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## **EUROPEAN SOCIAL CHARTER**

9<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF LITHUANIA**

(Articles 1, 9, 15, 18, 20, 24 and 25  
for the period 01/01/2007 – 31/12/2010)

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**CYCLE 2012**



**THE REPUBLIC OF LITHUANIA**

**9<sup>TH</sup> REPORT**

ARTICLES 1, 9, 10, 15, 18 (PARAGRAPHS 1 AND 4), 20, 24 AND 25  
OF “EMPLOYMENT, TRAINING AND EQUAL OPPORTUNITIES“  
OF THE EUROPEAN SOCIAL CHARTER (REVISED)

**Reference period: 01.01.2007 – 31.12.2010**

Vilnius  
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**ABBREVIATIONS USED IN THE REPORT**

AB	Joint-stock company
ALMPM	Active labour market policy measures
Bankruptcy Department	Enterprise Bankruptcy Management Department under the Ministry of Economy
BSB	Basic social benefit
Centre	Centre for Technical Aid for the Disabled under the Ministry of Social Security and Labour
Civil Code	Civil Code of the Republic of Lithuania
EIGE	European Institute for Gender Equality
LCPITC	Centre for Pupils' Information and Technical Creation
Department for the Affairs of the Disabled	Department for the Affairs of Disabled People under the Ministry of Social Security and Labour
DRMC	Labour market training centres
ERBIS	Enterprises Restructuring and Bankruptcy Information System
ESF	European Social Fund
EU	European Union
Labour Code	Labour Code of the Republic of Lithuania
Lithuanian Labour Exchange	Lithuanian Labour Exchange under the Ministry of Social Security and Labour
Lithuanian Labour Exchange Training Service	Lithuanian Labour Exchange Training Service under the Ministry of Social Security and Labour
MMW	Minimum monthly wage
AIKOS	Open information, consulting and guidance system
State Labour Inspectorate	State Labour Inspectorate under the Ministry of Social Security and Labour
SODRA	State Social Insurance Fund Board under the Ministry of Social Security and Labour
TED	Technical aids for the disabled
UAB	Closed joint-stock company
VĮ	State enterprise
VIP	Vocational information points
VŠĮ	Public entity

## ARTICLE 1: THE RIGHT TO WORK

### ARTICLE 1, PARAGRAPH 1

3) Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information, in particular: the GDP growth rate; trends in employment covering all sectors of the economy: employment rate (persons in employment as a percentage of the population aged 15-64 years), youth employment rate; activity rate (total labour force as a percentage of the population aged 15 years and over); unemployment rate, long-term unemployment rate, youth unemployment rate; employment status (employed, self-employed); all figures should be broken down by gender; employment policy expenditure as a share of GDP, including the relative shares of 'active' (job creation, training, etc.) and 'passive' (financial compensation, etc.) measures.

### Registered unemployment

**General trends.** Supply of labour, which had been decreasing until 2007, was growing rapidly in 2008 – 2009. The number of registered unemployed increased 72% in 2009 compared with 2008. Decreasing number of the unemployed was recorded in 2010: about 18% less than in 2009. While demand for labour decreased from 121,000 to 91,800 in 2007 – 2009, 148,200 job offers were recorded in 2010.

In 2007, local labour exchange offices received 166,700 applications from the unemployed and on average 13,900 unemployed people were registered in the labour exchanges per month, compared with 17,800 in 2008, 30,800 in 2009, and 25,300 in 2010.

There were 311,300 unemployed people in Lithuania as of 1 January 2011, which is 14.4% of all population of working-age. Compared with 1 January 2007, the number of the unemployed increased nearly three times and the ratio between the unemployed and the population of working age by 10.7 p. p.

In 2010, the average annual number of the unemployed in 2010 was 303,100 and the average annual ratio between the unemployed and the population of working age 14.5%; in 2007, these figures were 166,700 and 3.2% respectively.

**Table 1.1.1. Registered unemployment in Lithuania**

	2007	2008	2009	2010
Unemployed people registered during the year, '000	166,7	214,2	369,4	303,1
Average annual number of the unemployed, '000	67,3	73,4	203,1	312,1
Average annual number of the unemployed as a % of working-age population	3,2	3,4	9,4	14,5

Source: Lithuanian Labour Exchange

**Table 1.1.2. Unemployed people as a % of working-age population, by counties**

as of year end	2007				2008			
	total	women	men	youth	total	women	men	youth
<b>Total</b>	<b>3,3</b>	<b>3,9</b>	<b>2,6</b>	<b>1,3</b>	<b>4,4</b>	<b>4,3</b>	<b>4,6</b>	<b>2,4</b>
Alytaus	4,8	5,8	3,8	1,6	6,0	6,1	5,9	2,8
Kauno	2,7	3,2	2,7	1,3	3,6	3,5	3,8	2,2
Klaipėdos	3,1	3,9	1,9	1,1	4,2	4,2	4,2	2,3
Marijampolės	2,7	3,4	2,2	1,4	3,9	3,6	4,1	2,0
Panevėžio	4,1	4,6	1,5	1,0	5,7	5,4	6,1	3,0
Šiaulių	3,2	4,0	2,5	1,6	4,9	4,9	4,9	2,5

as of year end	2007				2008			
	total	women	men	youth	total	women	men	youth
Tauragės	4,4	5,3	1,6	1,2	5,2	5,0	5,3	2,6
Telšių	4,1	5,8	5,8	2,2	4,9	5,4	4,4	2,2
Utenos	4,0	4,7	2,6	1,6	5,3	5,0	5,5	2,3
Vilniaus	2,8	3,3	3,0	0,9	4,0	3,6	4,5	2,4
as of year end	2009				2010			
	total	women	men	youth	total	women	men	youth
<b>Total</b>	<b>12,5</b>	<b>10,5</b>	<b>14,4</b>	<b>8,1</b>	<b>14,4</b>	<b>13,0</b>	<b>15,8</b>	<b>9,5</b>
Alytaus	14,8	13,2	16,3	8,6	17,4	15,9	18,8	10,5
Kauno	11,1	9,3	13,0	7,7	12,8	11,5	14,2	8,6
Klaipėdos	11,8	10,5	13,0	8,0	14,1	13,6	14,6	9,8
Marijampolės	10,9	9,4	12,3	6,3	13,8	12,8	14,9	8,5
Panevėžio	14,6	12,2	16,9	9,1	16,4	14,6	18,1	10,3
Šiaulių	12,4	10,9	13,9	7,4	13,8	13,1	14,4	8,1
Tauragės	12,7	11,2	14,0	6,8	15,6	14,7	16,5	9,0
Telšių	15,4	13,9	16,9	8,8	16,9	16,2	17,7	10,3
Utenos	13,3	11,0	15,4	7,5	16,3	14,4	18,0	9,3
Vilniaus	12,3	9,8	15,0	9,1	13,8	11,8	15,9	10,4

Source: Lithuanian Labour Exchange

As of 1 January 2011, women accounted for 44.7% and men for 55.3% of the total number of the unemployed. During 2006 – 2010, the share of women dropped by 17.6 p. p. Women registered as unemployed accounted for 13% of the female population of working age as of 1 January 2011; unemployed men accounted for 15.8% of the male population of working age as of the same date. During 2006 – 2010, women's unemployment rate increased 9.1 p. p. and men's 13.2%.

The share of young unemployed people (under 25) has been increasing: while as of the end of 2007 the unemployed of this age group accounted for 9.2% of all unemployed people, as of the end of 2010 the share was 14.4%. Young unemployed accounted for 9.5% of Lithuania's population aged 16 – 24 as of 1 January 2011. This figure was 8.2 p.p. lower as of the end of 2006. Every fourth of the total number of unemployed people registered with labour exchanges was over 50 years old. Long-term unemployment has grown. As of the end of 2010, there were 130,000 unemployed people who had been searching for a job for more than one year (41.8% of all unemployed), which is 32.8 p.p. more than at the end of 2007.

Additional employment and unemployment figures provided by the Lithuanian Department of Statistics are shown in Tables 1 to 5 in the Annex to this Report.

### **Territorial differences in unemployment**

Unemployment figures have been growing in all counties of Lithuania. As of 1 January 2011, the largest proportion of population of working age were unemployed in Ignalina region (21.3%), Mažeikiai region (19.8%) and Zarasai region (19.4%); the smallest numbers of the unemployed were recorded in Neringa town (5.7%), Birštonas town (10.7%), and Šiauliai town (11.3%).

The registered unemployment rates in the largest cities were lower than the national average; only in Panevėžys it was higher, amounting to 11.7 p.p.

Territorial differences in unemployment figures are significant. As of the end of 2010, the difference between the counties with the highest and lowest unemployment rates was 11.7 p.p.

In the municipalities of the country's largest cities (except Panevėžys), the ratio between registered unemployed and working-age population is lower than the national average: Šiauliai – 11.3%, Kaunas – 12%, Vilnius – 12.4%, Klaipėda – 13.4% as of 1 January 2011.

While the average annual proportion of registered unemployed of working-age population was 3.2% in 2007, in 2010 it was 14.5% (+11.3 p.p.).

### Expenses for employment policy measures

Employment support measures and programmes are financed by the Employment Fund (which is a part of the Lithuanian State Social Insurance Fund), the state budget, and funds of the European Union when projects receive funding of the latter.

**Table 1.1.3. Total funding for labour market policy measures as a proportion of GDP, 2007 – 2010**

	2007	2008	2009	2010
<b>GDP, LTL m</b>	98669	111483	91526*	94642**

\* Indicative figure

\*\* Preliminary figure

Source: Lithuanian Labour Exchange

**Table 1.1.4. Funding for active labour market policy measures as a proportion of GDP, 2007 – 2010**

	2007	2008	2009	2010
<b>GDP (LTL m)</b>	78842,9	81151,0	69187,9	70102,4
<b>Expenses for active labour market policy measures, LTL m</b>	195,7	171,4	152,0	179,6
<b>Expenses for active labour market policy measures as a % of GDP</b>	0,25	0,21	0,22	0,26

Source: Lithuanian Labour Exchange

**Table 1.1.5. Expenses for the implementation and administration of employment support measures**

Item No	Description	2007		2008		2009		2010	
		LTL '000	%						
1	Active labour market policy measures:	195689,9	46,2	171416,4	35,9	151977,5	18,3	179617,4	25,5
1.1	Prevention of unemployment	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
1.2	Labour supply and demand	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
1.3	Vocational training	86219,3	20,3	73110,1	15,2	76609,0	9,2	69389,9	9,8
1.4	Informal education	3569,0	0,8	1715,6	0,4	0,0	0,0	0,0	0,0
1.5	Subsidised employment	45433,6	10,8	47502,2	10,1	28955,9	3,6	40028,8	5,9
1.6	Support for skills acquisition	16319,4	3,8	11631,5	2,4	14348,3	1,7	14104,6	2,0
1.7	Subsidised job creation	10939,6	2,6	9992,8	2,1	4822,3	0,6	2343,3	0,3
1.8	Subsidising self-employment under a business licence	0,0	0,0	0,0	0,0	0,0	0,0	1579,3	0,2
1.9	Subsidising employers for creating jobs for socially vulnerable people	253,2	0,1	0,0	0,0	0,0	0,0	0,0	0,0

Item No	Description	2007		2008		2009		2010	
		LTL '000	%						
1.10	Establishing own business	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
1.11	Public works	19102,4	4,5	16920,3	3,5	17505,2	2,1	45960,3	6,5
1.12	Supported jobs	58,3	0,0	0,0	0,0	0,0	0,0	0,0	0,0
1.13	Local employment initiative projects	11042,7	2,6	7163,9	1,5	6119,0	0,7	3009,5	0,4
1.14	Support for self-employment	2002,4	0,5	2128,1	0,4	2559,0	0,3	1697,9	0,2
1.15	Job rotation	750,0	0,2	1251,9	0,3	1055,4	0,1	1367,2	0,2
1.16	Support for territorial mobility of the unemployed	0,0	0,0	0,0	0,0	3,4	0,0	136,6	0,0
2	Measures of the European Globalisation Adjustment Fund*	0,0	0,0	0,0	0,0	78,9	0,0	2430,8	0,3
3	Employment promotion programmes	21888,2	5,2	27420,3	5,7	30433,1	3,6	35776,2	5,1
3.1	Programme on support for social enterprises	14056,0	3,3	20940,3	4,4	21127,4	2,5	24226,3	3,4
3.2	Programme on financing of vocational rehabilitation measures and payment of benefits	7815,1	1,8	6456,2	1,3	9289,5	1,1	11539,3	1,6
3.3	Programme on financing of social insurance for accidents at work and occupational diseases	17,1	0,0	23,8	0,0	16,2	0,0	10,6	0,0
4	Maintenance and development of labour market institutions	66494,1	15,7	76740,4	16,0	67238,0	8,0	63519,3	9,0
4.1.	Lithuanian Labour Exchange	66494,1	15,7	76740,4	16,0	67238,0	8,0	63519,3	9,0
5	Labour market research	879,7	0,2	228,5	0,0	45,0	0,0	70,0	0,0
6.	Other measures on co-financed EU and international projects for employment	40871	9,6	50562,6	10,5	47765,7	5,7	31019,1	4,4
7	Passive labour market policy measures	98592,0	23,2	153118,5	31,9	539329,6	64,4	394814,3	55,8
7.1.	Unemployment social insurance benefits	98592,0	23,2	153118,5	31,9	539329,6	64,4	394814,3	55,8
7.2.	Pre-pension unemployment benefits	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
8	Total expenses	424414,9	100,0	479486,7	100,0	836867,8	100,0	707247,1	100,0

Source: Lithuanian Labour Exchange

**Table 1.1.6. Unemployment social insurance benefits**

	2007	2008	2009	2010
Average unemployment social benefit, LTL	401,01	591,32	691,27	555,68
Unemployed people receiving unemployment social benefit as a proportion of the average annual number of the unemployed (%)	26,8	31,8	34,6	18,1

Source: Lithuanian Labour Exchange

### Active labour market policy measures

In 2007–2010, 547,500 people searching for jobs received employment; over 215,200 were involved in the active labour market policy measures and 83,400 started business activities under business licences.

**Table 1.1.7. Unemployed people referred to active labour market policy measures, annually, '000**

Measures	year	Unemployed people referred to active labour market policy measures						
		job seekers total	including					
			women	unemploy- ed total	including			
					women	long-term unemployed	youth	disabled
<b>Active labour market policy measures, total</b>	2007	72,1	43,3	65,0	39,9	11,0	9,2	6,0
	2008	36,3	20,3	31,1	17,7	47,4	4,9	3,1
	2009	47,5	23,1	44,3	21,8	4,6	11,2	2,6
	2010	59,3	26,2	52,1	23,3	21,5	11,4	2,6
<b>Vocational training of the unemployed and employees warned about redundancy</b>	2007	24,4	15,2	22,3	14,4	2,5	4,6	1,4
	2008	9,8	5,2	9,2	5,0	0,7	2,8	0,5
	2009	13,9	6,9	13,3	6,6	1,7	5,9	0,3
	2010	6,5	3,0	6,4	3,0	2,0	2,9	0,1
<b>Informal education of the unemployed and employees warned about redundancy</b>	2007	5,5	3,8	5,5	3,8	1,2	1,0	0,5
	2008	1,4	0,9	1,4	0,9	0,3	0,4	0,1
	2009	x	x	x	x	x	x	x
	2010	x	x	x	x	x	x	x
<b>Supported employment total</b>	2007	39,0	22,6	34,3	20,1	7,0	3,2	3,6
	2008	23,0	13,2	18,6	10,9	3,7	1,5	2,0
	2009	31,7	15,2	29,5	14,4	2,8	5,0	1,9
	2010	51,3	22,6	45,0	20,1	19,4	8,4	2,2
<b>Including</b>								
Subsidised employment	2007	11,7	7,2	11,7	7,2	2,4	0,8	2,2
	2008	4,9	3,2	4,9	3,2	0,8	0,4	0,9
	2009	9,0	4,9	9,0	4,9	0,8	0,9	0,8
	2010	12,3	5,6	12,3	5,6	4,1	2,3	0,9
Support for job skills acquisition	2007	4,9	3,3	4,9	3,3	0,6	1,5	0,1
	2008	1,7	1,3	1,7	1,3	0,2	0,6	0,1
	2009	3,8	2,2	3,8	2,2	0,4	2,4	0,1
	2010	6,5	3,2	6,5	3,2	2,6	3,5	0,1
Rotation of jobs	2007	0,6	0,5	0,6	0,5	0,0	0,1	0,0
	2008	0,4	0,4	0,4	0,4	0,0	0,1	0,0
	2009	0,6	0,5	0,6	0,5	0,0	0,1	0,0
	2010	0,6	0,5	0,6	0,5	0,1	0,1	0,0
Public works	2007	22,4	12,1	17,7	9,5	3,9	0,9	1,3
	2008	16,4	8,8	12,0	6,5	2,6	0,6	1,1
	2009	18,8	8,2	16,6	7,4	1,5	1,7	1,0
	2010	31,9	13,2	25,6	10,7	12,6	2,5	1,2
Support for job creation	2007	2,4	1,1	2,4	1,1	0,2	0,3	0,6
	2008	1,4	0,5	1,4	0,5	0,1	0,2	0,5
	2009	0,9	0,3	0,9	0,3	0,1	0,2	0,4
	2010	0,7	0,2	0,7	0,2	0,2	0,1	0,3
Support for territorial mobility of unemployed	2007	x	x	x	x	x	x	x
	2008	x	x	x	x	x	x	x
	2009	x	x	x	x	x	x	x

Measures	year	Unemployed people referred to active labour market policy measures						
		job seekers total	including					
			women	unemploy- ed total	including			
					women	long-term unemployed	youth	disabled
	2010	0,2	0,05	0,03	0,01	0,01	0,01	0
<b>Vocational rehabilitation programme</b>	2007	0,3	0,1	x	x	x	x	x
	2008	0,3	0,2	x	x	x	x	x
	2009	0,3	0,2	x	x	x	x	x
	2010	0,6	0,3	x	x	x	x	x
<b>Activity under business licence</b>	2007	15,9	6,6	15,9	6,6	0,8	1,7	0,4
	2008	15,9	6,9	15,9	6,9	0,8	1,5	0,5
	2009	18,2	9,6	18,2	9,6	0,6	1,8	0,6
	2010	33,4	16,7	33,3	16,7	5,5	2,9	1,1

Source: Lithuanian Labour Exchange

### Projects on promotion of employment

Assistance received from the European Union's Structural Funds allowed to provide support for a larger number of people. In 2007, the Lithuanian Labour Exchange under the Ministry of Social Security and Labour (hereinafter referred to as the Lithuanian Labour Exchange) implemented projects co-financed by the European Social Fund under Measure 2.1 "Developing employability" and 2.3 "Prevention of social exclusion and social integration" under Priority II "Human Resources Development" of the Single Programming Document for Lithuania for 2004–2006. Five projects co-financed by ESF were completed in 2007.

Two projects were successfully completed under SPD Measure 2.1 designed for increasing employment and developing of unemployed people's capabilities:

May 2007 – **Developing vocational training for the unemployed and people who have been warned about redundancy**, one of the largest projects implemented by Lithuanian Labour Exchange, which enabled nearly 6,000 people to learn, attend vocational guidance and consulting sessions as well as individual consulting sessions by psychologists. 5,000 qualified specialists trained under updated and modified programmes, adapted to modern market needs, joined the labour market. Over LTL 23.6 million were spent for the implementation of the project's activities.

**Support for employment of unemployed people**, which had lasted over two years. 7,500 participants in the project were employed in subsidised new jobs and public works. LTL 21.6 m were used for the project's activities.

Projects under Measure 2.3 of SPD support people of particular social vulnerability who are threatened by social exclusion. Lithuanian Labour Exchange has implemented two projects aimed at social adaptation of people released from imprisonment institutions and one project on social integration of the disabled.

In April 2007, a project on **Implementation of the active labour market policy programmes for convicts and people released from imprisonment institutions** was completed. Expenditure of the project amounts to LTL 831,000. A programme on adaptation in the society and labour market was prepared during the project. Motivation meetings held under this programme encouraged about 400 former prisoners to more actively search for jobs and plan a career. Over 40 participants acquired

professions that are in demand in the labour market and were employed as tile installers, plasterers, painters or joiners. Supported employment measures involving over 180 people were financed under the project.

In order to cover more people by the support provided to convicts and people released from imprisonment institutions, a project **Social adaptation and labour market integration of convicts and people released from imprisonment institutions** was implemented. It has been concluded on completion of the previous project that it is very important to increase motivation of people still at imprisonment institutions and people already released from the. Thus over 400 convicts whose service of sentence was nearing completion were included in the Labour Market Days held at places of imprisonment. Motivation events were also held for 100 former prisoners who had registered with labour exchanges. Over 230 people were offered to improve their general skills by participating in vocational training programmes as well as driving, computer literacy or foreign language courses. 60 representatives of target groups were referred to the subsidised employment or skills acquisition support measures. On completion of the project, about one half of these people remained at the same jobs. LTL 1.03 m were used for the implementation of the project.

