination of a fixed-term employment contract and when the employee is paid the average monthly work pay for the remaining period of the employment contract (Paragraph 5, Article 129 of the LC).

**10.** Article 133 stipulates guarantees of maintaining a workplace (position) for employees who have contracted a disease or have been injured at work rather than valid reasons or grounds for terminating an employment contract with such employees.

**11.** Article 134 of the LC setting forth the guarantees to employees, i.e. the prohibition of dismissal from work according to Article 129 of the LC without the prior consent of an appropriate body, shall apply to:

a) employees, who are elected to representative bodies of employees (Article 19 of the LC). The guarantee shall be applicable during the period for which they have been elected to representative bodies (Paragraph 1, Article 134 of the LC);

b) other employees whose guarantees provided for in Paragraph 1, Article 134 of the LC are laid down in the collective agreement (Paragraph 4, Article 134 of the LC);

c) employees in cases and in compliance with the procedure established in laws or the collective agreement.

**11.1.** The guarantee to representatives of employees provided for in Paragraph 1, Article 134 of the LC, shall be applicable only to the employees who are elected to the representative-elective bodies. These bodies may include the following (Article 19 of the LC):

a) representative-election bodies of trade unions operating in the workplace;

b) representative-election bodies of trade unions of an appropriate field of economic activity given a function of representation and protection of employees by the meeting of the employees;

c) labour council of the workplace.

The representative bodies of employees elected in the trade union shall be bodies having the rights provided for in Article 22 of the LC. This circumstance shall be established pursuant to the statutes of the trade union (Paragraph 1 of Article 2.47 of the Civil Code, Paragraph 1, Article 8 of the Law on Trade Unions).

**11.2.** The consent of other bodies (Paragraph 4, Article 134 of the LC) is provided for in, for example, the following legislation: Article 19 of the Law on Social Integration of the Disabled

laying down that an employer may dismiss a disabled person from work on the grounds of Article 129 of the LC only with the consent of the local government social security service; Paragraph 9, Article 13 of the Law on Safety and Health at Work stipulating that workers' representative with responsibility for the safety and health of workers shall be covered by guarantees established in Article 134 of the LC, hence his dismissal from work on the grounds of Article 129 is possible only upon consent of the meeting of employees which have elected him (Paragraph 4, Article 13 of the Law on Safety and Health at Work).

**11.3.** An employee elected into several (two or more) representative bodies and/or whose guarantees are established in the collective agreement or legislation (Paragraph 4 of Article 134 of the LC) may not be dismissed from work without the prior consent of each of the bodies whose consent it necessary.

**11.4.** The guarantees provided for in Paragraphs 1 and 4 of Article 134 of the LC shall be applicable irrespective of when – prior to the notice of the termination of an employment contract or after it – the circumstances occurred determining the prohibition to dismiss the employee from work without the prior consent of the appropriate body.

When an employee who has been given a notice of termination of the employment contract (Article 130 of the LC) acts dishonestly and fails to communicate to the employer the circumstances significant for the application of guarantees in respect of the employee provided for in Paragraphs 1 and 4 of Article 134 of the LC and the employer cannot know objectively the circumstances, when such an employee is dismissed without the necessary prior consent of the appropriate body, the objectively violated labour right of the employee may not be protected (Paragraph 1, Article 35 and Paragraph 1, Article 36 of the LC).

**11.5.** The employer's application for the dismissal of the employee from work shall be motivated and specifying the concrete reasons and circumstances due to which the employment contract is terminated pursuant to Article 129 of the LC, the date of dismissal from work and the procedure of paying the dismissed employee (Paragraph 1, Article 35, Paragraph 1, Article 9 and Paragraph 2, Article 130 of the LC). The application shall be accompanied by the evidence proving the statement of the employer. The employer shall be entitled to dismiss the employee only on the grounds which he indicated in his application submitted for consent.