In December 2008, Lithuanian Labour Exchange completed implementation of one of the largest of its projects **Development of opportunities for labour market integration** (project value LTL 81.2 m) financed under Measure 2.1 of the SPD. The number of participants in the active labour market policy measures during the project totalled 24,334; 55.5% of them (13,498) of them were employed.

In 2009, Lithuanian Labour Exchange implemented six ESF-financed projects under Priority 1 “Quality Employment and Social Inclusion“ of the Human Resource Development Operational Programme for 2007-2013. The projects were implemented under two measures of this priority: “Integration of Job-seekers into Labour Market“ (projects “Support for Temporary Employment”, “Increasing Opportunities for Employment”, “Temporary Works”, “Increasing Employment of the Unemployed” and “Support for Social Enterprises”) and “Establishing and Implementing a Vocational Rehabilitation System for the Unemployed” (project “Provision of Vocational Rehabilitation Services”).

The **Support for Temporary Employment** project, with the total value of LTL 18.3 m, was launched on 1 January 2009 and ended on 31 December 2009. The project enabled 16,631 persons to take part in public works and earn money for subsistence; this contributed to reduction of social seclusion.

The **Temporary Works** project, with the total value of LTL 50 m, was started in October 2009 with the projected completion in October 2012. Over 13,000 people including employees of entities experiencing economic difficulties, who work part-time or are on forced leave, employees who have received warnings about redundancy, and unemployed persons will take part in the measures aimed at supporting temporary employment, i.e. public works. By the end of 2010, 7,888 people were referred to the measure and LTL 17.31 m has been used.

A project on **Increasing Employment of the Unemployed** was started in June 2008 and ended in May 2011. The value of the project is LTL 140 million. In the course of the project 19,300 people – the unemployed and employees who have received warnings about redundancies - were referred to the active labour policy measures including 12,300 for acquiring professions that are in demand in the labour market thus increasing their employment opportunities and 7,000 for acquiring practical skills on the job; it is expected that the majority of the latter will remain for permanent job at the same job or will be employed by enterprises of similar type.

In May 2009, the first project co-financed by the European Globalisation Adjustment Fund (EGAF) was completed. It was aimed at supporting employees made redundant by **AB Alytaus tekstilė**. The value of the project is LTL 2.1 m. During the project, 619 people made redundant by the said public company were provided with employment intermediation, information and consulting services. 161 people were referred to the vocational training measure, and 189 people were assisted in finding employment including 92 people getting subsidised jobs, 37 participating in the measure for supporting the acquisition of work skills, and 60 employed in public works. In the project period, 66 people took part in the measure for promoting entrepreneurship and acquainting people with the basics of business. Out of 619 former employees of AB Alytaus tekstilė who completed the project's activities, 356 got permanent or temporary jobs and 12 persons acquired business licences and became self-employed.

The Lithuanian Labour Exchange prepared three applications to EGAF for persons who were made redundant in the construction, furniture production and clothing sewing sectors. Implementation of the projects co-financed by EGAF started on 1 October 2009. The value of the projects totals LTL 12.2 m. The purpose of the projects is to support the independent job search by the unemployed, promote creation of new jobs, enable the unemployed to improve their skills and acquire new competences so that they can earn money for subsistence. The target group includes persons made redundant in the construction, furniture production and clothing sewing sectors in the period from 16 October 2008 until 15 July 2009 for reasons related to the global financial and economic crisis.

In June 2010, the **Increasing employment opportunities** project was completed. This project which had been launched in December 2008 covered 26,613 people including 10,157 – in vocational training measures, 1,323 – in measures for the support for acquisition of work skills, 14,232 – subsidised employment, 901 – jobs rotation. LTL 112,9 m were used for the project's measures.

A project entitled **Don't lose your skills** was launched in July 2010 and will last until 14 November 2011. Its total value is LTL 42 m. It is expected that the public works measure of the project will involve over 29,600 unemployed people who will return to the labour market, retain their work skills and earn money for subsistence.

A project entitled **Be active in the labour market** was launched in July 2010 and will last until 14 November 2011. Its total value is LTL 42 m. It is expected that over 5,200 young people under 29 will take part in the measure for the support for acquisition of work skills – they will learn practical skills on the job, with the opportunity for retaining the job. It is anticipated that the subsidised employment measure will help over 2,700 young people under 29 to establish themselves in the labour market.

In June 2010, the project **Support for employment and mobility** was launched. The project whose value is LTL 97.9 m is expected to be completed by 31 December 2011. During the project, 17,970 people will be referred to the active labour market policy measures including 6,450 for vocational training, 10,200 for subsidised employment, 800 for job rotation; 520 unemployed people having found jobs at a longer distance from the place of residence will be paid compensations for travel and accommodation costs under the unemployed persons' territorial mobility measure.

Since August 2009, the Alytus Labour Exchange is implementing a project co-financed by EGAF. The project is aimed at **supporting former employees of AB Snaigė** who have been made redundant by increasing their employability and assisting their integration into the labour market. It

is planned that 480 former employees of the public company will be referred to the active labour market policy measures including 71 – for vocational training, 48 – subsidised employment, 69 – public works, and 11 – measure supporting the acquisition of work skills. Compensations for job search costs were granted to 409 unemployed persons and compensations for the difference in pay – 23 former employees of AB Snaigė. 11 people with higher educational attainment completed the skills improvement courses and applied for compensations for the related costs; 21 people who have started business as self-employed persons applied for the entrepreneurship promotion benefit. LTL 1.1 m were used for the project's activities from the beginning of the project until 31 December 2010.

### **Promoting employment of disabled people**

The project on **Integration of the Disabled into the Labour Market to Prevent Social Exclusion** was completed in April 2007. Over LTL 2.1 m were used for its activities. Over 200 persons participated in one of the activities: vocational rehabilitation, refreshment of knowledge and practical skills, public works, and programmes.

In July 2008, a project under Measure 2.3 of SPD entitled **Promoting Social Integration of the Disabled** was completed. The value of the project is LTL 4.2 m. During the project period, 713 people took part in the active labour policy measures including 260 – in vocational training, 34 – support for acquisition of work skills, 312 – subsidised employment, and 107 – public works.

The project on **Support for Social Enterprises** was started in November 2008 and completed in November 2009. Its value is LTL 10.1 m including LTL 2.6 m of partner funds. 1,876 people took part in the project's activities, including 1,011 people to whom partial pay and social insurance compensation was paid. 103 assistants helped 722 disabled people to perform their work functions; disabled people employed by 183 social enterprises took part in the training. 240 certificates of completion of the training and acquisition of qualifications were issued. Partners of the project included 18 local labour exchange offices and 66 social enterprises employing disabled people.

In December 2010, the project on **Provision of Vocational Rehabilitation Services** was completed (started in January 2009). The value of the project is LTL 14 million. 627 people were referred to the vocational rehabilitation programme, 564 people acquired vocational qualifications; LTL 12.97 m were used.

The timeframe of the project on **Support for Employment of the Disabled** is from 1 January 2010 until 28 February 2011. Under the project's activities, partial compensation for pay and related social insurance contributions was paid to the disabled working at 1,880 social enterprises. During the project, 101 assistants helping 685 disabled people to perform their job functions worked at the enterprises. In addition, general and special training of 94 employees was financed.

In July 2010, the project on **Support for the Disabled** was started (to be ended on 1 March 2013). The value of the project is LTL 27.3 m. It is expected that 1,100 disabled people will take part in the vocational rehabilitation programme; they will recover their work skills and vocational abilities, which should improve their employability.

Additional information on the EU Structural Funds' assistance for the promotion of employment and requalification in 2007–2013 is provided in p. 3 of Article 10.

### **Answers to the questions and conclusions of the European Committee of Social Rights:**

There is still no information in the report on the employment and unemployment rates of persons with disabilities.

### Persons with disabilities in the labour market

According to the State Social Insurance Fund Board:

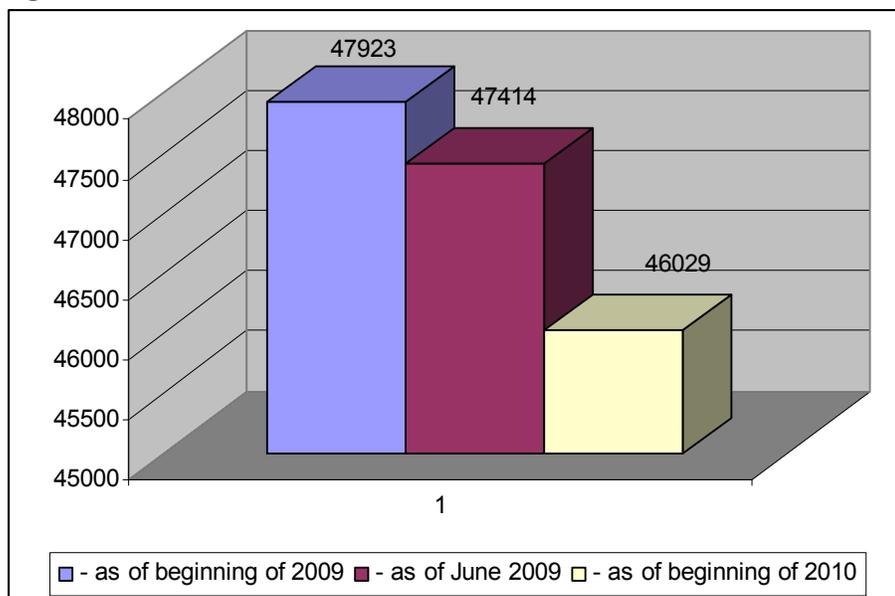
As of June 2009, there were 47,414 employed persons receiving state social insurance benefits/pensions for loss of capacity for work (disability benefits) including:

- loss of capacity for work of 75–100 % – 875 people, with average benefit LTL 907.5 and average wage LTL 1,128,74;
- loss of capacity for work of 60–70 % – 24842 people, with average benefit LTL 719.77 and average wage LTL 1,129.3;
- loss of capacity for work of 45–55 % – 21697 people, with average benefit LTL 349.93 and average wage LTL 1,306.9.

As of the beginning of 2010, there were 46,029 employed persons receiving state social insurance benefits/pensions for loss of capacity for work (disability benefits) including:

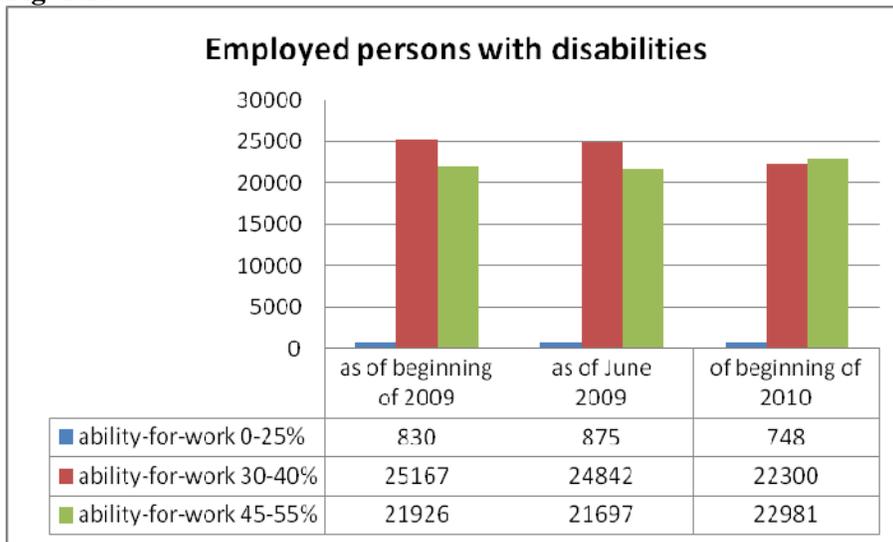
- loss of capacity for work of 75–100 % – 748 people, with average benefit LTL 823.31;
- loss of capacity for work of 60–70 % – 22,300 people, with average benefit LTL 716.97;
- loss of capacity for work of 45–55 % – 22,981 people, with average benefit LTL 328.20.

Fig. 1.1.8

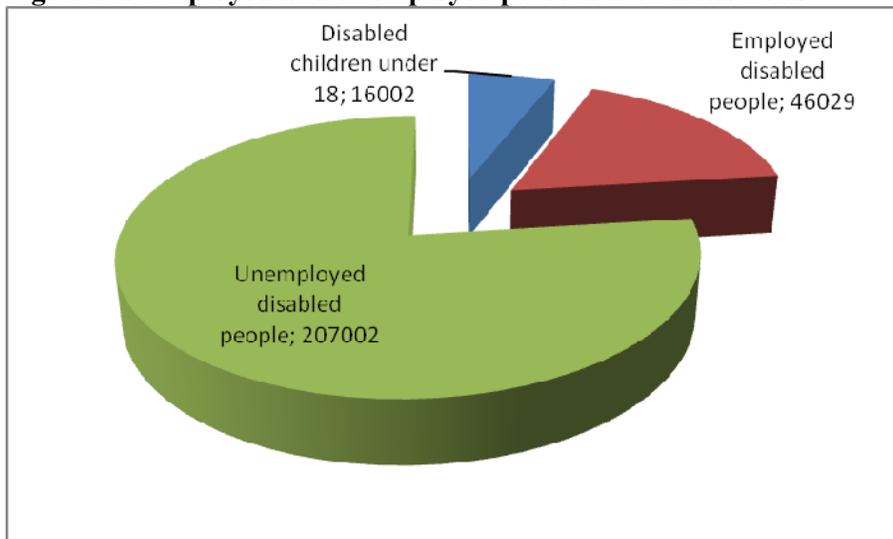


Source: State Social Insurance Fund Board under the Ministry of Social Security and Labour (SODRA).

**Fig. 1.1.9**



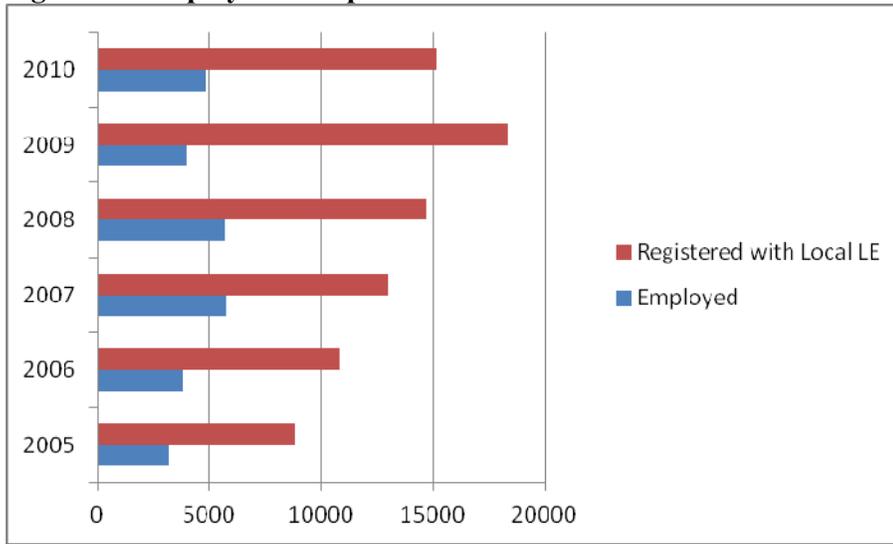
**Fig. 1.1.10 Employed and unemployed persons with disabilities**



Source: SODRA

Only about one-sixth (17%) of all people with disabilities were employed in 2010; non-working disabled people accounted for 77% of all people with disabilities in Lithuania. The majority of disabled people are not active in the labour market in Lithuania.

**Fig. 1.1.11 Employment of persons with disabilities**



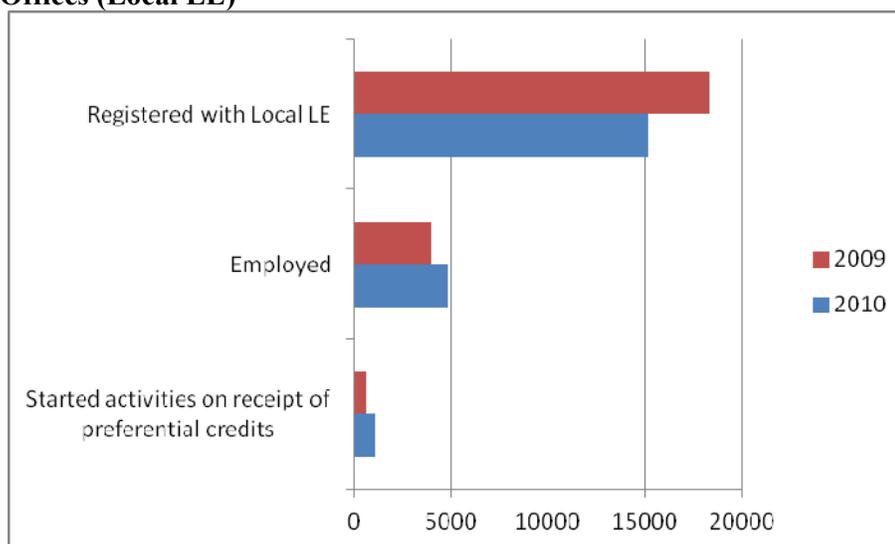
Source: Lithuanian Labour Exchange

An analysis of the dynamics of employment of the disabled registered in labour exchanges shows that the employment rate has grown from 22% in 2009 to 32.23% in 2010. It should be noted that the number of the disabled working under fixed-term (up to 6 months) contracts has increased significantly in 2010.

In 2009, 18,308 disabled persons were registered with local labour exchange offices including women 45%. Disabled people accounted for 4.9% of the registered unemployed. In the reporting period, 4,015 disabled people were employed including permanent jobs 80%. 2,596 disabled people were referred to active labour market policy measures: for vocational qualifications acquisition 297, for employment under subsidised employment measures 1,973, and for employment in new jobs created under the measure for supporting job creation - 184 disabled people. 580 disabled people became self-employed under business licences issued on preferential terms.

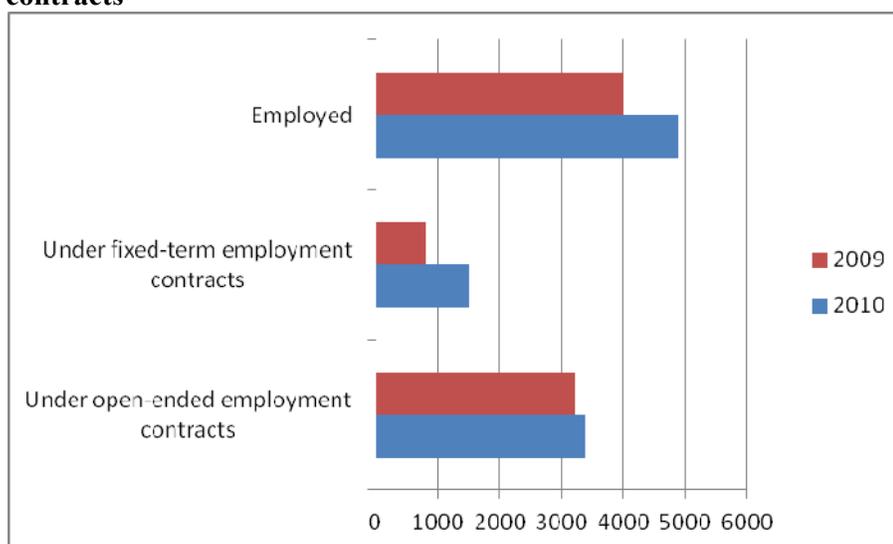
In January-December 2010, 15,141 disabled people were registered with local labour exchange offices including 6,969 women (46%). Disabled persons accounted for 4.3% of all the registered unemployed. 2,619 disabled people were referred to the active labour market policy measures (4% of all participants in the measures). In the accounting period, 3,380 disabled people were employed under open-ended employment contracts and 1,500 – under fixed-term employment contracts. 120 disabled people took part in the vocational training programmes in order to acquire vocational qualifications or competences; 2,219 disabled people took part in the supported employment measures. 141 subsidised jobs were created for the disabled; 43 disabled people created jobs for themselves, and 12 disabled people were employed at jobs created under the local employment initiative projects. 1,085 disabled people became self-employed under business licences issued on preferential terms for short periods (up to 6 months).

**Fig. 1.1.12 Employment of persons with disabilities registered with Local Labour Exchange Offices (Local LE)**



Source: Lithuanian Labour Exchange

**Fig. 1.1.13 Employment of persons with disabilities under employment contracts**



In 2010, 32.23% of disabled people registered with local labour exchange offices were employed compared with 21.93% in 2009. It should be noted that the number of disabled people working under fixed-term contracts (up to 6 months) increased considerably in 2010.

More information on vocational rehabilitation of disabled people is provided in p. 2, Article 15.

**It also asks what the situation among immigrants and minorities is.**

The Lithuanian Labour Exchange does not collect such information as it provides services to the unemployed irrespective of their national origin. Statistics on work permits issued to aliens, immigration, and the Lithuanian population structure by nationality are provided in p. 1, Article 18.

## **ARTICLE 1, PARAGRAPH 2**

**1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

### **Equal opportunities for employment**

In 2008, the Seimas (Parliament) of the Republic of Lithuania adopted the Republic of Lithuania Law amending the Law on Equal Opportunities (new version of the Law No. X-1602 of 17 June 2008) in order to better protect the rights of individuals and to improve the legal framework for equal opportunities. The new version of the law transposes the provisions of Council Directive of 29 June 2000 No. 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and of Council Directive of 27 November 2000 No. 2000/78/EC establishing a general framework for equal treatment in employment and occupation. This legal act prohibits direct and indirect discrimination, harassment and instructions on discrimination on the grounds of gender, race, nationality, language, origin, social status, beliefs, convictions or views, age, sexual orientation, disability, ethnicity and religion.

The new Republic of Lithuania Law on Equal Opportunities establishes a specific prohibition on discrimination with respect to membership or participation in employees' and employers' organisations of any type that have members of relevant age, sexual orientation, social status, disability, race or ethnicity, religion, beliefs or convictions.

The purpose of the Law on Equal Opportunities is to secure the implementation of the provisions of the Constitution of the Republic of Lithuania establishing equality of individuality and prohibiting any restriction on human rights as well as any privileges on the grounds of gender, race, nationality, language, origin, social status, religion, convictions or views. The Law is also aimed at the implementation of the European Union acquis as stated in the Annex to the Law as well as other international legal acts.

Any advertisements on hiring employees, admission to public service, and admission to educational establishments may not contain any requirements that would grant priority on the grounds of gender, race, nationality, language, origin, social status, beliefs, convictions or views, sexual orientation, disability, ethnicity and religion except as stated in Article 2(7) of the Law. Any person who has experienced discrimination on the grounds referred to above is entitled to demand indemnification for property and non-property damage from the guilty persons under the law.

We are glad to note that the provision on equality of subjects of labour law established in Article 2(1), p. 4 of the Labour Code of the Republic of Lithuania (hereinafter referred to as the Labour Code) has been supplemented by a new ground – “irrespective of intentions to have a child/children (Law Amending the Labour Code No. XI-1315 of 12 April 2011).

### **Compulsory initial military service**

Prior to abolition of compulsory military conscription, i. e. 15 September 2008, Lithuanian citizens subject to conscription – men from age 19 to 26 under the Republic of Lithuania Law on Military Conscription (22 October 1996 No. I-1593) were obliged to see the compulsory initial military service or an alternative compulsory auxiliary service - alternative national defence service.

According to the Law on Military Conscription, the compulsory initial military service may be replaced with the alternative national defence service for those citizens of the Republic of Lithuania

who, due to religious or pacifistic convictions, cannot see armed military service and have expressed a wish in writing, stating reasonable argumentation for choosing this service. Applications for the alternative national defence service are considered and decisions are adopted by a special commission formed of representatives of public organisations, religious communities, and educational establishments. The alternative national defence service is seen within the national defence system of the Republic of Lithuania (it can also be seen at other state institutions by doing public works for the benefit of the society). Individuals seeing this service perform duties that do not require the use of violence and arms. They are subject to the statutes of the national defence system, physical training and other requirements applicable to servicemen that do not require the forced use of arms, special means or physical force, and restrictions applicable to the military service.

### **Professional military service**

The Republic of Lithuania Law on the Organisation of the National Defence System and Military Service (5 May 1998 No. VIII–723) establishes the terms of professional military service contracts. According to Article 31(2), o. 1 of the Law, a professional military service contract shall be concluded with officers starting the service on graduation from the Lithuanian Military Academy or a similar establishment abroad for a term ending in the year of releasing an officer to reserve (e.g. for a captain – until the officer becomes 43 years of age, a colonel – 53 years).

Article 37 of the Law provides for a serviceman's right to early termination of the contract on his own initiative subject to obtaining approval of the Minister of National Defence for recognized valid reasons. In the period from 2007, **all the applications for the termination of the professional military service** received by the Ministry of National Defence and the Lithuanian Armed Forces under Article 37 of the Law **were satisfied**: 102 in 2007, 121 in 2008, 71 in 2009, and 147 of 2010. This includes applications by individuals whose service contracts were open-ended: 12 in 2007, 8 in 2008, 5 in 2009, and 6 of 2010.

### **Answers to the questions and conclusions of the European Committee of Social Rights:**

#### **Prohibition of discrimination in employment**

Article 2 of the Labour Code establishes the principle of equal treatment in all the spheres governed by the Labour Code irrespective of sex, sexual orientation, race, national origin, language, origin, nationality, social status, religion, family situation, age, opinion, membership of a political party or other public body or any other factor unconnected with a person's occupational skills. Furthermore, the Equal Treatment Act, which came into force on 1 January 2005, prohibits all discrimination on the grounds of age, sexual orientation, disability, race, ethnic origin or religious or other beliefs. The Committee notes that the latter Act has a broader field of application than the area of employment relations alone. To gain a sufficiently accurate overall picture, the Committee asks for the next report to give a full description of the situation **in law and in practice with regard to each of the prohibited grounds for discrimination**.

The Office of Equal Opportunities Ombudsperson is responsible for the implementation of the provisions of the Republic of Lithuania Law on Equal Opportunities and the Law on Equal Opportunities for Women and Men. Both laws guarantee equal rights and opportunities for employment in both private and public sectors irrespective of identification features of an individual as specified in the list of prohibited grounds for discrimination and established in anti-discriminatory laws (gender, race, nationality, language, origin, social status, beliefs, convictions or views, **age, sexual orientation, disability, ethnicity and religion**).

In the absence of any information on the subject in the report, the Committee asks whether exceptions to the general ban on discrimination (on the grounds of sex) may be authorised where they are **warranted by essential occupational requirements and/or for the purposes of positive action.**

Article 2(4) of the Republic of Lithuania Law on Equal Opportunities for Women and Men states what is not deemed to be discrimination on the grounds of sex: “(5) certain work which can only be done by an individual of specific gender where, due to the nature of specific professional activities or conditions of the carrying out of such activities, gender is an indispensable/unavoidable and decisive occupational requirement and such treatment is lawful and the requirement is appropriate/proportionate.” Thus, according to the Law, exceptions that justify direct discrimination on the grounds of sex in employment are possible, e. g. examination of an individual of a certain gender at the airport may only be carried out by a woman or by a man, depending on the gender of the individual being examined.

As there is no information on the subject in the report, the Committee asks again **how the notion of discrimination on the ground of age is interpreted.**

A prohibition on discrimination on the grounds of age is established in the Republic of Lithuania Law on Equal Opportunities. The notion of age has not been formalised in the Law. In this respect age is understood as discrimination of a person of an explicitly specified age as well as descriptions of “young” or “elderly” as these descriptions also mean classification of an individual as a one belonging to a certain age group. In each case of investigation into potential discrimination on the grounds of age, it is determined whether an individual was treated less favourable than individuals of a different age have been or would have been treated in similar circumstances.

The Committee asked previously whether foreign nationals were denied access to certain types of job. The report only mentions a restriction based on the degree of knowledge of Lithuanian and does not state whether certain categories of employment are barred to foreigners even if they have an excellent knowledge of Lithuanian. **The Committee therefore asks again whether certain categories of job are reserved for Lithuanian nationals whatever their extent of knowledge of the language and if so, which ones.**

The Law on Equal Opportunities does not establish a prohibition on discrimination on the grounds of citizenship. However, there are prohibitions on working in the security and public order maintaining sectors for individuals who are not citizens of the Republic of Lithuania. For example, The Law on Police Activities states that a police officer shall be a citizen of the Republic of Lithuania who has been employed by a police institution as a statutory public servant and who has public administration powers with respect to persons that are not subordinate to him/her.

The Act 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) significantly restricted the employment rights of former employees of the USSR institutions responsible for security matters.

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 No. VIII–858) establishing restrictions on the employment rights of former KGB staff became invalid on 1 January 2009 as the restrictions had been set for a period of 10 years. We would like to remind you that there had been attempts to make the restrictions less strict prior to that date but the attempts were not successful.

#### **Prohibition of forced or compulsory labour**

**Employees must give their consent and employment contracts must be amended in the event of changes in type or scale of production, technology used or working arrangements or of other changes required for production to continue. Employees who refuse to work under these new**

**conditions may be dismissed (under Article 120 of the Labour Code).** The Committee considers that the reasons for amending employment conditions may be too broad in scope to meet the requirements of Article G of the Revised Charter (see above). The threat of dismissal for an employee refusing to work under the new conditions is such that it may deny employees their freedom of choice. However, before examining this situation in the light of the prohibition of forced labour, the Committee would ask how the courts and the social partners interpret this rule and if its implementation is subject to safeguards designed to protect employees.

Article 120 of the Labour Code states: “If an employee does not agree to work under the changed working conditions, the employee may be dismissed from work under Article 129 of this Code according to the set procedure for the termination of employment contracts“.

It should be noted that in case of termination of employment contract under Article 129 of the Labour Code (“Termination of Employment Contract on the Initiative of the Employer through no Fault of the Employee”), relevant guarantees have been established by the Labour Code and other laws for employees of individual categories. While terminating an employment contract under Article 129, the employer has the duty to look for opportunities for transferring the employee being dismissed to another job and to transfer the employee if he/she consents to it. The law does not require that the employee has to be transferred to equivalent job. Another job (i. e. a vacant job and position) must be offered based, first of all, on the profession, specialisation and qualifications (and on health condition as appropriate) of the employee being dismissed; if there are no vacancies or the employee does not consent to being transferred to a particular job – the employer has to offer any other job which the employee could do depending on his/her capabilities and health condition. The employer has this duty throughout the period of warning of the employee to be dismissed including the date of dismissal.

Under Article 129(4) of the Labour Code, the employer terminating an employment contract must have and specify the reason for dismissal, which must be more significant than in case of dismissal of employees not falling within the categories specified in Article 129(4) of the Labour Code (*judgment by the Panel of the Civil Cases Department of the Supreme Court of Lithuania of 26 January 2005 passed in case No. 3K-3-71/2005*). The said Article also includes employees who have not more than five years left until pension, persons under 18 years of age, and employees raising children under 14 years of age.

The employer having operating structural divisions in different places must offer an employee being dismissed any vacancy within the organisation, i. e. not only those which are available in the area of place of residence of the employee or in the area of the division where the employee had been working (Article 2(1), p. 2 and 8, Article 10(1) and (3) of the Labour Code and Article 3(6) of the Code of Civil Procedure) (*judgment by the Panel of the Civil Cases Department of the Supreme Court of Lithuania of 28 January 2004 passed in case No. 3K-3-72/2004*).

The employer’s duty to offer another job arises on the moment of warning, therefore, at the time of warning the employee must be informed about and offered vacancies. This duty remains until the very moment of dismissal. During this period, vacancies must be offered to the employee being dismissed.

The practice of the Supreme Court of Lithuania has no established rule to the effect that the employer is obliged to offer to an employee being dismissed a job which might become vacant in the future (*judgment by the Panel of the Civil Cases Department of the Supreme Court of Lithuania of 27 June 2005 passed in case No. 3K-3-356/2005*).

In a civil case instituted against an employer for reinstatement, the employer must prove that the employee was dismissed lawfully (Article 178 of the Code of Civil Procedure). The employer must prove that he has not violated the law by not offering a vacancy to the employee due to his/her lack of the requisite abilities.

While deciding cases for reinstatement of employees dismissed under Article 129 of the Labour Code, the courts must request that the employer presents evidence that the employee had refused to be transferred to another job or that the employer was not in a position to transfer the employee within the organisation. If the employer is in a position to transfer the employee within the organisation, the employer must offer the employee another job taking account of his/her profession, qualifications and other business qualities. If no such job is available, the employer should offer any vacancy where the employee could work according to his/her capabilities (*judgment by the Panel of the Civil Cases Department of the Supreme Court of Lithuania of 21 November 2007 passed in case No. 3K-3-514/2007*).

During the warning period the employer should grant the employee free time for the search of new job. This time must account for not less than 10% of the working time that the employee must work during the warning period. The free time shall be granted by agreement between the employer and the employee. The employee receives his/her average wage for such time (Article 130(3) of the Labour Code).

#### **Prison work**

The Committee takes note of the information in the report concerning prison work. It notes that under certain conditions prisoners may work for the prison authorities or state enterprises. The Committee asks for **confirmation that prisoners may not work for private companies or bodies. It also asks whether work for a state enterprise can be performed outside prison.**

Yes, under the current laws prisoners may work only at state enterprises and yes, prisoners may perform such work outside the territory of the prison.

The Committee notes that prisoners must give their consent to work. They receive a wage which varies according to their hours and the nature of the work performed. **The Committee asks how much these wages amount to compared to those received by ordinary workers.**

Article 125(8) of the Penal Code of the Republic of Lithuania states that the only purpose of production activities of correctional institutions and state enterprises under correctional institutions is to teach the convict to achieve his/her life aims by lawful methods and means.

All employed convicts are paid according to the amount and quality of the work done according to resolution of the Government of the Republic of Lithuania “Concerning approval of the procedure for payment for work for persons serving imprisonment sentences” No. 228 of 13 February 2002. The resolution states that in case if it is impossible to quantify the results of work using specific indicators, then the wage to detainees and convicts must be based on a hourly tariff rate. The hourly tariff rates are set by general managers of correctional institutions and state enterprises under correctional institutions using coefficients that had been set depending on requirements applicable to a specific position. The “1” factor applicable to wage is equal to the minimum hourly pay approved by the Government of the Republic of Lithuania. The hourly tariff rate is calculated by multiplying the relevant factor by the value of the minimum hourly wage.

Detainees and convicts employed in permanent long-term work of specific size receive monthly wage. The monthly wage is set by general managers of correctional institutions and state enterprises under correctional institutions using coefficients that had been set according to types of works. The

factors vary from 0.43 to 0.75 depending on complexity of work. The “1” factor applicable to wage is equal to the minimum monthly wage approved by the Government of the Republic of Lithuania. The hourly tariff rate is calculated by multiplying the relevant factor by the value of the minimum monthly wage.

Where results of work can be quantified using specific indicators, a unit wage system is applied to detainees and convicts. Output rates and the rates of wage per work/product unit are set by general managers of correctional institutions and state enterprises under correctional institutions. The rate of wage is determined by dividing the hourly tariff rate by the hourly output rate. Output rate is the quantity of products of good quality or the quantity of specific actions that the detainee/convict has to produce/perform during a set period of time. The rate can also be determined by multiplying the hourly tariff rate by the working time normative expressed in hours. Working time normative is the length of working time in hours or minutes, established for the manufacture of products or performance of actions under normal working conditions.

**Table 1.2.1. Average numbers of convicted persons employed in 2007 – 2010**

Employed prisoners (as a proportion of total no. of prisoners)	2007	2008	2009	2010
State enterprises	19,3 %	16,9 %	14,1 %	15,7 %
Works at the prison	14,5 %	13,8 %	13 %	12,2 %
Total	33,8 %	30,7 %	27,1 %	27,9 %

#### **Privacy at work**

The Committee asks for information to enable it to determine how far human freedom and dignity are protected by legislation and the courts against intrusions into personal or private life that may be associated with or result from the employment relationship (see observations on Article 1§2, general introduction to Conclusions 2006, §§13–21).

Privacy of person is defent by civil, administrative and criminal law. There is no special provision for the personal privacy in Labour Code. Labour Code defends employee's honour and dignity, for example Article 27 says: *“There shall be no limitation of actions regarding employee's claims for defence of his honour and dignity.”*

The social partners have never raised privacy at work as problematic in the Tripartate Council or consultations with the Government concerning the necessary amendments to the Labour Code.

ARTICLE 1, PARAGRAPH 3

**2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

Lithuanian labour exchange is a state institution whose **services are free**. According to surveys conducted by local labour exchange offices, 89% of employers search for workers through labour exchanges (more detailed statistical data are provided below in the answers to the ECSR's questions).

Most often, workers are sought for unqualified works or for qualified craftsmanship or service sector jobs. The number of recorded applications for specialists is much smaller.

The Lithuanian Labour Exchange has one telephone number 870055155 for the registration of vacancies. The Lithuanian Labour Exchange website is intended for both job-seekers and employers. All electronic service of Lithuanian Labour Exchange are operative round-the-clock.

The Lithuanian Labour Exchange website has been recognised as the Best Electronic Content Project 2007 in the e-Government category for the provision of public electronic services to the population and promotion of information society. In 2008, the website of Lithuanian Labour Exchange and 46 local labour exchange offices ([www.ldb.lt](http://www.ldb.lt)) has been recognised as the best in the e-Inclusion & Participation category in the competition "*Naujasis knygnešys 2008*". According to RAIT, a market analysis and research company, the Lithuanian Labour Exchange's website is the second best-known and most frequently visited career portals, offering a unified job search and supply system in Lithuania. Upon introduction of an automatic search functionality, job-seekers can get information about preferred jobs (more than one) in an effective way, whereas employers – about candidates who would suit jobs offered by them. The system automatically selects suitable candidates/vacancies and sends e-mails or SMS to users during a certain period. The following new electronic services have been introduced or current services have been updated:

- for employers – a service of ordering "job fairs". An employer wishing to select best candidate for a registered vacancy submits an application to a labour exchange for holding a job fair, where the employer can meet all the selected candidates and select the best one;
- for job-seekers registered with a labour exchange – an opportunity to view the content of his/her employment plan and reports on interim and final objectives achieved;
- questionnaires for the surveys of the unemployed and employers have been created in the Lithuanian Labour Exchange's website. The results are processed automatically and can be viewed in the website;
- an employer can view statistics on viewing of each job advertisement placed by him;
- job-seekers can create a CV in Lithuanian and English as well as to download and save the information in their computers (doc, pdf, hr-xml). The CVs and questionnaires filled online are included in the integrated database of the Lithuanian Labour Exchange, which can be accessed by both job-seekers and employers;
- a procedure for filling Form E301 has been created in the DBIRŽA–I Information System, enabling automatic collection of data from the IS. This helps Lithuanian Labour Exchange's internal users to draw up documents more effectively and accurately;
- the program is designed for both internal and external users – for the issue of work permits to aliens, making of recommendations and adoption of decisions. Employers using the program have to fill in applications for work permits for foreigners; Lithuanian Labour Exchange's specialists can prepare and issue the permits more effectively;

- a new functionality – adaptation of the vacancies and job-seekers registration for work in remote locations. Specialists may register job seekers locally at ward offices (divisions of municipal offices) and may register vacancies during visits to employers.

The Information System, which was improved in 2007 in the course of the project “Integration of the Information System of the Lithuanian Labour Exchange into the HR–XML Standard and Development of Electronic Online Services”, enables a more effective exchange of information on supply and demand of jobs with employers and private recruitment agencies.

The following was introduced during the project:

- exchange of data (vacancies and CVs) with the IS of foreign labour exchanges, private employment agencies and other labour market partners using the HR–XML data formats;
- modification of the Lithuanian Labour Exchange’s website and DBIRŽA–I software according to the requirements of HR–XML standard;
- the Lithuanian Labour Exchange’s website and the Online Labour Exchange Subsystem adapted to people with disabilities; recommendations made by W3C consortium were taken into account while creating new online modules;
- new free functionalities for employers and private employment agencies enabling effective data exchange with the Lithuanian Labour Exchange Information System.

The Internet technologies have been used in developing unified software for the administration of independent search for information and vocational guidance system (SIP+PIC) and for the publishing of information, on the basis of which the public information system [www.ldb.lt/dbais](http://www.ldb.lt/dbais) has been updated. This system is available to users at workstations within the Lithuanian Labour Exchange’s network as well as at public access points and homes. Users of the SIP+PIC system have been afforded new opportunities for conducting job searches in the country-wide database (previously, only information on relevant area was provided, familiarising themselves with the services provided by Lithuanian Labour Exchange, and obtaining useful advice. Information on the labour market situation, ESF projects implemented by Lithuanian Labour Exchange, opportunities for working abroad is constantly updated. Users of the vocational guidance subsystem can view descriptions of individual professions and informational videos on workplaces of the professional selected. Users may also take tests on requirements set for the profession, with the results of the test provided right away.

**3) Please provide indicators, estimated if necessary, on the functioning and the performance of the employment services in practice, including the number of vacancies registered by employment services; placement rate (placements made by the employment services as a share of notified vacancies).**

**Table 1.3.1. Supply of labour force** (numbers of the unemployed registered with the Lithuanian Labour Exchange, ‘000)

	2007	2008	2009	2010
<b>Number of registered unemployed</b>	166,7	214,2	369,4	303,1
<b>including: women</b>	90,5	103,3	152,2	128,1
<b>men</b>	76,2	110,9	217,2	175,0
<b>youth</b>	29,6	38,7	79,6	73,9

**Table 1.3.2. Demand for labour force** (vacancies registered with the Lithuanian Labour Exchange, '000)

	2007	2008	2009	2010
<b>Registered vacancies</b>	134,1	109,7	91,9	148,2
<b>including: jobs without fixed term</b>	121,2	95,8	62,4	89,0
<b>fixed-term jobs</b>	12,9	13,9	29,5	59,2

### Labour supply and demand

In 2007, local labour exchange offices received 166,700 applications from the unemployed, which is 13,900 per month on average. In 2008, the number of the unemployed increased by 47,500 (+28.5% compared with 2007). In 2009, the number of applications was 155,200 (+72.5% compared with 2008). The year 2010 saw the reduction of the unemployed by 66,300 (-17.9% compared with 2009).