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 (Paragraph 2, Article 134 of the LC). If there is no time limit established in laws and collective agreements during which the other bodies (Paragraph 4, Article 134 of the LC) shall respond to the employer's application, the analogous period of 14 calendar days shall apply (Paragraph 1, Article 9 and Paragraph 2, Article 134 of the LC). If no response is received from the bodies within the time limit specified, the employer shall be entitled to terminate the employment contract (Paragraph 1, Article 9 and Paragraph 2, Article 134 of the LC), except for the cases established in laws or collective agreements.

The time limit specified in Paragraph 2, Article 134 of the LC shall be calculated in accordance with the rules provided for in Article 26 of the LC. This time limit shall be extinguishing and may not be suspended, extended or renewed (Article 28 of the LC).

**11.6.** The consent given by the representative body of the employee to dismiss the employee from work pursuant to Paragraph 5 of Article 134 of the LC shall be valid until the employee is submitted a notice about the termination of the employment contract (Article 130 of the LC). The notice shall become invalid if upon the expiry of the time limit passes more than one month, excluding the period of the employee's sickness or leave (Paragraph 7, Article 130 of the LC). The consent given by other bodies (Paragraph 4, Article 134 of the LC) shall be also subject to the rules provided for in Paragraph 7, Article 130 and Paragraph 5, Article 134 of the LC (Paragraph 1, Article 9 of the LC), except for the cases established by law.

**11.7.** The employer shall be entitled to directly contest the refusal of the representative body of the employee to give consent for the dismissal of the employee as well as the body's refusal to have the employee covered by the guarantees of Paragraph 1, Article 134 of the LC in the collective agreement dismissed, as well as the refusal of other bodies (Paragraph 4, Article 134 of the LC) to have the employee dismissed from work (Paragraph 1, Article 9 and Paragraph 3, Article 134 of the LC).

When, in the event of the court dispute, the employer proves that the decision taken by an appropriate body to refuse to grant consent for the dismissal of the employee substantially violates the employer's interests, the court may use this as the grounds to repeal the decisions (Paragraph 1, Article 9 and Paragraph 3, Article 134 of the LC) taken by representative bodies of employees as well as other bodies (Paragraph 4, Article 134 of the LC). While hearing the employer's claim to have the decision taken by an appropriate body repealed on the grounds that the decision to refuse the consent for the dismissal of the employee substantially violates the interests of the employer, the court shall verify and assess the following in compliance with the procedure established by the CPC:

- a) the presence of facts of the employer's specified interest(s), the lawfulness and relevance of interests;
- b) the legitimacy of the disputed decision;
- c) the fact of substantial violation of the employer's interest(s) specified by the employer and the causal link with the disputed decision.

The concept "substantially violates his (employer's) interests" used in Paragraph 3, Article 134 of the LC shall be interpreted in the same manner as the analogous concept provided for in Paragraph 4, Article 129 of the LC (See Point 6 of the Ruling herein).

While examining the employer's claim to repeal the refusal of an appropriate body to consent with the dismissal of the employee from work, the court shall not determine the lawfulness or legitimacy of the potential dismissal of the employee.

On the basis of the effective court ruling repealing the refusal of an appropriate body to give consent for the dismissal of the employee from the work, the employer shall be entitled to dismiss the employee within the time limit established for the notice of termination of the employment contract with the employee (Paragraph 1, Article 9 and Paragraph 5, Article 134 and Paragraph 7, Article 130 of the LC).

**12.** Article 135 of the LC, which is applicable both in respect to fixed-term and permanent employment contracts, shall apply when the number of employees is reduced not only on economic or technological grounds or due to the restructuring of the workplace, but also due to the valid reasons listed in the second sentence of Paragraph 2, Article 129 of the LC (Paragraph 1, 3 of Article 10 of the LC).

**12.1.** The right of priority pursuant to Point 1, Paragraph 1 of Article 135 of the LC to retain the job in case of reduction of employees at workplace shall be given to the employees shall be given to the employees injured at the workplace who, at the time of redundancy of employees, are still missing the part of working capacity expressed in percentage. The mere fact of injury of the employee occurring in the past after which the working capacity was restored shall not constitute the grounds for including the employee into the list of staff given the right of priority pursuant to Point 1, Paragraph 1 of Article 135 of the LC.