The proportion of unemployed woman has decreased: in 2007, women accounted for 54.3 % of the unemployed, in 2010 – 42.3%.

While the proportion of the unemployed older than 50 years of age has decreased from 23.8% in 2007 to 18.6% in 2010, while that of young unemployed (under 25) increased from 17.8% to 24.4%.

A large part of the registered unemployed are not prepared for the labour market. 41% of the job-seekers applying for registration in 2010 were without vocational training (2007: 39.8%), 23.4% without work experience (2007: 13.4%), 22% had lost professional skills due to long break (2007: 21.8%). Those registered repeatedly within one year accounted for 19.4% of all unemployed (2007: 18.3 proc.), over a longer period – for 53.9% of all unemployed (2007: 55.4%).

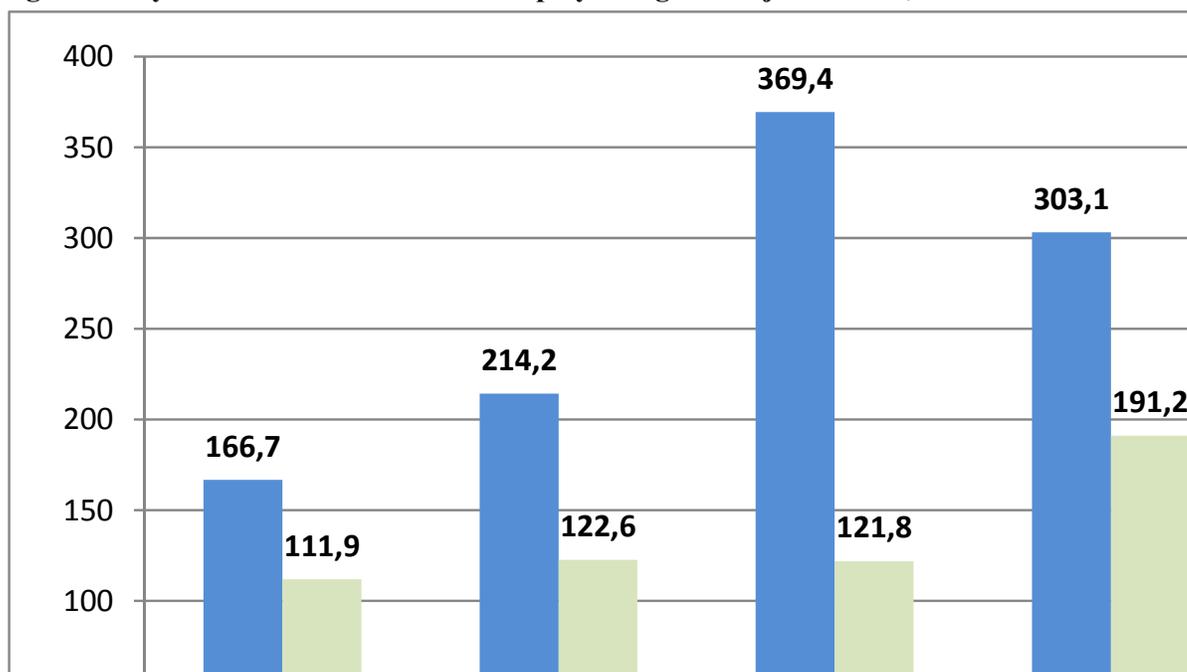
### Employment

**Table 1.3.3. Persons employed through the Lithuanian Labour Exchange, '000**

	2007	2008	2009	2010
<b>Total number of persons employed</b>	<b>111,9</b>	<b>122,6</b>	<b>121,8</b>	<b>191,2</b>
including: women	63,7	68,3	57,2	79,3
men	48,2	54,3	64,6	111,9
youth	16,1	18,5	22,2	34,1

In 2007, 111,900 job seekers were employed through the Lithuanian Labour Exchange (2008 – 122,600, 2009 – 121,800, 2010 – 191,200); 99,200 of them got permanent jobs (2008 – 108,900, 2009 – 92,800, 2010 – 132,800) and 12,700 were employed under fixed-term contracts (2008 – 13,700, 2009 – 29,000, 2010 – 58,300). Over 15,900 unemployed persons, having received recommendation from the labour exchange, became self-employed and started working under business licences in 2007, compared with 15,900 in 2008, 18,200 in 2009, and 31,400 in 2010.

**Fig. 1.3.4. Dynamics of the numbers of employed registered job seekers, '000**



**Table 1.3.5. Employed under fixed-term and open-ended employment contracts, '000**

	2007	2008	2009	2010
<b>Employed total</b>	<b>111,9</b>	<b>122,6</b>	<b>121,8</b>	<b>191,2</b>
including: women	63,7	68,3	57,2	79,3
men	48,2	54,3	64,6	111,9
youth	16,1	18,5	22,2	34,1
<b>Employed under open-ended contracts</b>	<b>99,2</b>	<b>108,9</b>	<b>92,8</b>	<b>132,8</b>
including: women	55,3	59,3	43,0	54,8
men	43,9	49,6	49,8	78,0
youth	15,0	16,5	17,9	23,9
<b>Employed under fixed-term contracts</b>	<b>12,7</b>	<b>13,7</b>	<b>29,0</b>	<b>58,3</b>
including: women	8,4	9,0	14,3	24,4
men	4,3	4,7	14,7	33,9
youth	1,1	1,2	4,3	10,1

Information about employment abroad is presented in p. 4, Article 18.

**Answers to the questions and conclusions of the European Committee of Social Rights:**

Under a new act adopted in 2006, public employment services are run by the Lithuanian Employment Office, which works *inter alia* in co-operation with the Lithuanian office for labour market training and its local branches.... **The Committee asks what the impact of the new employment office has been at national and local level and what qualifications its staff are required to have.**

The Lithuanian Labour Exchange and its 46 local labour exchange offices started operation on **1 March 1991**. The Republic of Lithuania Law on Support for Employment of 2006 establishes the legal framework for the system of support for job seekers, the objectives and tasks of the system,

functions of the institutions implementing the employment support policy, and the principles of the implementation of the relevant measures and the organisation and financing of the labour market services. The laws applies to the citizens of the Republic of Lithuania and aliens lawfully residing in the Republic of Lithuania. Thus this law detailed the functions of the existing institution rather than created a new one.

Upon completion of a structural reform of the Lithuanian Labour Exchange on 1 October 2010, now there are 10 local labour exchange offices in the country. They administer 49 client service units established in municipal offices. The client service units are directly subordinate to the Lithuanian Labour Exchange.

The Lithuanian Labour Exchange is responsible for coordinating labour supply and labour demand in order to maintain balance in the labour market, increasing employment opportunities for job seekers of working age, implementing bilateral and trilateral cooperation between social and labour market partners aimed at promoting employment, contributing to reduction of social seclusion, developing and implementing measures to prevent unemployment and to mitigate consequences of redundancy, monitoring of labour market in order to reduce structural unemployment, assessing of the labour market situation and forecasting of its developments, developing of public services and improving the efficiency of the employment support measures, utilising assistance provided by the EU Structural Funds, the European Globalisation Adjustment Fund and other funds in promoting employment and investments in human capital and ensuring equal opportunities in the labour market; it is an active participant in the network of European employment services seeking to create a common transparent labour market in the European Union; it is responsible for the maintaining and modernisation of operation of the local labour exchange offices promoting employment and investments in human capital.

**A specialist working with a labour exchange must meet the following special requirements:**

- university educational attainment or equivalent (higher non-university, further education or (attained before 1995) special secondary educational attainment);
- at least one year’s experience of working in the area of implementation of the employment support policy (not applicable to senior specialist);
- knowledge of the Constitution and other laws of the Republic of Lithuania, government resolutions and other legal acts governing implementation of employment guarantees in the labour market, unemployment social insurance, aliens’ work in the Republic of Lithuania, public service, public administration, organisation of work of institutions financed from the state budget, financing procedures, labour relations, drawing up and management of documents and legal protection of personal data as well as ability of applying these legal provisions in practice;
- ability to manage, collect, systematise and summarise information, analyse problems, draw up conclusions and conceptual solutions for problems, model situations, project results, and formulation strategies for solutions;
- ability to fluently formulate one’s thoughts orally and in writing and to draw up official documents;
- computer skills including using Microsoft Word, Excel, Power Point, Outlook, Internet Explorer.

According to the report, the employment office conducts an audit on the activities of private agencies every three years on average. The Committee asked previously (Conclusions 2006) what **the relative market shares were for public employment services and private agencies in terms of placements made. In the absence of a reply, it repeats its question.**

According to the Lithuanian Department of Statistics, job-seekers applying to labour exchanges accounted for 51% of total unemployed persons in 2007, 46% in 2008, 67% in 2009, and 85% in 2010.

The rates of application to private employment agencies are as follows: 5.7% in 2007, 13.1% in 2008, 6.6% in 2009, and 9.2% in 2010. The rest unemployed people were looking for work independently by placing and/or reading job advertisements in the mass media or making enquiries through acquaintances, relatives, employers.

**ARTICLE 1, PARAGRAPH 4**

Projects aimed at promoting employment including vocational guidance, training and requalifications are described under paragraph 1, Article 1.

Lithuania has ratified Articles 9, 10 and 15 and the information is provided under these Articles.

**Answers to the questions and conclusions of the European Committee of Social Rights:**

However, it found the situation not in conformity with the Revised Charter **with regard to vocational guidance (Articles 9) on the ground that it has not been established that equal treatment is guaranteed to all nationals of States Parties...**

Vocational guidance is provided to aliens lawfully residing in Lithuania (there is no requirement to be a permanent resident).

**....and with regard to continuing vocational training for workers (Article 10§3) on the ground that it has not been established that the right to individual training leave is guaranteed to workers.**

Information is provided under paragraph 3, Article 10.

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

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

### **Legal regulation of vocational guidance in Lithuania**

Article 7 of the Republic of Lithuania Law Amending the **Law on Vocational Training** adopted by the Seimas in 2007, vocational guidance is defined as a component part of the vocational training system; Article 8 is entirely devoted to vocational guidance (3 April 2007, No. X-1065).

Article 7(3) of the Republic of Lithuania **Law on Higher Education and Science** adopted by the Seimas in 2009 establishes that a higher educational establishment must provide career consulting to students (30 April 2009, No. XI-242).

The purpose of the **National Programme on Vocational Guidance** in the Education System approved by order of the Minister of Education and Science No. ISAK-3331 of 4 December 2008 is to plan the funds for vocational guidance provided by the EU Structural Funds and national co-financing in the 2007-2013 programming period and to contribute to rational utilisation thereof.

The **Vocational Information Standard** approved by order of the Minister of Education and Science governs the vocational information services and their content, defines the main principles of provision the services and the qualifications and ethical requirements for the vocational information consultants (No. ISAK-362 of 13 March 2007).

The **Methodological Guidance on the Use of Funding Allotted for Vocational Guidance of Pupils** approved by order of the Minister of Education and Science No. ISAK-605 of 4 April 2007 defines the purpose and tasks of implementation of the guidance, the notion of vocational guidance and the principles of using funds allotted for vocational guidance at schools providing secondary education.

### **Reorganisation of the vocational guidance system**

The National Labour Market Training Services under the Ministry of Social Security and Labour were abolished in 2010 in the course of reforming institutions implementing employment policies. Part of their functions related to the implementation of employment policy were transferred to the Lithuanian Labour Exchange.

Executing the resolution of the Government of the Republic of Lithuania on the rights and responsibilities of labour market training services<sup>1</sup>, the National Labour Market Training Service transferred to the Ministry of Education and Science nine training centres having the status of a public entity (hereinafter referred to as the VŠĮ): VŠĮ Alytus labour market training centre, VŠĮ Kaunas Dainava labour market training centre, VŠĮ Klaipėda labour market training centre, VŠĮ Panevėžys labour market training centre, VŠĮ Šiauliai labour market training centre, VŠĮ Utena labour market training centre, VŠĮ Vilnius Jeruzalė labour market training centre, VŠĮ Vilnius Žirmūnai labour market training centre, and VŠĮ Kaunas county labour market training centre.

UAB Kaunas Naujamiestis labour market training centre (a private company) was transferred to VĮ Valstybės turto fondas (State Property Fund, a state enterprise). The transfer of UAB Kaunas

<sup>1</sup> Resolution of the Government of the Republic of Lithuania No. 161 of 17 February 2010 „Concerning property and non-property rights and responsibilities of public entities labour market training centres“ (Žin., 2010, No. 23-1073).

Petrašiūnai labour market training centre (a private company) to VĮ Valstybės turto fondas is underway.

Until 1 April 2010, the National Labour Market Training Services were the founder of these eleven labour market training centres. As a result of the institutional reform of adults' vocational training, the Ministry of Education and Science has the central role in both formal and non-formal vocational training of youth and adults. Since 1 April 2010 the labour market training centres are subordinate to this ministry. More information on the activities of the centres is provided under paragraph 3, Article 10.

From 1 October 2010, the National Labour Market Training Services have been reorganised into the Social Care Institutions Administration Services under the Ministry of Social Security and Labour and are responsible for the administration functions previously performed by country governor administrations. The functions of the former National Labour Market Training Services related to the implementation of the labour market policy were transferred to the Lithuanian Labour Exchange and its local labour exchange offices.

Reform of the Lithuanian Labour Exchange was completed on 1 October 2010<sup>2</sup>. In order to increase the efficiency of work with job seekers, former 45 local labour exchange offices were reorganised into ten – in Vilnius, Kaunas, Klaipėda, Panevėžys, Šiauliai, Alytus, Marijampolė, Tauragė, Plungė and Utena. Divisions of labour exchanges employing consultants continue operating in almost all municipal offices; local labour exchange offices are engaged in administrative matters. Local labour exchange offices have focussed their operations on the monitoring of labour market and planning work, while the work of the divisions is aimed at improvement of labour market services. This has enabled to optimise the number of positions and allocation of functions, i.e. the number of managing staff was reduced and the number of staff working directly with clients was increased. The reform has led to cutting of the costs of maintaining the employment support system. Conditions for further reorganisation of the Lithuanian Labour Exchange have been created; the Lithuanian Labour Exchange is working towards implementation of the national and EU provisions on the main lines of work of a national employment service. By reforming the Lithuanian Labour Exchange and abolishing the National Labour Market Training Services, the staff numbers were reduced by over 200 throughout the system.

The new model of a labour exchange system meets the current requirements of the labour market as it is focussed on the needs of every individual applying to the labour exchange – the unemployed and the employers. The purpose of the reform was to make the institution closer to people in need of help in seeking a job, starting a business or willing to use other labour exchange services.

In 2010, the Government adopted a resolution of reallocation of the ministerial functions in the area of human resources development which includes vocational guidance.

By resolution of the Government “Concerning governance areas allocated to the Ministers” No. 330 of 24 March 2010, the Minister of the Economy was charged with the responsibility for the human resources area, which is defined as the development of labour, knowledge, skills and competences and which was previously within the scope of competence of the Ministry of Social Security and Labour.

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<sup>2</sup> Republic of Lithuania Law Amending and Supplementing Articles 2, 4, 8, 24, 25, 26, 28, 32, 35 of the Law on Support for Unemployment (Amendment of the Law No.XI-879 of 4 June 2010).

Therefore, functions related to the formulating and pursuing the human resources development policy, organisation of forecasting of the demand for human resources in the labour market, dissemination of the forecasts' results etc. were transferred to the Ministry of the Economy. Drafting of amendments to legal acts governing the human resources development has been started and the Human Resources Development Division was formed in the Ministry of the Economy in July 2010.

Information about **professional rehabilitation of people with disabilities** is provided under paragraph 2 of Article 15.

**2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

In 2007–2009, the Ministry of Education and Science implemented the **Action Plan Implementing the Vocational Guidance Strategy** approved in 2004 (order of the Minister of Education and Science No. ISAK-1635/A1-180 of 19 November 2003). The Ministry received assistance from the ESF for the implementation of the measures of this Action Plan and implemented, jointly with partners, the following projects in 2005–2008:

**Formation and Development of an Open Information, Consulting and Guidance System** (hereinafter referred to as the AIKOS). Project partner – Centre for Information Technologies for Education. Outputs of the project: software for AIKOS; website for AIKOS in operation since 2009 ([www.aikos.smm.lt](http://www.aikos.smm.lt)) designed for the presentation of learning opportunities in Lithuania; a network of 460 vocational information centres established at secondary schools, vocational training establishments, education centres, libraries, labour exchanges etc.

**Formation and Implementation of a Vocational Guidance System.** Project partners – Lithuanian Centre for Pupils' Information and Technical Creation (hereinafter referred to as the LCPITC) and the National Labour Market Training Services. Outputs of the project: 9 normative documents (standards, methodological guidance), 7 studies (analyses, models), training programmes of 8 types and 8 methodologies, 8000 descriptions of AIKOS professions/qualifications/studies and training programmes; training of 8 types provided (over 4,600 participants), etc.

**3) Please supply any relevant statistics or other information on public spending on vocational guidance services, their geographical distribution and the institutions that provide them, their staffing levels and the qualifications of those staff, and the number of persons served and their characteristics, in terms of age, sex, educational level and occupation.**

According to the Economics Department of the Ministry of Education and Science, the following funding was provided to vocational guidance from the pupil's basket:

2007 – LTL 1,810,000; 2008 – LTL 2,036,000; 2009 – LT 1,557,000

For information activities and vocational guidance: 2010 – LTL 4,718,000.

640 vocational information centres were established on the initiative of the Ministry of Education and Science in 2005–2008:

at secondary schools – 549,  
at vocational schools – 38,  
at labour exchanges – 20,  
at libraries – 13,  
at other institutions – 40.

59% of the VIC were established in rural areas, 18% in district centres, and 29% in largest cities of Lithuania.

According to the Career Planning Division of LCPITC, individual and group vocational guidance services (consulting) were provided by the Division to:

- 2007 – 1,465 pupils of secondary schools;
  - 2008 – 2,839,
  - 2009 – 2,252,
  - 2010 – 2,359.
- Age of the pupils – from 15 to 18.

In 2007, the Career Planning Division of LCPITC employed 7 specialists, in 2008 – 11, in 2009 – 8, and in 2010 – 8.

According to LCPITC's report for 2008:

- there were 700 VICs in the country;
- average working time – 4-8 hours per week;
- pupils of 9-12 grades accounted for the largest number of recipients of the vocational information services;
- the most active visitors to VICs were pupils (93,464) and unemployed people (10,453), as well as pedagogues (7,880) and parents (6,455) were active users of the services. The VICs services were also used by headmasters (730) and heads of enterprises (365);
- 2/3 of the VICs staff (vocational advisers) took part in the vocational information training programme (skills improvement course). In 2008, 59.2% of the advisers improved their skills.

According to LCPITC's report for 2009 and the results of a study conducted by Euroguidance programme managed by the Education Exchanges Support Foundation:

- in 2009, at 46% of the institutions at which VICs were established the vocational guidance services were provided by 2-3 specialist teams; at 41% of the institutions, the services were provided by only one specialist;
- 84% of VICs staff (vocational advisers) were graduates of universities – Bachelor's Degree or Master's Degree (57% - educology studies, 13-15% - social work or psychology studies);
- two-thirds (68%) of VICs staff (vocational advisers) took part in training programmes for vocational guidance specialists;
- usually VICs work up to 5 hours per week;
- the largest group of recipients of the VIC services includes pupils of 9-12 grades, teachers, persons intending to study at vocations schools, and parents of pupils. 92% of the vocational advisers work with young people wishing to plan a career; 11% work with the unemployed – people seeking jobs; 6% - with people seeking requalification; and 4% - with people wishing to change their job (see Fig. 9). As regards target groups, the majority of vocational advisers (87%) work with pupils, 22% with youths aged 16 – 25, 11% with clients of different age, 6% with adults, and 1% with people of pre-pension age.

### **Answers to the questions and conclusions of the European Committee of Social Rights:**

#### **Vocational guidance within the education system**

##### **a. Functions, organisation and operation**

In its previous conclusion (Conclusions 2007), the Committee noted that private services and institutions provided fee-paying guidance. **It asked for the next report to confirm that these private services**

**covered only a small share of the market.** In the absence of any information in the report, the Committee repeats its question.

We confirm that private sector services occupy a small share of the market. Since the reform of the vocational guidance system in 2010, the Ministry of Education and Science and the Lithuanian Labour Exchange are responsible for vocational guidance.

b. Expenditure, staffing and number of beneficiaries

In 2006, the state allocated a budget of 2,165,816 Lithuanian Litas (LTL) (€ 628,000) to vocational guidance services in the education system, but ultimately only LTL 780,056 (€ 226,000) was actually spent.

The information on the allocation of funding for vocational guidance in the education system for 2006 was provided based on the statistics on the ESF-funded project **Development and Implementation of a Vocational Guidance System**. The delay in utilisation of the project funds was eliminated in 2007.

In 2005, the career planning centre provided services for 1,127 people, 1,104 of whom were pupils. In 2006, the centre advised 716 people, 699 of whom were school pupils. **The Committee asks why the number of beneficiaries decreased.**

The decrease in the number of pupils served by the Career Planning Centre was determined by the fact that 40 vocational information centres were opened in secondary schools.

**In the absence of information, the Committee asks for the next report to provide up-to-date information on the numbers of staff assigned to vocational guidance in the education system.**

In 2007, the Career Planning Division of the LCPITC employed 7 specialists, in 2008 – 11, in 2009 – 8, and in 2010 – 8.

In 2009, at 46% of the institutions at which VICs were established the vocational guidance services were provided by 2-3 specialist teams; at 41% of the institutions, the services were provided by only one specialist.

***Vocational guidance in the labour market***

a. Functions, organisation and operation

In 2005, a three-year strategy was launched to improve the vocational guidance system and establish common national standards. In 2006, a methodology was developed for the various centres and guidance counsellors. Training was organised for counsellors and a study was conducted on the feasibility of setting up guidance centres in the municipalities. **The Committee asks for the next report to provide information on the results of the strategy.**

Since the reform of the vocational guidance system in 2010, the Ministry of Education and Science and the Lithuanian Labour Exchange are responsible for vocational guidance.

b. Expenditure, staffing and number of beneficiaries

**The Committee asks why the number of beneficiaries has decreased.**

The number of beneficiaries of vocational guidance services has decreased because the period in question was that of booming of the economy, unemployment rates were low and the demand for such services was weak.

***Equal treatment of nationals of the other States Parties***

In its two previous conclusions (*ibid.*) the Committee asked whether there was a length of residence requirement for foreign nationals residing or working lawfully in Lithuania to be entitled to vocational guidance. For the third time in succession, the report fails to answer this question. In the repeated absence of information, the Committee concludes that the situation is not in conformity on this point.

Vocational guidance services are provided to citizens of the Republic of Lithuania and aliens residing lawfully in the Republic of Lithuania.

The Committee asks whether foreign nationals are required to have resided in Lithuania for five years before they are entitled to vocational guidance services.

The status of permanent resident (at least 5 years of residence) is not required, lawful residence in Lithuania is sufficient.

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

**ARTICLE 10, PARAGRAPH 1**

3) *Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are the total amount of public expenditure devoted to vocational training; the number of vocational and technical training institutions and types of education and training provided; number of teachers and pupils.*

**Table 10.1.1. Numbers of schools, pupils and students, and teachers as of the beginning of school/academic year**

	2007–2008	2008–2009	2009–2010	2010–2011
<b>Educational establishments</b>				
Vocational education establishments	80	80	78	78
Colleges	28	27	23	23
Universities	22	22	23	22
<b>Pupils and students</b>				
Vocational education establishments	43880	43818	47886	49489
Colleges	60096	61383	56704	53297
Universities	144336	149017	144301	133564
<b>Teachers</b>				
Vocational education establishments	4587	3908	3882	3962
Colleges	4791	4484	3922	3796
Universities	9895	9864	9275	9746

**Table 10.1.2. Numbers of pupils and students by gender**

	Pupils and students total	Female		Male	
		total	%	total	%
<b>At vocational education establ.</b>					
2007–2008	43880	16884	38,5	26996	61,5
2008–2009	43818	16497	37,6	27321	62,4
2009–2010	47886	17849	37,3	30037	62,7
2010–2011	49489	18775	37,9	30714	62,1
<b>At colleges</b>					
2007–2008	60096	35501	59,1	24595	40,9
2008–2009	61383	35470	57,8	25913	42,2
2009–2010	56704	32634	57,6	24070	42,4
2010–2011	53297	29934	56,2	23363	43,8
<b>At universities</b>					
2007–2008	144336	86961	60,2	57375	39,8
2008–2009	149017	89177	59,8	59840	40,2
2009–2010	144301	86820	60,2	57481	39,8
2010–2011	133564	80306	60,1	53258	39,9

**Table 10.1.3. Enrolment by level of education**

<i>ISCED 1997</i>	Total	Female	Male
<b><i>Lower secondary education (ISCED 2)</i></b>			
2007	275848	132811	143037
2008	257415	123729	133686
2009	241238	114860	126378
2010	227558	108305	119253
<b><i>General education</i></b>			
2007	268388	130920	137468
2008	250273	121986	128287
2009	234322	113313	121009
2010	221228	106760	114468
<b><i>Vocational education</i></b>			
2007	7460	1891	5569
2008	7142	1743	5399
2009	6916	1547	5369
2010	6330	1545	4785
<b><i>Upper secondary education (ISCED 3)</i></b>			
2007	112733	56085	56648
2008	112800	55810	56990
2009	113538	55272	58266
2010	108469	52112	56357
<b><i>General education</i></b>			
2007	83122	45009	38113
2008	83047	44922	38125
2009	82130	44192	37938
2010	77622	41422	36200
<b><i>Vocational education</i></b>			
2007	29611	11076	18535
2008	29753	10888	18865
2009	31408	11080	20328
2010	30847	10690	20157
<b><i>Post-secondary non-tertiary education (ISCED 4)</i></b>			
<b><i>Vocational education</i></b>			
2007	8885	4573	4312
2008	8689	4457	4232
2009	11088	5710	5378
2010	13700	7014	6686
<b><i>Higher university and non-university education (ISCED 5)</i></b>			
2007	201912	120991	80921
2008	207805	123126	84679
2009	198455	117949	80506
2010	184143	108661	75482
<b><i>Higher university education (ISCED 5A)</i></b>			
2007	141816	85490	56326
2008	146422	87656	58766
2009	141751	85315	56436
2010	130846	78727	52119
<b><i>Higher non-university education (ISCED 5B)</i></b>			
2007	60096	35501	24595

<i>ISCED 1997</i>	Total	Female	Male
2008	61383	35470	25913
2009	56704	32634	24070
2010	53297	29934	23363
<b><i>Doctoral studies (ISCED 6)</i></b>			
2007	2855	1669	1186
2008	2939	1710	1229
2009	2918	1704	1214
2010	2974	1718	1256

**Table 10.1.4. Students at vocational education establishments by teaching areas**

Teaching area ( <i>ISCED 1997</i> )	2007–2008	2008–2009	2009–2010	2010–2011
<b>Total</b>	<b>43880</b>	<b>43818</b>	<b>47886</b>	<b>49489</b>
General programmes	25	268	387	475
Art	1271	1437	1686	1921
Business and administration	10301	10242	10931	10838
Computer science	124	172	293	345
Engineering and engineering professions	9568	9839	11211	11782
Manufacture and processing	4426	3167	2412	1972
Architecture and construction	7951	7956	7749	6916
Agriculture, forestry and fisheries	1079	1122	1260	1325
Health care	252	218	302	338
Social services	327	245	348	499
Services to individuals	7228	7836	9750	11276
Transport services	837	879	1024	1242
Environmental protection	–	–	–	25
Security services	491	437	533	535

**Table 10.1.5. College students by study areas**

Study areas ( <i>ISCED 1997</i> )	2007–2008	2008–2009	2009–2010	2010–2011
<b>Total</b>	<b>60096</b>	<b>61383</b>	<b>56704</b>	<b>53297</b>
Training of teachers and pedagogy	3820	3627	3355	2772
Art	1912	2153	2166	2167
Humanities	480	392	369	370
Social and behavioural sciences	–	–	–	103
Journalism and information	–	34	53	43
Business and administration	27825	29331	26242	23399
Law	3692	3669	3791	3374
Computer science	957	778	673	664
Engineering and engineering professions	5847	6274	5754	5996
Manufacture and processing	1552	1128	1102	1089
Architecture and construction	3741	3896	3597	3310
Agriculture, forestry and fisheries	1198	1186	1116	1263
Veterinary	61	71	92	26
Health care	3789	3567	3748	4144
Social services	2189	2126	1870	1822
Services to individuals	1064	1133	1021	942

Study areas ( <i>ISCED 1997</i> )	2007–2008	2008–2009	2009–2010	2010–2011
Transport services	1537	1501	1232	1332
Environmental protection	283	292	320	386
Nursing	149	225	203	95

**Table 10.1.6. University bachelor students by study areas**

Study areas ( <i>ISCED 1997</i> )	2007–2008	2008–2009	2009–2010	2010–2011
<b>Total</b>	<b>112624</b>	<b>114528</b>	<b>112280</b>	<b>102887</b>
Training of teachers and pedagogy	16692	15900	15567	13267
Art	3856	4028	4120	3653
Humanities	6426	6587	6193	5930
Social and behavioural sciences	10356	11625	13700	13248
Journalism and information	1475	1761	1671	1778
Business and administration	21867	22278	21368	19471
Law	9500	9091	9494	9639
Living nature sciences	851	944	948	1115
Physical sciences	1463	1485	1509	1503
Mathematics and statistics	1229	1209	1132	1151
Computer science	4464	4368	4013	3314
Engineering and engineering professions	12561	12403	10967	9439
Manufacture and processing	1835	1672	1410	977
Architecture and construction	6994	8060	7565	6608
Agriculture, forestry and fisheries	1923	1880	1532	1246
Veterinary	506	507	634	548
Health care	5627	6001	5998	5980
Social services	2099	2119	2002	1776
Services to individuals	734	682	644	499
Transport services	220	148	78	126
Environmental protection	1825	1665	1610	1493
Security services	121	115	125	126

## **ARTICLE 10, PARAGRAPH 2**

**1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

Any citizen of the Republic of Lithuania or a foreign national entitled to permanent or temporary residence in the Republic of Lithuania may be admitted to vocational schools. Other foreign nationals are admitted under international treaties concluded by the Republic of Lithuania.

There are no restrictions or requirements for women willing to acquire vocational qualifications. Women can freely chose a vocational training programme based on her abilities and wishes and improve their qualifications or acquire new ones.

Vocational training programmes are compiled taking guidance from the requirements set for vocational competences in the relevant area and for general capabilities irrespective of where the school is located – in rural or urban area. There is no vocational training programme in the Public Register of the Academic and Training Programmes which would be designed only for women or only for men.

Training process is organised at vocational schools taking account of the specificity of the training programme. Teaching methods are adapted to the students' capabilities, character of the programme, and the material facilities available for teaching, however, without differentiation according to gender (order of the Minister of Education and Science "Concerning general education plans for school year 2007–2008" No. ISAK-604 of 4 April 2007).

Evaluation and documentation of the pupil's progress and achievements do not depend on gender. Any individual having satisfactory annual evaluations of the subjects of the curriculum provided for in the training programme is deemed to have completed the basic vocational training programme; vocational qualifications are conferred after passing qualifications examinations.

The procedures for the final qualifications examinations of basic vocational training establish that acquisition of qualifications, documentation of results of education, and evaluation of achievements are not dependent on gender (order of the Minister of Education and Science "Concerning approval of the Procedure for Final Qualifications Examinations of Basic Vocational Training" No. ISAK-991 of 1 June 2005). The Procedure enables independent learners to acquire professional qualifications irrespective of gender of the learner.

Formal documentation of learning achievements of pupils seeking to acquire vocational qualifications irrespective of gender and having completed primary vocational training programmes as well as the issue of such documents is governed by the procedures established by the Minister of Education and Science of the Republic of Lithuania.

**Table 10.2.1**

	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Share of girls/women studying at vocational education establishments	38,5 %	37,6 %	37,3 %	37,9 %

*Source: Ministry of Education and Science*

A vocational information, consulting and guidance system is being developed and implemented, vocational information centres are provided with equipment, and specialists working at (hereinafter referred to as the VIP) receive training. The Procedure for the Provision of Vocational Information and Guidance Services (order of the Minister of Education and Science No. ISAK-739/A1-116 of

29 April 2005) is aimed at assisting individuals in choosing and actively creating one's career. The services are intended for different beneficiaries - those who have not yet started a professional career, employed people, unemployed people and employers irrespective of gender.

In the regulations of vocational schools, equal opportunities are provided to all students irrespective of gender to use the school's library, gym, textbooks and other learning aids, premises, accommodation facilities, to participate in the school's self-government, sports and fitness events or to select other forms of self-expression.

In order to reduce the drop-out rates for girls and women, pregnant students and students raising children are afforded the opportunity to take an academic leave. There are equal opportunities for receiving grants, benefits and other types of support for studies.

The Seimas of the Republic of Lithuania adopted the Law Amending the Law on Vocational Training (3 June 2007 No. X-1065) which will help implement the lifelong learning provisions.

To promote employment, vocational schools in rural areas collaborate with local communities, enable individuals to learn under non-formal education programmes, and implement labour market programmes adapted to local needs. Organisation of vocational training needs improvement and this is in the focus of attention (a common system for ensuring quality of primary and continued vocational training, curricula are being improved, and development of entrepreneurship is included in the curricula). 54 institutions have received ESF assistance for the development of new vocational training/study programmes. Procedures for the evaluation of quality of vocational training have been improved. Vocational training standards are being formulated and the demand for specialists in different sectors is being studied.

**Answers to the questions and conclusions of the European Committee of Social Rights:**

In its previous conclusion (Conclusions 2007) the Committee asked for information on the number of apprentices, total expenditure – public and private – on apprenticeship training and whether the number of places was sufficient to meet the demand for apprenticeship.

Vocational training has become more attractive for both youths and adults. Statistics show that the number of individuals admitted to vocational schools has increased. More applications have been received in 2010 than in 2009. The number of students at vocational schools increased 4,000 (9%) compared with previous years and was the largest over the past decade. Attractiveness of vocational training is being increased by enabling individuals with secondary and vocational educational attainment to enter higher educational establishments. Those graduates from vocational schools who demonstrate best achievements and who have experience in working according to the qualifications acquired, are granted additional points in the admission to higher schools. This increases their opportunities for receiving state funding for the studies.

In the Law on Vocational Training (Amendment Law No. X-1065 of 3 April 2007), apprenticeship has been established as a form of organisation of vocational training. Apprenticeship is not widely applied in the Lithuanian educational system. At present several schools provide qualifications in several professions that are acquired by the dual teaching method. For example, at the Centre for Technology and Business Vocation Training in Vilnius, dual teaching is applied to the programme of training of electronic specialists in energy systems: theoretical teaching is provided at the Centre and practical training is provided "on-the-job". The enterprise and the pupil conclude an employment contract and a trilateral vocational training contract. No production practice period is organised in this case as both theoretical and practical training is completed prior to the start of qualifications examinations.

### **ARTICLE 10, PARAGRAPH 3**

**1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

Vocational training is a component part of the lifelong learning system. Adults' vocational training is one of the most effective measures to increase employment in order to create actual conditions for the development of continued learning and enabling the unemployed to reintegrate into the labour market and the employed people – to remain in it. The Rules Governing the Licensing of Formal Vocational Training provide for the conditions of vocational training, one of which is the requirement that all vocational training providers must hold licences to implement formal vocational training.

In planning admission, vocational training establishments collaborate with local labour exchange offices, which provide employment intermediation services and implement various vocational guidance measures; the results are monitored and comparisons of the numbers of vacancies and unemployed people are made.

During the reporting period, vocational training has become more attractive for both youths and adults. Statistics show that the number of individuals admitted to vocational schools has increased. More applications have been received in 2010 than in 2009. The number of students at vocational schools increased 4,000 (9%) compared with previous years and was the largest over the past decade. Considerable efforts are put forth to improve the image of different professions in the sectors of the economy (employers initiate and implement advertising campaigns for the professions most needed in a specific sector; improvement of practical vocational training; strengthening ties between employers and educational establishments).

Attractiveness of vocational training is being increased by enabling individuals with secondary and vocational educational attainment to enter higher educational establishments. Those graduates from vocational schools who demonstrate best achievements and who have experience in working according to the qualifications acquired, are granted additional points in the admission to higher schools. This increases their opportunities for receiving state funding for the studies.

By resolution of the Government "Concerning governance areas allocated to the Ministers" No. 330 of 24 March 2010 (Žin., 2010, Nr. 38–1784), functions of the ministries were reallocated and the responsibility for the human resources area was transferred from the Ministry of Social Security and Labour to the Ministry of the Economy.

In 2010, the Law Amending the Law on Vocational Training was drafted and submitted to the Government. The purpose of the law is to transfer the functions of the Ministry of Social Security and Labour in the area of HR development and vocational training to the Ministry of the Economy. The draft states that upon adoption of the law the Ministry of the Economy will take part in the formulation and implementation of the vocational training policy, jointly with the Ministry of Education and Science will set the procedures for the formulation of vocational standards, the methodology for the determination of funding for vocational training, the requirements for vocational training agreements, the procedures for evaluation of personal competences, and draft the rules governing the licensing of vocational training. The Human Resources Development Division was formed in the Ministry of the Economy in July 2010 for the performance of functions related to HR development and vocational training.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are the existence of facilities for training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change; the approximate number of adult workers who have participated in training or retraining measures; the activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures; equal treatment of non-nationals with respect to access to continuing vocational training.

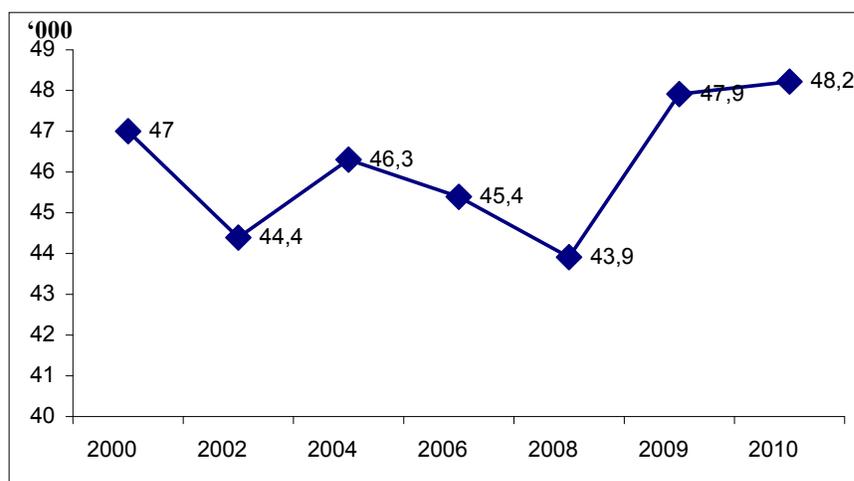
**Table 10.3.1. Enrolment by type of educational establishment**

	2008	2009	2010
Universities	28580	25809	17516
Colleges	15449	15741	13826
Vocational schools	19430	21500	21559

Source: Ministry of Education and Science

In order to establish a common vocational training system, on 1 April 2010 the Ministry of Education and Science was assigned the property and non-property rights and responsibilities of the owner of nine public entities – labour market training centres which are operating in different regions of the country.

**Fig. 10.3.2. Dynamics of numbers of students at vocational education establishments in 2000–2010, '000**



Source: Ministry of Education and Science

The main lines of activities of the labour market training centres include the **continued vocational training, requalification and skills improvement of adults including the unemployed**. Individuals referred to by labour exchanges (based on the results of winning at public procurement procedures) or by employers and individuals arriving independently are trained at the centres.

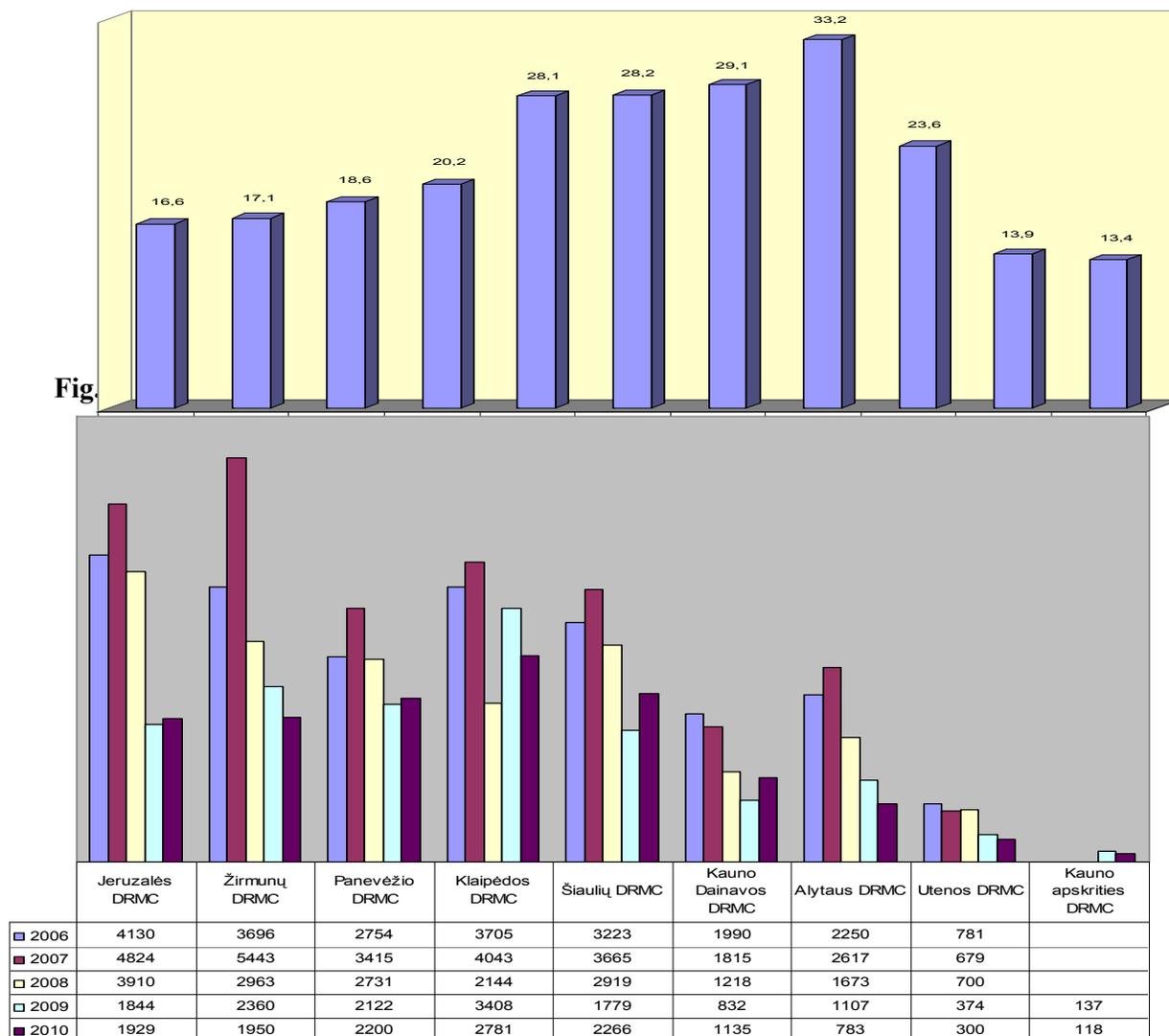
The labour market training centres carry out works with **individuals having special needs, and affected by social exclusions** such as prisoners, persons with disabilities, elderly people etc.