The guarantees of retaining a work position for employees who have lost their capacity for work as a result of injury at work or occupational disease, shall be provided by Paragraph 1, Article 133 of the LC. Until they are covered by Paragraph 1, Article 133 of the LC, Article 135 of the LC shall not be applicable in their respect. The latter shall apply upon the expiry of Paragraph 1, Article 133 of the LC.

**12.2.** Employees who raise children (adoptive children) up to the age of sixteen alone and on the grounds of Point 2, Paragraph 1, Article 135 of the LC have the right of priority to retain their job in

the case of redundancy shall be acknowledged as employees who are actually alone raising a child (children), an adoptive child (adoptive children) up to the age of sixteen (for example, a widow (widower), single mother (adoptive mother), the other parent (adoptive parent) of the child is imprisoned or his/her parenthood has been temporary or permanently limited, the marriage has been terminated or parents live alone and upon the decision of the court the place of residence of the child (adoptive child) is established with him or her, etc.). The list is not finite and practice may show other situations when an employee is actually alone raising a child. Point 2, Paragraph 1 of Article 135 of the LC shall also apply in respect of guardians (curators). For the application of the legal norm, it is irrelevant whether or not the employee is maintaining the child alone or the other parent is also obliged to maintain the underage child.

The employees who alone care for other family members with the established first and second group of disability level and on the grounds of Point 2, Paragraph 1, Article 135 of the LC shall have the right of priority to retain the job in the event of employee redundancy shall include employees who are actually caring for (protecting, ensuring safety and taking care of life) of another family member(s) acknowledged as the disabled of the first of the second group of disability if there are no other underage family members. The sufficient proof of such care shall be the documents submitted by the employee verifying the place of residence of the family member with the first or second level of disability. In practice, there may be more situations when the employee may be acknowledged as actually alone taking care of the family members with the first or second level of disability. The family members of the employee in the meaning the legal norm discussed shall may include the employee's parents (adoptive parents), spouse, children (adopted children), brothers, sisters, grandparents, grandchildren and other relatives.

**12.3.** The concept of uninterrupted period of service significant for the application of Point 3, Paragraph 1, Article 135 of the LC, Paragraph 1, Article 140 of the LC and other legal norms is defined in Point 4, Paragraph 1 of Article 30 of the LC. Pursuant to Paragraph 2, Article 30 of the LC, the procedure of calculation of uninterrupted period of service in enterprises, establishments and organisations financed from the state or municipal budgets shall be laid down by the Government and in other places of employment - by collective agreements.

**12.4.** The concept of employees elected into the representative bodies of employees (Article 19 of the LC) used in Point 6, Paragraph 1 of Article 135 of the LC shall be interpreted in the same way as the concept used in Paragraph 1, Article 134 of the LC (see Point 11.1 herein).

**12.5.** The right of priority established in Point 1 and 6 of Paragraph 1 of Article 135 of the LC shall not be linked with their qualification. They have the right of priority to retain the job in respect to the other employees specified in Points 2, 3, 4, 5 of Paragraph 1, Article 135 of the LC (i.e. the employees specified in the points of Paragraph 1, Article 135 of the LC), even if they a lower qualification. When in the event of employee redundancy, two or more employees with the same speciality compete having the right of priority pursuant to Point 1 and or 6, Paragraph 1, Article 135 of the LC, the right of priority shall be given to the employee with higher qualification. If the qualification of respective employees is the same, the employer shall have the right of choosing the employee who is to retain the job and the employee to be dismissed pursuant to Article 129 of the LC.

**12.6.** The concept 'speciality' used in the meaning of Paragraph 2, Article 135 of the LC covers the concept 'position', i.e. pursuant to Paragraph 2, Article 135 of the LC, the right of priority shall be applicable not only to the employees having the same speciality but also holding the same position.