The training at the labour market training centres is based on vocational formal and non-formal programmes. Until 2009, every year 23,000 to 30,000 people (unemployed and employed) completed the training.

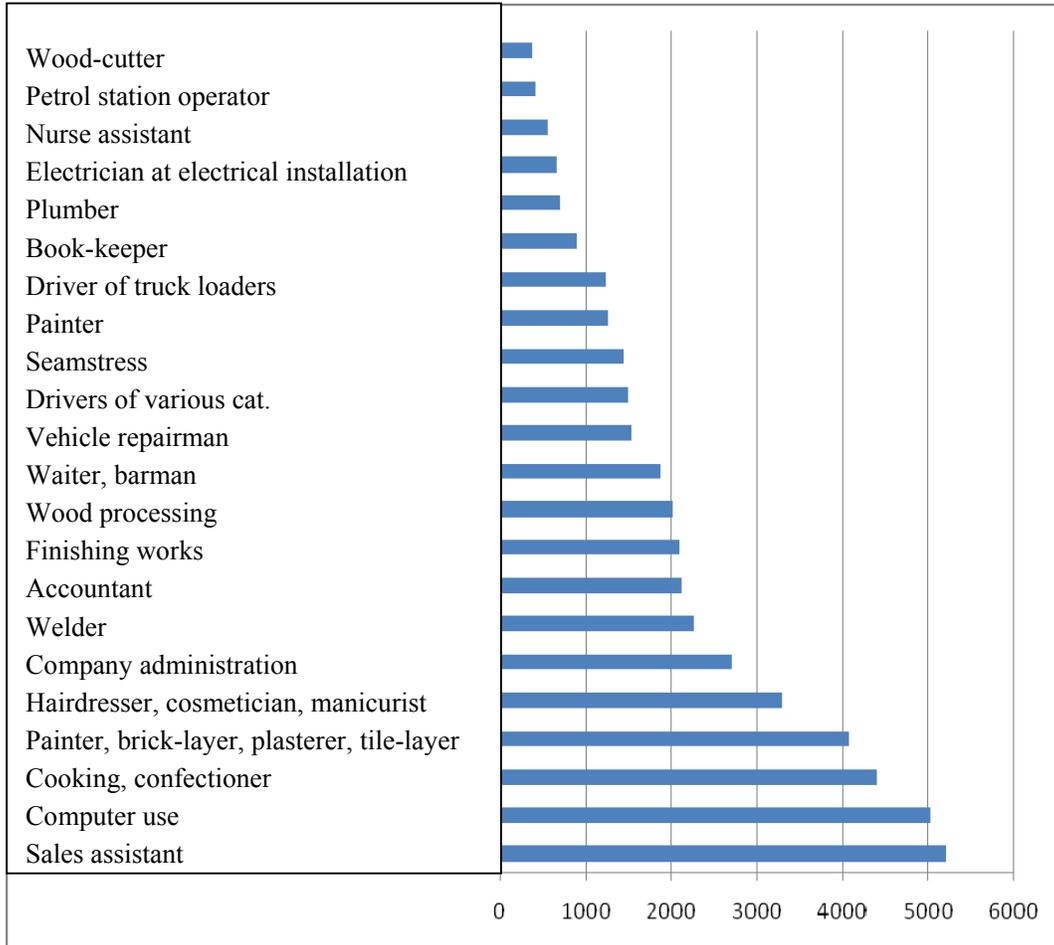
The majority of these people were trained under the following programmes for education sub-areas:

- transport and trading services;
- food preparation and catering;
- construction and civil engineering;
- occupational health and safety at work.

**Fig. 10.3.3. Persons trained at labour market training centres in 2000–2010 (training of the unemployed)**



**Table 10.3.5.**



Source: Lithuanian Labour Exchange

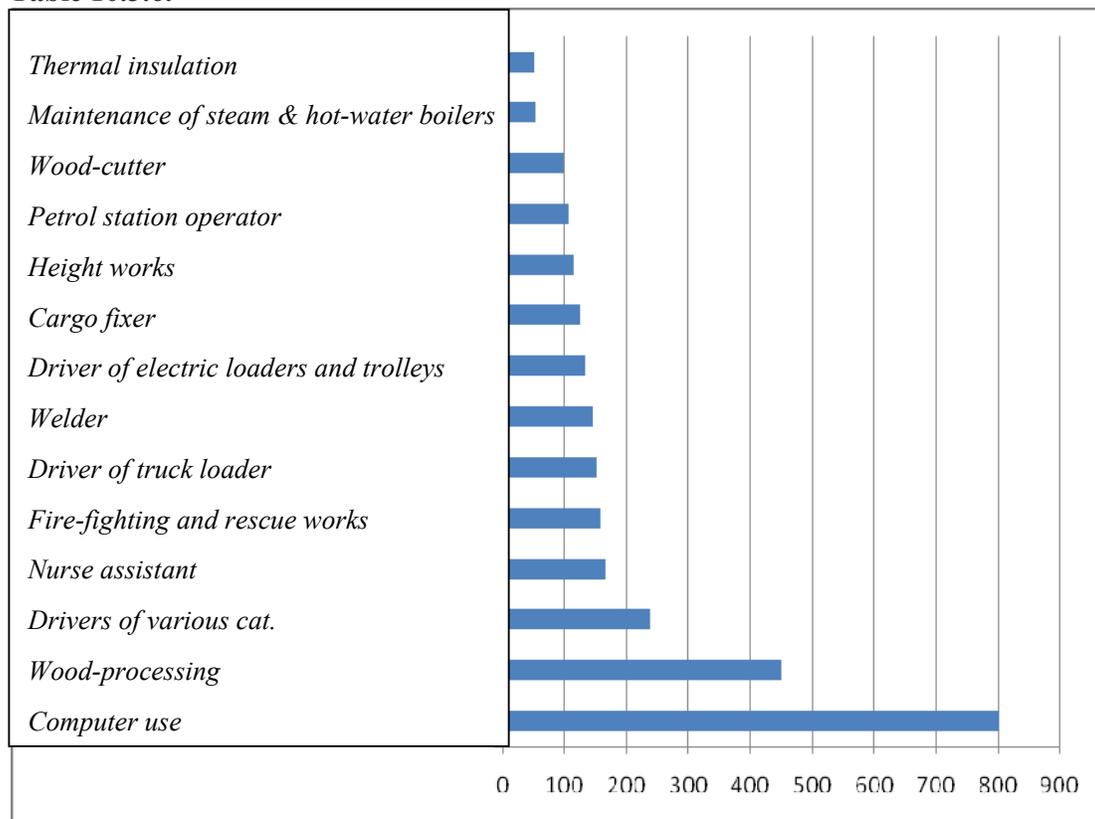
In 2007–2010, vocational training programmes were completed by and opportunities for competing in the labour market were improved for 56,100 unemployed persons and persons warned about redundancy.

The majority of the 52,500 unemployed acquired professions listed in Table 10.3.5.

In 2007–2010, 3,600 persons warned about redundancy acquired new or improved current equalisations. Vocational qualifications and/or competences most frequently acquired are listed in Table 10.3.6.

Due to vocational training, all the persons warned about redundancy remained at the same enterprise or were employed by other enterprises.

**Table 10.3.6.**



Source: Lithuanian Labour Exchange

Projects on promotion of employment, including adults training and requalification, are described under Article 1, paragraph 1.

Additional information on rehabilitation of the disabled is provided under Article 15, paragraph 2.

### **EU Structural Funds' assistance in 2007–2013**

The Human Resources Operational Programme is one of the main instruments to increase investments in employment, skills improvement and requalification in Lithuania. It is intended for mobilisation of people of working age as investments in the knowledge, capabilities, activity and entrepreneurship of Lithuanian people secure sustainable growth of the economy. This Operational Programme accounts for about 14% of the EU Structural Funds' assistance for Lithuania in 2007–2013. The OP consists of five priorities. Priority I "Quality employment and social inclusion" is designed for promoting employment and reducing social exclusion and development of competences and qualifications of labour force. The priority comprises three tasks: 1) improve employees' and enterprises' adaptability to the market needs; 2) promote employment and participation in the labour market; and 3) increase social inclusion. Thus task 1 is intended for increasing competences of human resources and task 2 – for increasing employment, mainly by means of the active labour market measures. About 6% of the EU Structural Funds' assistance for Lithuania are allotted for the implementation of Priority I of the Human Resources Operational Programme (LTL 1.373 m) including LTL 746.4 m for task 1 and LTL 75.3 m for task 2.

#### Task 1: Improve employees' and enterprises' adaptability to the market needs

**Table 10.3.7.**

Type of monitoring indicator	Description of monitoring indicator	Target values in the Operational Programme	Planned achievement indicators in financing and administration agreements		Achievement	
			indicator	% of target	indicator	% of target
1	2	3	4	5=4/3	6	7=6/3
OUTPUT	No. of participants in training	200.000	165.448	82,7 %	59.561	29,8 %
	including: training providing and improving vocational qualifications, special professional knowledge & skills	120.000	90.880	75,7 %	49.065	40,9 %
RESULT	Adaptability at workplace of knowledge & skills acquired, 6 months after end of training, %	75 %	0 %		0 %	
	No. of participants successfully completed training (certificates of completion of qualification or non-formal training courses)	180.000	155.849	86,6 %	8.321	4,7 %

Task 1 is being implemented through 11 measures:

- Improving Human Resources at Enterprises
- Promoting Social Dialogue
- Social Responsibility of Enterprises
- Combining Family and Work Responsibilities
- Promoting Return of Emigrants from Lithuania
- Improving Human Resources in Public Sector
- Developing Computer Literacy Skills
- Promoting Entrepreneurship
- Reorientation of Labour in Rural Areas from Agricultural Activities to Other Activities
- Improving Qualifications of Healthcare Professionals Contributing to the Reduction of Key Non-Infectious Diseases Prevalence and Mortality
- Human Resources INVEST LT+.

Funding for the implementation of five of the ten measures is provided on competition basis; the rest five measures are financed through the public projects' planning and selection procedure. Achievement of the target "**Number of participants in training**" under the agreements signed with project promoters by the end of the reporting period is 165,488 people, or 82.7% of the target set in the Operational Programme; achievement of the target "including training providing and improving

vocational qualifications, special vocational knowledge and skills” – 90,835 people, or 75.7%. As of the end of the reporting period, payment obligations assumed under the administration and funding agreements accounted for 73% of the allotted funds. The Operational Programme provides for the target of at least 180,000 people successfully completed the training (out of 200,000 participants), or 90%. In 2010, the achievement of this target was 8,321. Compared with the target of successful completion set in the OP, the actual achievement is 4.6%. However, considering the fact that the total number of participants are persons who participated during at least 60% of the training time, and only those individuals who have completed the training can be deemed to be people having successfully completed the training, we expect that at the end of the programme when all the projects are completed the achievement will be not lower than planned in the OP and will be at least 90% of the total number of participants in the training.

Task 2: Promote employment and participation in the labour market

**Table 10.3.8.**

Type of monitoring indicator	Description of monitoring indicator	Target values in the Operational Programme	Planned achievement indicators in financing and administration agreements		Achievement	
1	2	3	4	5=4/3	6	7=6/3
OUTPUT	No. of unemployed and people threatened by unemployment enrolled in VT and non-formal education programmes	28.000	29.755	106 %	23.633	84,4 %
	No. of unemployed and people threatened by unemployment enrolled in supported employment programmes	14.000	105.471	753 %	73.899	527,85 %
	No. of unemployed and people threatened by unemployment – participants of voc.rehabilitation programmes	2.000	1.665	83 %	880	44 %
	Number of disabled' vocational rehabilitation programmes developed, tested & assessed	300	0	0 %	0	0 %

Type of monitoring indicator	Description of monitoring indicator	Target values in the Operational Programme	Planned achievement indicators in financing and administration agreements		Achievement	
1	2	3	4	5=4/3	6	7=6/3
RESULT	Employment level of the unemployed 6 months after completion of VT and/or supported employment programmes, %	85 %	47,73 %		32,46%	
	No. of the unemployed having acquired vocational qualifications in the total no. of the unemployed enrolled in training programmes	22.400	27.168	121 %	20.353	91 %
	The unemployed having acquired vocational qualifications in the total no. of the unemployed enrolled in training programmes, %	80 (proc.)			87,06	
	Share of employed disabled people 6 months after completion of a vocational rehabilitation programme	40 %			26,43	

Task 2 - Promote employment and participation in the labour market - is implemented through 3 measures:

- Integrating Job Seekers into the Labour Market
- Development and Implementation of a Vocational Rehabilitation System for People with Disabilities
- Development and Implementation of a Vocational Rehabilitation Programmes for People with Disabilities and Training of Specialists

The absolute majority of the funds allotted for the implementation of this task are reallocated on the national planning basis; over 91% of them have been earmarked for the measure **Integrating Job Seekers into the Labour Market** implemented by the Lithuanian Labour Exchange and all the 10 local labour exchange offices by implementing the national projects on active labour market measures. By the end of the reporting period, 9 projects of this measure were financed; 3 of them have been completed. The remaining funds have been allotted to the two measures designed for the development and implementation of a vocational rehabilitation system for people with disabilities,

training of specialists, and rehabilitation of the disabled. **Measure Development and Implementation of a Vocational Rehabilitation System for People with Disabilities** is implemented by public authorities responsible for rehabilitation and labour market integration of people with disabilities. By the end of the reporting period, 4 projects under this measure were financed; one of the projects was completed on 31 December 2010 and final settlements with the implementing authority are being made. A tender will be announced for the implementation of the measure **Development and Implementation of a Vocational Rehabilitation Programmes for People with Disabilities and Training of Specialists** (planned in IVQ of 2011).

Growth of unemployment rates in Lithuania was among the highest of all the EU Member States. In the period from the launching of the measure **Integrating Job Seekers into the Labour Market** implemented, registered unemployment has increased more than 4.5 times (from 3.1% as of 1 June 2008 to 12.5% as of 31 December 2009 and 14.4% as of 31 December 2010). As it has been projected in the Report for 2009, registered unemployment was still increasing in 2010 (+1.9%). To counteract this growth, practically all resources allotted for this task's measures were used and 100% of the funds allotted for the measure **Integrating Job Seekers into the Labour Market** were covered by the agreements concluded. Implementation of three new national projects was started in 2010, with nearly EUR 44 m earmarked for them. Due to these projects, over 46,000 job seekers will be involved in the active labour market policy measures.

It has been planned that 28,000 unemployed and people threatened by unemployment will be included in vocational training the implementation of the task. The agreements concluded to date cover 29,775 participants in the training: 23,633 of them were included by the end of the reporting period and 20,353 have already completed the training successfully and acquired vocational qualifications. 14,000 unemployed have been planned to be included in the supported employment measures. This indicator has already been exceeded over 7.5 times and is expected to grow. The agreements concluded by the end of reporting period cover 105,471 people to be included in the supported employment measures, 73,899 of which have already been referred to the measures. The reasons for exceeding the targets are provided in the Report for 2009 and are not analysed here. They remain substantially the same, i. e. policy of the Ministry, corresponding actions in case of dramatic changes in the labour market situation, and addition funding for the measure Integrating Job Seekers into the Labour Market. There are no doubts over achieving the vocational training target as well. It has been achieved and will grow further as vocational training will be funded; supported employment, however, will remain in the focus of attention. While unemployment rates are stabilising and a decrease is projected, the number of the unemployed still remains large (over 311,000 people), therefore, funding of the employment support measures must be continued.

It was expected during the planning of achievement of the task that that at least 80% of the participants will complete the training and acquire vocational qualifications but the actual indicator is over 90%. As jobs are in short supply, people use the opportunities for acquiring additional qualifications or requalification and dropping out of the active labour market policy measures is very rare. One may forecast, based on the achievement by the end of reporting period, current trends and planned scope of vocational training by the end of the 2007–2013 period, that the target will be certainly achieved and exceeded.

An evaluation of the employment indicator shows that, even if the economic situation will improve and employment scope will be larger, achievement of the 85% target is not realistic; at present it is 33%. The main reasons were stated in the Report for 2009 and they should remain by the end of the 2007–2013 period, i. e. the lack of jobs supply and the decision to apply a temporary employment measure (public works) during recession. The indicator of employment of project participants is

calculated after 6 months from the end of participation in the measure; this calculation method has dual effect on the value of the indicator. For a part of the participants in the project it has not ended by the end of the reporting period; on the other hand, the largest scope of active measures was recorded when the situation on the labour market was most complicated, i. e. the largest number of the unemployed and the smallest number of jobs, therefore, employment opportunities for persons having completed the measure were and remain minimal even in the course of 6 months. As the economic situation is currently improving and the job supply is increasing, some of these people may be finding employment but the 6-month period has already ended for some project participants and they will not be included in the indicator. All this reduces the value of the employment indicator; still the achievement is consistently improving and continued improvement is projected. On the other hand, compared with the EU average (25-40%), the 33% employment should be deemed to be successful, the more so that its growth is projected.

Two measures will be implemented to achieve the target values related to the vocational rehabilitation and employment of people with disabilities. In the reporting period, implementation of the measure **Development and Implementation of a Vocational Rehabilitation System for People with Disabilities** financed by the national planning method was continued. In July 2010, a new vocational rehabilitation project was launched and agreements covering 100% of the allotted funding were concluded. The first project under this measure completed all its activities in 2009; vocational rehabilitation was provided for 627 disabled people (target: 525). A tender for implementation of another measure is planned in IVQ of 2011. It is planned that 2,000 disabled persons will take part in the vocational rehabilitation programmes for the disabled. At present, 1,665 disabled persons are planned to be included in the vocational rehabilitation measures under the agreements already concluded. By the end of the reporting period, vocational rehabilitation was completed by 628 project participants; 26.43% were employed (target: 40%). The reasons for non-achievement are the same as for the measure described above. The employment indicator is calculated during a 6 month period, which had not ended for most participants in the reporting period, therefore, it is expected that the indicator will be higher. Another reason – lack of jobs and significant supply of specialists in the labour market, so employers tend to hire an experienced specialist rather than a disabled person after vocational rehabilitation even if the employer would receive a state subsidy for him/her. One may forecast, based on evaluation of the progress, that the target of the number of disabled people included in the vocational rehabilitation programmes will be achieved despite the fact that part of the funds were transferred to other measures. The employment indicator, however, will not be achieved. It is expected that it will be about 30%.

**Answers to the questions and conclusions of the European Committee of Social Rights:**

*Employed persons*

The Committee notes that the report does not again reply to its previous question (Conclusions 2005 and 2007) **on whether and under what conditions employed persons are entitled to individual training leave. Therefore it holds that it has not been established that the right to individual training leave is guaranteed to workers.**

According to Article 143 of the Labour Code, working time includes “advanced training, qualifications improvement on-the-job or at training centres” (i. e. the employee receives wage for that).

Article 181 of the Labour Code establishes that study leave must be granted in the following cases:

1. Employees are granted study leave for entrance examinations to further and higher educational establishments, for preparation and taking of the examinations – three days per examination;

2. Study leave is granted to employees studying at secondary schools or further and higher educational establishments registered according to the established procedure – based on certificates issued by the schools:

1) for the preparation for and taking of routine examinations – three days per examination;

2) for the preparation for and taking of tests – two days per test;

3) laboratory works and consulting – the number of days set in the study curricula and schedules;

4) completion and defence of diploma works (bachelor's, master's) – thirty calendar days;

5) for the preparation for and taking of state examinations – six days per examination.