The grounds of qualification applied with respect to priority listed in Points 2, 3, 4, 5, Paragraph 1 of Article 135 of the LC shall be applied both in respect of employees with the same speciality, having the priority in line with Points 2, 3, 4, 5, Paragraph 1 of Article 135 of the LC as well as the employees of the same speciality who have no priority to retain the job. When in the event of employee redundancy, two or more employees with the compete having the right of priority

pursuant to Point 1 and or 6, Paragraph 1, Article 135 of the LC, the right of priority shall be given to the employee with higher qualification. If the qualification of respective employees is the same, position shall be given to the employee who is more socially vulnerable (for example, the employee having the right of priority in respect of more points of the legal norm than his/her competitors, etc.). Whereas when the qualification of the respective employees and the level of their social vulnerability is the same, the employer shall have the right of choosing the employee who is to retain the job and the employee to be dismissed pursuant to Article 129 of the LC.

**12.7.** The qualification of employees with the same speciality shall be generally compared pursuant to Paragraph 2, Article 135 of the LC on the total scale of the employer, i.e. if the employer is an enterprise, institution or organisation, the comparison shall be made in the entire enterprise, institution or organisation. If the employer is another organisational structure, with its own operation active capacity and capacity, for example, a branch or representation, than the comparison shall be made in the entire organisation structure and if the employer is a natural person, the comparison shall be made in respect of its other employees. However, if the structural units of the employer are located in difference places, the application of the right of priority established in Article 135 of the LC in respect of the employee to which is has been granted shall be analysed and the right of priority shall be limited only to those divisions which are located in the same region where the structural division, in which the employee is working, is located.

**12.8.** The court examining the dispute and verifying whether the requirements of Article 135 of the LC were not violated while dismissing the employee (plaintiff) from work, shall determine the following:

a) whether or not the employee (plaintiff) had the right of priority and if so, pursuant to which point of Paragraph 1 of Article 135 of the LC;

b) whether or not the other employees who retained the job had the right of priority and pursuant to which point of Paragraph 1 of Article 135 of the LC;

c) if the right of priority is given to the employee (plaintiff) on the basis of qualification (Points 2, 3, 4, 5 of Paragraph 1 of Article 135 as well as Paragraph 2 of Article 136 of the LC), what was the employee's qualification as compared to the qualification of employees of the same speciality who retained the job;

d) whether or not the employee (plaintiff) should have been given a priority in respect to the other employees who retained the job.

The court may not limit itself only to stating the actions of either undertaken or omitted by the employer while dismissing the employee from work. Having established that the employee (plaintiff) was dismissed from work in violation to Article 135 of the LC, the court shall acknowledge the dismissal from work as unlawful (Paragraphs 3, 4 of Article 297 of the LC).

**13.** Upon termination of the employment contract pursuant to Article 129 of the LC, documents certifying termination of the employment contract shall indicate Article 129 of the LC, yet a failure to indicate it or its inaccurate indication alone (for example, specifying only one paragraph of Article 129 of the LC) does not constitute the grounds for acknowledging the employee's dismissal from work unlawful (Paragraph 3, Article 10 of the LC, Paragraph 6, Article 3 of the CPC and Paragraph 3, Article 297 of the LC).

**14.** The claim of an employee who disagrees with the dismissal from work to acknowledge such dismissal as unlawful shall be subject to a period of prescription of one month laid down in Paragraph 1, Article 297 of the LC.

Paragraph 1, Article 297 of the LC defines the beginning of the period of prescription of one month, therefore the employee's claim with respect to the acknowledgement as unlawful of the employee's dismissal from work shall be subject to the period of prescription of one month whose beginning is set forth in Paragraph 1, Article 297 of the LC, rather than Civil Code (Paragraph 5, Article 27 of the LC).