3. Time spent for travel is not included in the study leave.

An employee may study at his/her own initiative or may be referred by the employer. Payment for study leave is agreed on individual basis exceed for advanced training and qualifications improvement, which must be included in the working time, therefore, the employee receives wage for them.

#### **ARTICLE 10, PARAGRAPH 4**

**3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are whether the vocation training is provided free of charge or that fees are reduced; existing system for providing financial assistance (allowances, grants, loans etc); measures taken to include time spent on training taken by workers in the normal working hours; supervision and evaluation measures taken in consultation with social partners to ensure the efficiency of apprenticeship for young workers.**

41,800 long-term unemployed were referred to the active labour market policy measures in 2007–2010 in order to promote these people to actively search for jobs and prepare for the competition in the labour market.

As every second long-term unemployed has no qualifications, they were offered to take part in the temporary employment programme – public works (12,600 people). About 2,300 long-term unemployed acquired new qualifications or improved current qualifications.

Additional information on the active labour market measures for long-term unemployed is provided under Article 1, para. 1.

#### **Answers to the questions and conclusions of the European Committee of Social Rights:**

The Committee asks whether the equality of treatment with respect to access to training and retraining for long-term unemployed persons is guaranteed for nationals of other States Parties legally resident in Lithuania.

Yes, vocational training and requalification is provided also to foreign nationals lawfully residing in the Republic of Lithuania.

## **ARTICLE 10, PARAGRAPH 5**

**1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.***

The Republic of Lithuania on Support for Employment states that a training grant amounting to 0.7 of the minimum wage approved by the Government is paid, in addition to unemployed people, also to employees who have receiving warnings of redundancy as well as part-time employees. The grant is paid for a period not longer than that set in the training programmes. At the unemployed person's choice, the amount of the training grant is made equal to the unemployment social benefit as of the first date of the training. Such amount of the training grant equal to the unemployment social benefit is determined and calculated in the course of the training according to the Law on Social Insurance of Unemployment. After the end of the period in which such grant is paid, the unemployed person continues to receive a training grant amounting to 0.7 of the minimum wage approved by the Government. The training grant is paid on a monthly basis for the attendance days based on the information provided by the training establishment. The size of the grant is calculated by dividing the set grant amount by the monthly number of training hours, then multiplying the result by the number of hours attended. If an unemployed person receiving the training grant equal to the unemployment benefit becomes temporary disabled due to illness or trauma, he /she is paid the said training grant for the period of disability.

The unemployed people and employees of working age who have received warnings of redundancy are paid the costs of travel to the training place and back as well as accommodation costs. Based on an application for compensation of travel costs, the labour exchange pays the following costs once in a month: where the training takes place at a location other than the person's place of residence – costs of travel to the venue and coming back, where the person receives accommodation at the place of training – costs of travel to the venue of training and coming back after completion of training as well as going back home and returning once in a week. Travels costs (except urban public transport) are paid based on the route specified in the person's application and the tariff per 1 km approved by the Minister of Social Security and Labour, the travelling distance being determined using the Program for the Determination of the Shortest Distance for Travel by Roads of the Republic of Lithuania.

The labour exchange stops any funding of training expenses after the unemployed is employed under a contract or undertakes any independent commercial or production activities as defined in the Law on Residents' Income Tax. If an unemployed person completes the theoretical part of training and gets a job under an employment contract using the acquired qualification, only training services will be financed if such person continues training.

Training of unemployed people and employees of working age who have received warnings of redundancy may be financed by the Employment Fund, the EU Structural Funds and other sources.

The unemployed and employees of working age who have received warnings of redundancy are referred for training by local labour exchange offices according to Clause 20 of the Conditions and Procedure for the Implementation of the Active Labour Market Policy Measures approved by order of the Minister of Social Security and Labour No. A1-499 of 13 August 2009. The labour exchange and the training establishment conclude an agreement for the unemployed person being referred; for employees of working age who have received warnings of redundancy, the labour exchange concludes a trilateral agreement with the person and his/her employer. Unemployed persons for which agreements have been concluded are sent for training on priority basis.

In order to determine benefits and potential issues related to the unemployed persons' training, the Lithuanian Labour Exchange organised studies on determination of benefits of vocational training every year in the reporting period. Under the project **Development of Vocational Training for the Unemployed and Persons Warned about Redundancy** financed by the ESF, the Lithuanian Labour Exchange commissioned a project efficiency study, which was carried out in 2007 by the Institute for Labour and Social Research. The study evaluated one of the key activities – vocational training of the project's participants according to updated and modified labour market vocational training programmes. Surveys of project participants and relevant employers were conducted in order to evaluate the quality of the training programmes and to make recommendations for the improvement of the activities.

A study was conducted in 2008 during the implementation of a Lithuanian Labour Exchange project financed by the ESF **Promoting Social Integration of People with Disabilities**, the purpose of which was to help the disabled to integrate into society and labour market and to reduce social exclusion by integrating the disabled to the active labour market policy measures. The study was aimed at assessing the efficiency of the active labour market policy measures (vocational training and supported employment) based on the results of the surveys of project participants and relevant employers and at making proposals for the improvement of the measures.

In 2009, commissioned by the Lithuanian Labour Exchange, the Social Policy Group conducted a study the purpose of which was to assess the organisation of the unemployed people's practical training under the training programmes in greatest demand at training establishments or on-the-job (enterprises, institutions) as well as to determine whether practical training meets the labour market needs.

In 2010, during the implementation of a project financed by the ESF Increasing Opportunities for Employment, the Institute for Labour and Social Research under the Centre for Social Studies conducted a study to assess the efficiency of the active labour market policy measures (hereinafter referred to as the ALMPM) and vocational rehabilitation as well as their impact on increasing employment levels. A temporary methodology for the assessment of the ALMPM was used during the study, proposals for its improvement were presented, criteria and methodology for assessing efficiency of vocational rehabilitation programmes were developed, surveys of persons having completed the ALMPM and vocational rehabilitation programmes were conducted, employment rates of such persons were assessed by means of interviews and the Lithuanian Labour Exchange database, and social effectiveness of the ALMPM and vocational rehabilitation programmes was evaluated.

**Answers to the questions and conclusions of the European Committee of Social Rights:**

*Financial assistance (Article 10§5 b)*

**Regarding higher education, the Committee reiterates its question whether the total sum available for university student allowances is sufficient to match the rising number of students.**

According to the Law on Vocational Training (Amendment Law of 3 April 2007, No. X-1065), continued training of employees is implemented at the cost of the organisation or the trainees. State budget funds may be allotted to continued training according to the laws. For example, training of public servants is funded by the referring institution and funds are provided for their training in the state budget and municipal budgets (accounting for 1-5% of the allocations for salaries of public servants). In addition, ministries and other state authorities are allotted funds from the state budget for the financing of skills improvement programmes for the public sector (e.g. for social workers, lawyers, staff of the state border guarding and national defence services, police, healthcare

professionals etc.). Funds for the improvement of professional skills of teachers are included in the pupil's basket.

The main measures and instruments to finance vocational training include tax incentives, grant schemes, payback clauses and study leave (paid or unpaid). Loans are made only to students who have been admitted to a higher educational establishment for the first time.

Tax incentives to people studying under formal and non-formal vocational training programmes and permitting to deduct amounts paid for vocational training from income were introduced in 2008. Until 2007, only amounts paid for studies aimed at attaining higher education for the first time were deductible for tax purposes. Training expenses are deducted from income when calculating income tax by persons undergoing training. The recovered amount may not exceed 25% of the amount paid. In case if a permanent resident of Lithuania who is a student is not a taxpayer or is not in a position to make use of the right to deduct amounts paid for vocational training or studies from income, then such deduction can be made by parents or other family members.

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

**ARTICLE 15, PARAGRAPH 1**

**1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

Since 1998, one of the legal acts regulating the system of education has been a Law on Special Education. In 2010, an initiative was taken to integrate the main provisions of the Law on Special Education into the Law on Education. The main reason for that was a rapid integration of children with special education needs into general education schools.

Seeking to bring the procedure of pedagogical and psychological assessment of a person with special education needs and the diagnostic criteria for the assessment of the scale of such needs in line with the International Classification of Diseases (ICD-10) used by the Lithuanian health care institutions as well as the criteria for determining the level of disability, a new version of the *Description of the Procedure for Identification of Groups of Pupils with Special Education Needs and Segmentation of Special Education Needs into Scales* was drafted.

The aim of the working group which developed the draft document was to bring it in line with the standards of the Organisation of Economic Co-operation and Development (OECD) with regard to the international categories used in identifying the special education needs of a person. In terms of difficulties encountered in education and its duration, three main categories are identified: disability, disorders and education difficulties. In the opinion of the working group, the title of the document *Description of the Procedure for Identification of Groups of Pupils with Special Education Needs and Segmentation of Special Education Needs into Scales* is more precise with regard to the content and the structure of the document and therefore they suggest to change the former title of the document, *Procedure for Assessment of Disorders of Persons with Special Needs and Identification of the Scale of Disorders as well as Attributing Persons with Special Needs to the Group of Special Education Needs*, with a new one.

The information about vocational rehabilitation of the disabled is provided under Article 15§2.

**2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

Seeking to ensure the quality and effectiveness of education of pupils with special needs, the basket of the pupil with special needs has been constantly increased; since 2008, pursuant to the Methodology of Calculating the Pupil's Basket and the Number Nominal Pupils, approved by Resolution No. 785 of the Government of the Republic of Lithuania of 27 June 2001, the basket of the pupil with special needs has been calculated as 35.6% higher than the statistical pupil's basket.

In 2009, the Special Education Development Programme and its Action Plan was approved. The main objectives of the Programme are the following: increase access to assistance in education to pupils with special needs and offer a bigger variety of forms of education to them, renovate and adapt the environment of education for pupils with special needs, increase the competences of teachers and other persons involved in education on matters related to education of pupils with special needs. Under the Programme and seeking to improve the access to the services of early intervention in childhood, the implementation of the Description of the Model of Improvement of Living and Education Conditions for Children from their Birth until the Beginning of Mandatory Education, approved by Resolution No. 1509 of the Government of the Republic of Lithuania of 11

November 2009, is underway. The purpose of the description is to increase the access to services for preschool age children (including those with special needs) and their families.

Under the Programme of Special Education Development, the content of education is updated; general education programmes, as well as vocational training programmes, along with their modules are adapted for pupils with special education needs. During the period of 2009-2010, recommendations were developed on the adaptation of general programmes of primary and basic education of pupils with medium, big and very big special needs; moreover, textbooks for pupils with special needs offering special training tools were published.

During the same period, the access to education and training was increased to pupils with special education needs. Children with medium, big and very big special education needs and also having inborn/gained disorders which prevent them from taking part in the education process may be assigned a teacher assistant. Children with a hearing disability are provided sign language interpretation services.

The number of special schools is gradually reduced by opening special classes in general education schools and offering the conditions for children with special education needs to get educated together with their peers close to their place of residents.

The problem remains with regard to the readiness of general education school teachers to work with children who have special needs, yet this issue is addressed by offering teachers 72-hour in-service training courses covering this topic.

With a view to improving the quality of education of children with special needs and the access to education assistance, the following projects funded by the European Union structural funds and the Government of the Republic of Lithuania are implemented, including: *Development of Efficiency and Quality of Assistance to Pupils, Development of Special Training Tools, Development of Forms of Education for Persons with Special Needs.*

### **Support of Disabled Students**

Pursuant to the Description of the Procedure for Provision of Financial Assistance Means to the Disabled Studying in Higher Education Establishments, the Department for the Affairs of the Disabled under the Ministry of Social Security and Labour provides financial assistance to the disabled studying in higher education establishments and controls the use of funds allocated to them. Financial assistance can be provided to students with severe or medium disability or those having work capacity of 45% or less, studying, for the first time, in a higher education establishment under the non-university programme of the 1st or 2nd degree or continuous university study programme and having no debts or disciplinary punishments.

The following means of financial assistance is provided:

- allowances for special needs (50% of the basic amount of social insurance pension per month, currently it totals LTL 180);
- special purpose allowances to partially cover studying expenses (3.2. of basic social benefit (hereinafter referred to as the BSB) per semester).

**3) Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to education and vocational training for persons with disabilities (total number of persons with disabilities, number of persons with disabilities of 0-18 years of age, number of persons with disabilities in mainstreaming and special education and vocational training, including higher**

**education; number of integrated classes and special education institutions, basic and in-service training for teachers).**

**Table 15.1.1 Changes in of the Forms of Education for Pupils with Special Needs**

	Number of pupils		
	2006–2007	2007–2008	2008–2009
Pupils with special needs studying in general education schools (full integration)	52232	51955	49593
Pupils studying in special classes of general education school (partial integration)	797	796	852
Pupils with special needs in special schools or special education centres	5052	4715	4500

*Prepared on the basis of the data provided by the Lithuanian Department of Statistics*

The aforementioned data reveal that in 2007-2009, the number of pupils with special needs educated under the model of full integration in general education schools was slightly reducing. In contrast, the number of pupils with special needs educated in special schools and special education centres was slightly growing.

In 2009-2010, the share of pupils with special education needs educated under the model of full integration accounted for 88.9%, as compared to 1.6% and 8.1% of students educated under the model of, respectively, partial integration and special schools.

### **Support to Disabled Students**

During 2007, support was provided to 952 disabled students in 36 higher education establishments; the funds were allocated to satisfy special needs of disabled students and partially cover their studying expenses. The amount of LTL 1,283,000 was allocated to implement the measure, the amount received totalled LTL 1,278,700 and the amount used was LTL 1,277,200.

During 2008, support was provided to 1,075 disabled students in 35 higher education establishments (the total amount used totalled LTL 1,711,670): 1,075 disabled students received allowances for their special needs (they used LTL 1,364,600), and 509 students obtained targeted allowances for partial reimbursement of studying expenses (they used LTL 281,100).

During 2009, support was provided to 1156 disabled students in 38 higher education establishments (the total amount used totalled LTL 2,007,180): 1,156 disabled students received allowances for their special needs (they used LTL 1,570,140), and 623 students obtained targeted allowances for partial reimbursement of studying expenses (they used LTL 398,500).

During 2010, support was provided to 1142 disabled students in 36 higher education establishments (the total amount used totalled LTL 1,965,990): 1,142 disabled students received allowances for their special needs (they used LTL 1,556,960), and 571 students obtained targeted allowances for partial reimbursement of studying expenses (they used LTL 331,630).

**Table 15.1.2. The number of the disabled who received financial support**

Year	Allocated funds thousand LTL	Number of the disabled who received financial support		
		Total	Including:	
			The funds allocated for fulfilment of special needs	The funds allocated as targeted allowances for partial reimbursement of studying expenses
2007	1,277.2	1,228.1	940.8	287.3
2008	1,711.67	1,075	1,075	509

Year	Allocated funds thousand LTL	Number of the disabled who received financial support		
		Total	Including:	
			The funds allocated for fulfilment of special needs	The funds allocated as targeted allowances for partial reimbursement of studying expenses
2009	2,007.18	1,156	1,156	623
2010	1,965.99	1,142	1,142	571

**Responses to the questions raised and conclusions made by the European Committee of Social Rights:**

According to the report, in 2006 there were 260 000 persons with disabilities. No other up–dated figures are provided. The Committee highlights that it needs to be systematically informed of:

- **the total number of persons with disabilities, including the total number of children with disabilities;**

In 2007-2010, the number of the disabled in Lithuania totalled 269,033 persons, accounting for 7.5% of the Lithuanian population. That number included 12,600 disabled children aged from 0 to 15 and 250,300 disabled children aged 16 and above.

- **the number of children with disabilities attending mainstream schools and training facilities;**
- **the number of those attending special education and training institutions;**

The information is provided under Article §1 and Article 10§3.

- **the number of persons with disabilities (children and adults) living in institutions;**

In 2010, the number of disabled children and disabled adults as well as senior people living in institutions totalled respectively 713 and 5,883 persons.

- **any relevant case law and complaints brought to the appropriate bodies with respect to discrimination on the ground of disability in relation to education and training.**

The Equal Opportunities Ombudsperson notified that it received no complaints in 2007-2010.

*Anti-discrimination legislation*

The Committee refers to its previous conclusion (Conclusions 2007) for a description of the legal framework adopted in 2003 (Law IX–1826 on Equal Treatment and the Act on Education), which it considered in conformity with the requirements of Article 15§1.

Educational establishments must ensure equal conditions for persons, irrespective of their disability when:

- they admit students to school;
- award studying grants;
- develop education programmes; and
- assess knowledge.

**The Committee reiterates that it wishes to know whether the decisions of the Equal Opportunities Ombudsman and its Office may be appealed against before the courts.**

Pursuant to Article 36 of the Law on Public Administration, a person shall have the right to appeal against a decision on the administrative procedure adopted by an entity of public administration at his or her own choice either to the **Administrative Disputes Commission** or to the **administrative court** in accordance with the procedure set forth by laws.

*Education*

**The Committee asks the next report to include a detailed account on the implementation of the National Programme for Social Integration of the Disabled 2003–2012 in so far as it deals with education and training.**

An excerpt of the National Programme of Social Integration of Disabled People 2003-2012 Interim Assessment Report (2003-2007) is provided in the annex appended herein.

## ARTICLE 15, PARAGRAPH 2

1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

### **Vocational Rehabilitation of the Disabled**

Legislation on vocational rehabilitation includes the following:

- Republic of Lithuania Law on Equal Opportunities (No. IX-1602 of 17 June 2008);
- Republic of Lithuania Law on Social Integration of the Disabled (Amendment Law No. IX-2228 of 11 May 2004);
- Order No. A1-302 of the Minister of Social Security and Labour of the Republic of Lithuania, *On Approval of the Procedure for Assessment Criteria of the Needs of Vocational Rehabilitation Services, and the Rules on Provision and Financing of Vocational Rehabilitation Services*;
- Order No. A1-157 of the Minister of Social Security and Labour of the Republic of Lithuania, *On Approval of the Strategy on the Development of Vocational Rehabilitation Services 2007-2012*.

When the new Law on Social Integration of the Disabled came into effect in 2005, it paved the way for the development of a new understanding of disability and highlighted the importance of offering employment opportunities. Hence special attention was paid to vocational rehabilitation. Vocational rehabilitation means restoration or enhancement of a person's capacity for work, his or her professional competence and ability to participate in the labour market by using educational, social, psychological, rehabilitation and other measures. In principle, it is preparation of the disabled to go back to the labour market. The system of vocational rehabilitation of the disabled, the creation of which started in 2005, covers such key services as vocational guidance, consulting, assessment and restoration of vocational capacities or development of new vocational capacities, training, retraining and assistance in employment.

Vocational rehabilitation covers the following:

- **assessment of vocational capacities**, i.e. assessment of the person's psycho-social vocational qualities and functional capacities (physical capacities necessary for work);
- **vocational guidance and consulting**, i.e. analysis of the person's motivation to study and work as well as the person's individual qualities; consulting on the issues of vocational direction, suitability, professional career planning; informing about the possibilities of vocational training and employment, practical testing of professional capacities; assistance to persons choosing and changing a profession, taking into account the person's individual features (interests, capacities, preferences), specific features of concrete vocations, and training, studying and work opportunities;
- **restoration or enhancement of vocational capacities**, which means restoration of basic qualities necessary for work and enhancement of insufficient capacities for work and/or development of new qualities by using social, psychological, rehabilitation means or applying the method of work simulation (restoration and/or enhancement of vocational capacities by simulating a real work process using the measures and equipment which are at maximum proximity to the workplace); vocational training under formal and adapted, for the needs of the disabled persons, labour market vocational training programmes;
- **assistance in employment**, i.e. collection and analysis of information about the situation on the labour market, a search for a possible workplace and potential employers for customers, intermediation services in employment of persons, building up of employment search

skills, consultation of employers on the issues related to the adaptation of the workplace and employment of persons.

The creation of the system of vocational rehabilitation in Lithuania is rather recent. In 2002, Valakupiai Rehabilitation Centre in Vilnius started to provide holistic rehabilitation services which included medical, vocational and social services to people with a severe physical disability. It is the first centre to offer full vocational rehabilitation services for people with a severe disability. Only after the establishment of the centre, the disabled with a severe disability were offered an opportunity to benefit from full vocational rehabilitation services meeting the requirements laid down in the Law on Integration of the Disabled. Currently, a full cycle of vocational rehabilitation services is provided by 11 establishments in Lithuania, including the following:

- VšĮ Valakupiai Rehabilitation Centre (Vilnius) and its branch in Kaunas;
- VĮ Trakai Centre for Employment of the Disabled (Trakai);
- VĮ Šiauliai Labour Market Training Centre (Šiauliai);
- VšĮ Vilties žiedas (Kaunas);
- VšĮ Palanga Rehabilitation Hospital (Palanga);
- VšĮ Profesijų spektras (Druskininkai);
- Lithuanian Rehabilitation Centre of Vocational Training (Radviliškis);
- VšĮ Vilnius Žirmūnai Labour Market Training Centre (Vilnius);
- VšĮ Vilnius Psychosocial Rehabilitation Centre (Vilnius);
- VšĮ Tauragė Rehabilitation Centre of the Disabled (Tauragė);
- VšĮ Rokiškis Psychiatric Hospital (Rokiškis).