Paragraph 1, Article 297 of the LC sets for the beginning of the period of prescription of one month related to the criteria that are not subjective (the employee learning or ability to learn about the violation of his rights) but objective (the date of receipt of the document certifying the dismissal from work). The period of prescription of one month shall begin for the employee who disagrees with the dismissal from work on the day following the day which Paragraph 1, Article 297 of the LC defines as the beginning thereof (Paragraph 1, Article 26 of the LC), i.e. the next day following the day when the employee has received a document certifying the termination of the employee's employment contract (dismissal from work), for example, the employer's order, instruction or similar, social security certificate or an employment contract containing a record about the termination of the employment contract. However, if the document certifying the employee's dismissal from work the employee has received on the date preceding his or her dismissal, the period of prescription of one month shall start on the next day following the employee's dismissal from work (Point 4, Paragraph 1 of Article 2, Paragraph 3 of Article 10, Paragraph 1 of Article 26 and Paragraph 1 of Article 297 of the LC). The employee's refusal or avoidance to accept the document about the termination of an employment contract (dismissal from work) shall equal its acceptance. However, making familiar the employee with the document shall not equal its receipt and shall not have any relevance for determining the beginning of the prescription period for the claim.

The Labour Code and other labour legislation do not regulate the application of limitation for actions provided for in Paragraph 1, Article 297, its suspension, interruption or restoration as well as the legal effects of the expiration of limitations of action. These issues are regulated by Articles 1.126, 1.128-1.131 of the Civil Code (Paragraph 5, Article 27 of the LC and Paragraph 3, Article 1.1 of the Civil Code).

**15.** The court shall hear the cases in respect of the claim of the employee (plaintiff) concerning the acknowledgement of such dismissal as unlawful in line with the general rules of the CPC and taking into account the exceptions provided for in Chapter XX of the CPC and the LC (Article 410 of the CPC). The court shall attempt to have the parties to the procedure conclude a peace agreement. On the other hand, the court hearing the case shall be entitled to take initiative in collecting the evidence that is not used as proof by any of the parties if it believes that such evidence is necessary to decide a case fairly (Paragraph 1, Article 414 of the CPC) by inviting a second defendant (Paragraph 2, Article 414 of the CPC); furthermore, having notified the parties (Paragraph 3, Article 414 of the CPC), the court shall be entitled to go beyond the subject matter and grounds of the claim (Article 417 of the CPC) and apply an alternative legal remedy of the employee (Article 418 of the CPC).

The court must want the parties of the procedure about the right of the court to exceed the claims submitted and apply alternative means of protecting the rights of employees provided for in Paragraph 3 and 4 of Article 297 of the LC. While hearing the employee's (plaintiff's) claim to acknowledge the dismissal unlawful, the court shall verify the circumstances stated in the claim as the grounds for it as well as the other circumstances that are specified as the grounds for the claim yet related to the grounds and subject matter of the claim, i.e. the court shall verify and determine the following:

- a) whether the employee (plaintiff) has been dismissed from work on the lawful grounds of termination of the employment contract (Article 129 of the LC);
- b) whether or not the guarantees applicable to the employee (plaintiff) have not been violated (Articles 132, 133, 134, 135 and other of the LC);
- c) whether or not the procedure of termination of the employment contract has been complied with (Articles 130 and 131 and other of the LC);
- d) whether or not there are grounds to acknowledge the dismissal of the employee (plaintiff) from work and if so, which of the legal remedies provided for in Paragraphs 3 and 4 of Article 297

of the LC shall apply and if there are no grounds, whether or not there are grounds to provide legal remedy to the employee in compliance with Paragraph 2, Article 36 of the LC..

In cases of acknowledgement as unlawful of the dismissal from work employees on the initiative of the employer, the employer (defendant) must prove the legitimacy of the grounds for dismissing from work provided for in the law (Article 129 of the LC).

**II.** Approve the application of the summary overview of the provisions of the Labour Code - regulating termination of an employment contract on the initiative of an employer without any fault on the part of an employee (Article 129 of the LC) and publish in the newsletter of the Supreme Court of Lithuania.

CHAIRMAN OF THE SENATE  
OF THE SUPREME COURT OF LITHUANIA  
V. GREIČIUS

SECRETARY OF THE SENATE  
OF THE SUPREME COURT OF LITHUANIA  
L. ŽILIENĖ