With a view to improving the quality of vocational rehabilitation, the **Strategy on Development of Vocational Rehabilitation Services 2007-2012** was approved. It provides for the following long-term objectives of the development of a vocational rehabilitation system: improvement of the legal framework of the system of vocational rehabilitation, increasing the access to and a variety of vocational rehabilitation services, improvement of the quality of vocational rehabilitation services. The aim of the strategy is the following: development of a legal, economic and organisation system of vocational rehabilitation ensuring opportunities for the disabled to get involved in the labour market. Every year, the Minister of Social Security and Labour approves the action plan for the implementation of the strategy.

The responsibility for the organisation of provision of vocational rehabilitation services lies with the Ministry of Social Security and Labour. The Ministry performs this function together with the Lithuanian Labour Exchange.

Persons taking part in a vocational rehabilitation programme are allocated and paid a **vocational rehabilitation allowance**. It is allocated and paid irrespective of any other income received by the person.

**3) Please provide pertinent figures, statistics or any other relevant information on the number of persons with disabilities in working age, in ordinary employment and in sheltered employment (estimated, if necessary). Please, also indicate whether the basic provisions of labour law applies to persons working in sheltered employment where production is the main activity.**

### **Vocational Rehabilitation of the Disabled**

During 2007-2010, the Lithuanian Labour Exchange continued to implement the vocational rehabilitation programme. The aim of vocational rehabilitation services is to develop or restore the

working capacity of the disabled and increase their employment possibilities. The programme assessed the vocational capacities of the disabled, provided vocational guidance and consulting services, trained new or restored lost vocational capacities and offered assistance in employment.

To implement the programme of vocational rehabilitation:

- In 2007, LTL 4,745,700 of budgetary funds were used (335 persons finished the rehabilitation programme, including 157 persons, or 46.8%, who got employed, 27 persons were referred to subsidized employment, 15 persons were referred to public works, 9 people received support for the acquisition of working skills, 8 persons were referred to vocational training, 5 people were employed in subsidized workplaces, 5 persons were referred to non-formal education and 2 persons took part in the measure of an individual employment support);

- In 2008, vocational rehabilitation services received LTL 5,965,200, including LTL 3,784,500 from the state budget (LTL 10,000 for production of vocational rehabilitation certificates), and LTL 2,180,700 from the Employment Fund. The rehabilitation programme was finished by 173 persons, including 63 people (36%) who got employed. Forty-one people took part in the active labour market policy measures, including 12 persons who received subsidised employment, 9 persons created workplaces by taking part in the individual employment support measure; 15 persons were referred to the working skills acquisition measures, another 3 people were referred to perform public works, 1 person was employed under a local employment initiative and 1 person obtained subsidised employment);

- In 2009, vocational rehabilitation services were funded by the European structural funds and the state budget. The amount of LTL 9,287,800 was used to implement the vocational rehabilitation programme (it was finished by 272 persons, including 113 people (42%) who got employed (105 persons got employed in three months and another 8 persons in six months));

- In 2010, LTL 1,986,000 of state budgetary funds and LTL 9,553,300 of the European structural funds were used to implement the vocational rehabilitation programme (it was finished by 287 persons, including 151 people who got employed).

During 2007-2010, the total number of disabled people with an identified need for vocational rehabilitation services referred to the vocational rehabilitation programme was 1455 persons.

During the same period, the number of disabled people in Lithuania was 269,033 persons. Additional information about the working age disabled is provided under Article 1§1.

During 2007-2010, territorial labour exchange offices registered 59,300 disabled people, including 21,500 of the disabled with the working capacity of 0-40%.

During the same period, 20,400 persons got employed, 14,300 people took part in the active labour market policy measures, including 2,900 participants in vocational training and non-formal education programmes, 9,800 people involved in supported employed measures, another 1,600 persons used the support provided for setting-up a workplace and 2,600 persons were involved in activities under a business license.

The information about the support provided by the EU structural funds in 2007-2013 to promote employment and get retrained is provided under Article 10§3.

**Responses to the questions raised and conclusions made by the European Committee of Social Rights:**

The number of disabled persons working in social enterprises in 2006 was 1,328. It is not clear whether this is the total number of persons with disabilities working in sheltered employment.

Yes, whereas below we provide the average number in 2006, which is slightly different.

The Committee therefore asks the next report to provide clear up–dated figures as concerns:

- the total number of persons with disabilities employed in the ordinary market as well as that of those employed in sheltered employment;

The average number of disabled persons working in social enterprises (data provided by the Lithuanian Labour Exchange)

- In 2006: 1270;
- In 2007: 1540;
- In 2008: 2289;
- In 2009: 1903;
- In 2010: 2452.

- the rate of progression of persons with disabilities from sheltered employment to the ordinary labour market.

We have no relevant data because disabled persons who get employed in ordinary enterprises are not obliged to register with the Lithuanian Labour Exchange.

*Anti–discrimination legislation*

However, the Committee notes from another source<sup>3</sup> that Lithuanian legislation does not provide for the adjustment of working conditions (reasonable accommodation) to the needs of persons with disabilities. It therefore considers that the situation is not in conformity with the Revised Charter.

Article 7 of the Law on Equal Treatment lays down that when implementing equal treatment the employer, irrespective of the gender, race, nationality, language, and origin, social status, belief, convictions or views, age, sexual orientation, **disability**, ethnic origin or religion, must:

- 1) apply uniform selection criteria and conditions when employing, or recruiting to the civil service, except for the cases specified in paragraph 7 of Article 2 of this Law;
- 2) provide equal working and civil service conditions and opportunities for raising qualifications, seeking vocational training, retraining, gaining practical work experience, as well as provide equal benefits;
- 3) apply uniform criteria for assessing the work of employees and the performance of civil servants;
- 4) apply uniform criteria for dismissal from work and from the civil service;
- 5) pay equal wage for the same work or for work of equal value;
- 6) take measures to prevent harassment or instructions to discriminate against any employee or civil servant at the workplace;
- 7) take measures to prevent sexual harassment against any employee or civil servant;
- 8) take measures to ensure that an employee or civil servant who has filed a complaint relating to discrimination or is participating in discrimination proceedings, his representative or any

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<sup>3</sup> Lithuanian Country Report on measures to combat discrimination (Directives 2000/43/EC and 2000/78/EC), State of affairs up to 8 January 2007. Report drafted by Edita Ziobiene for the European Network of Legal Experts in the non-discrimination field, available at: [http://europa.eu.int/comm/employment\\_social/fundamental\\_rights/policy/aneval/mon\\_en.htm](http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/mon_en.htm)

person who is testifying or making statements are not subjected to persecution and are protected from any adverse treatment or adverse consequence;

9) take appropriate measures to enable disabled persons to have access to, participate in, or advance in employment, or to undergo training, **including adaptation of premises, unless such measures would impose a disproportionate burden on the employer.**

The Committee reiterates that it wishes to know whether the **decisions of the Ombudsman for Equal Opportunities may be appealed against before the courts and whether compensation for material and non-material damages may be awarded to the person who has been discriminated.**

Pursuant to Article 36 of the Law on Public Administration, a person shall have the right to appeal against a decision on the administrative procedure adopted by an entity of public administration at his or her own choice either to the **Administrative Disputes Commission** or to the **administrative court** in accordance with the procedure set forth by laws.

Article 12 of the Law on Equal Treatment lays down that a person who considers himself or herself wronged by failure to apply equal treatment to him or her shall have the right to appeal to the Equal Opportunities Ombudsperson. An appeal to the Equal Opportunities Ombudsperson does not preclude the possibility of defending his or her rights in court.

Article 13 of the Law on Equal Treatment provides for compensation of damages:

*“A person who has suffered discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion shall have the right to claim compensation for economic and non-economic damages from the persons guilty thereof in the manner prescribed by laws.”*

*Measures to promote employment*

**The Committee asks the next report to provide information on the actual impact of this law on the employment of disabled persons, specifying whether employment opportunities are found rather in the open labour market or in the protected one.**

**The Committee also asks the next report to include a detailed account on the implementation of the National Programme for Social Integration of the Disabled 2003–2012, particularly of the measures it contains to help them find a job or alternative forms of employment such as work therapy. The Committee asks whether such measures prompted an increase in the integration of persons with disabilities, including of persons with intellectual disabilities.**

The relevant information is provided under Article 1§1 and Article 15§2.

**The Committee reiterates that it wants to be informed on the conditions of employment in sheltered employment, particularly as regards the issue of wage levels (see Conclusions 2007).**

Pursuant to Article 95(3) of the Labour Code, the parties agree on remuneration, and therefore the amount of work wage is a matter on which parties agree. However, it cannot be smaller than the established minimum wage.

Working conditions are also subject to the same general provisions of the Labour Code and other laws and their requirements are the same as those applied to ordinary enterprises.

### ARTICLE 15, PARAGRAPH 3

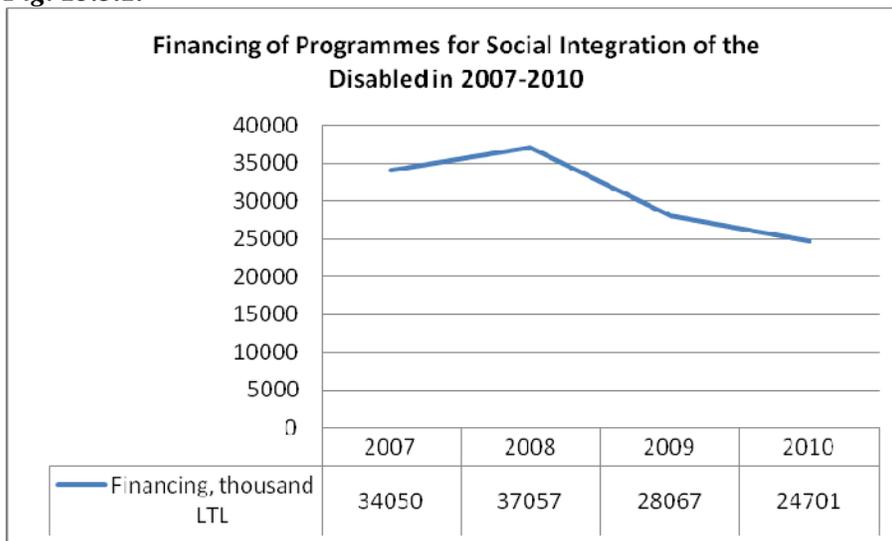
2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

#### **Implementation of Programmes and Measures of Social Integration of the Disabled in 2007-2010**

In 2007-2010, in implementing the functions and tasks provided for in the Law of Social Integration of the Disabled and other legislation, the Department for the Affairs of the Disabled under the Ministry of Social Security and Labour (hereinafter referred to as the Department for the Affairs of the Disabled) pursued its **strategic objective**, i.e. to ensure implementation of the policy measures of social integration of the disabled by integrating the disabled into society. **The mission** of the Department is to plan, organise and co-ordinate implementation of the measures of social integration of the disabled by seeking to create equal rights and opportunities for the disabled to take part in public life.

The Department for the Affairs of the Disabled co-ordinates and implements the National Programme of Social Integration of the Disabled as well as other policy measures of social integration of the disabled addressing issues faced by the disabled. State budgetary funds are used to implement the programme and the measures.

*Fig. 15.3.1.*



The Department for the Affairs of the Disabled performs the following functions:

1. Coordinates three interagency programmes:
  - 1.1. National Programme for Social Integration of the Disabled;
  - 1.2. Programme for the Adaptation of Housing for People with Disabilities 2007-2011;
  - 1.3. Programme for the Use and Provision of Interpretation Services of the Lithuanian Sign Language;
2. Provides financial assistance means to the disabled studying in higher education establishments and controls the use of funds allocated thereto; provides allowances of 20% of the monthly subsistence level to the disabled raising children to cover for the expenses associated with the use utilities, electricity and telephone services or purchasing of fuel;

3. Finances, by means of a tender, the projects dealing with the provision of services to the disabled in a community and controls the use of funds allocated thereto, also the projects on the support for the activities of the associations of the disabled and controls the use of the funds allocated thereto;

4. Controls the use of state property lying within the remit of regulation of the Department;

5. Represents the state, my means of a trust, in the company UAB Baldzio Silas (70.6% of shares and LTL 7,535,000) and is the founder of VšĮ Valakupiai Rehabilitation Centre.

### **Support to Activities and Services of Associations of the Disabled in Community**

In compliance with the procedures established by the order of the Minister of Social Security and Labour, the Department for the Affairs of the Disabled finances, my means of a tender, the projects on provision of services to the disabled in a community implemented by the organisations operating in the field as well as the projects on the support of activities of the associations of the disabled.

**During 2007**, the amount of LTL 26,223,700 **was used** to finance the projects under the Programme of Social Integration of the Disabled implemented by the associations of the disabled and state institutions, covering thirteen measures of the national programme in the areas of rehabilitation, social services, increasing access to the environment, training, employment, sports, culture, recreation and public education. By means of a tender, 134 projects of the programme of social integration of the disabled were selected to be implemented by 27 associations of the disabled and five other bodies. In 2007, the benefits of implementation of the projects were experienced by 76,000 disabled people, including 30% of persons with a severe level of disability.

During **2008**, the projects of the National Programme of Social Integration of the Disabled **used** the total amount of LTL 25,759,500 of state budgetary funds, including LTL 18,826,500 spent on the projects dealing with the provision of services for the disabled in communities and **LTL 6,933,000 spent on the projects supporting activities of associations of the disabled**. Funding was provided to 275 projects selected by tender and implemented by 27 associations of the disabled (256 projects dealing with the provision of services to the disabled in communities and 19 projects supporting the activities of associations of the disabled). The total number of social integration project participants and beneficiaries were over 79,000 disabled persons, including 31% of persons with a severe level of disability.

During **2009**, the projects of the National Programme of Social Integration of the Disabled **used** the total amount of LTL 20,440,000 of state budgetary funds, including LTL 15,826,800 spent on the projects dealing with the provision of services for the disabled in communities and **LTL 4,613,200 spent on the projects supporting activities of associations of the disabled**. Funding was provided to 270 projects selected by tender and implemented by 26 associations of the disabled (249 projects of provision of services to the disabled in communities and 21 projects supporting the activities of the associations of the disabled). The total number of social integration project participants and beneficiaries were over 72,000 disabled persons, including 28% of persons with a severe level of disability.

In **2010**, the projects of the National Programme of Social Integration of the Disabled **used** the total amount of LTL 18,151,900 of state budgetary funds, including LTL 14,151,900 spent on the projects dealing with provision of services for the disabled in communities and **LTL 4,000,000 spent on the projects supporting activities of associations of the disabled**. Funding was provided to 283 projects selected by tender and implemented by 25 associations of the disabled (262 projects of provision of services to the disabled in communities and 21 projects supporting the activities of

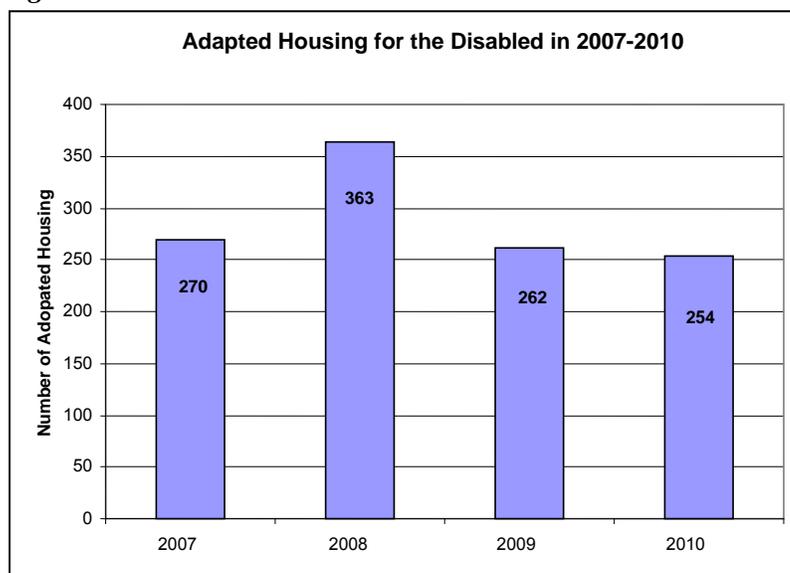
the associations of the disabled). The total number of social integration project participants and beneficiaries were over 63,000 disabled persons, including 24% of persons with a severe level of disability.

### **Adaptation of Housing for the Disabled**

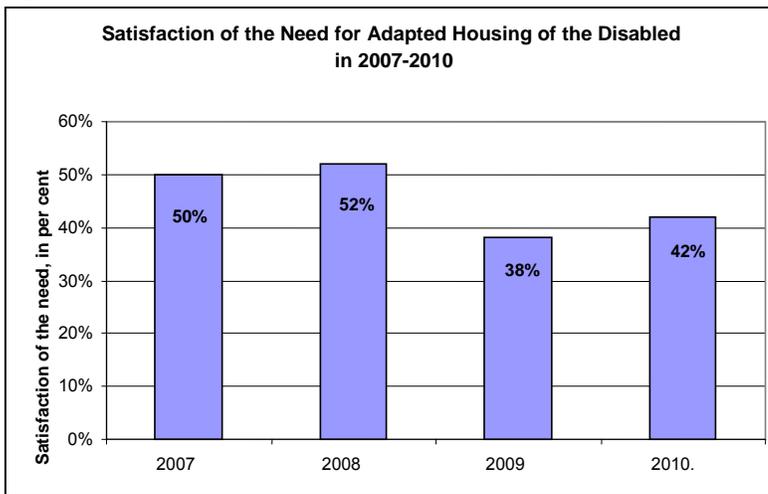
The Department for the Affairs of the Disabled co-ordinates the Programme for the Adaptation of Housing for People with Disabilities 2007-2011, approved by Government Resolution No. 638 of 28 June 2006 and exercises control over the efficient use of funds allocated to it. In 2010, the measures were implemented by 57 local authorities, the Ministry of Environment and the Department for the Affairs of the Disabled. The supervision over the adaptation of housing is carried out by representatives of three associations of the disabled. In pursuing the measure, the work of adaptation of housing for the disabled is implemented, organised and administered in municipalities. Since 2010, the maximum amount of expenses spent on the adaptation of housing has been 185 BSB, i.e. LTL 24,050.

The Department for the Affairs of the Disabled finances the adaptation of housing on a contractual basis, in accordance with the applications submitted by municipalities. The expenses for the adaptation of housing are covered by the state and municipal budgets as follows: persons with very severe and severe movement and self-service functional disorders receive 80% from the state budget and 20% from the municipal budget; persons with medium movement and self-service functional disorders receive 50% from the state budget and another 50% from the municipal budget.

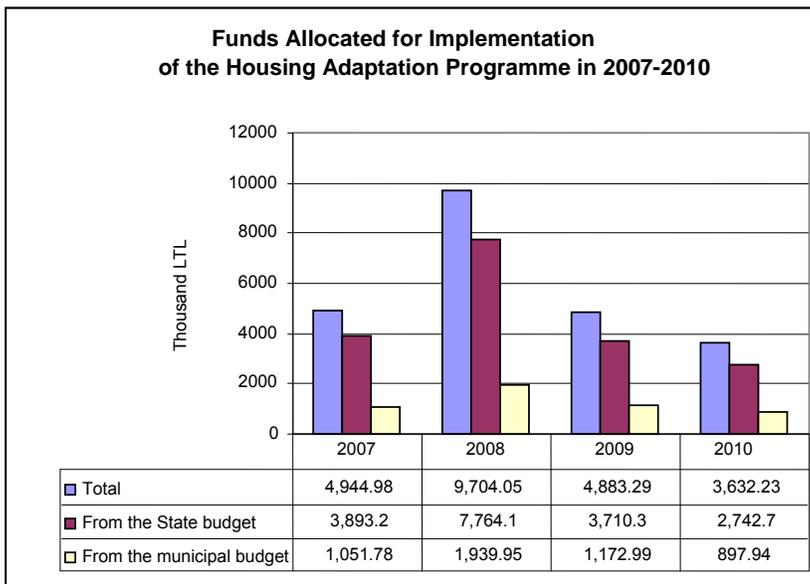
**Fig. 15.3.2.**



**Fig. 15.3.3.**



**Fig. 15.3.4.**



### **Provision of Sign Language Interpretation Services**

In 2007, the Department for the Affairs of the Disabled coordinated the Programme for the Use of and Provision of Interpretation Services of the Lithuanian Sign Language 2005-2008, approved by Government Resolution No. 896 of 17 August 2005 (the 21<sup>st</sup> measure of the programme implemented by management administrations of 10 counties, the Ministry of Education and Science and the Lithuanian Association of the Deaf). During the same year when developing the explanatory Lithuanian sign language dictionary, 2,000 lexical units of the sign language were described, totalling 6,000 lexical units of the Lithuanian sign language described by the end of the year; in additional 2 thematic Lithuanian sign language dictionaries were made (a DVD in 600 copies).

When implementing the measures, 9 Lithuanian sign language interpreters provided services to 800 deaf people in 6 rehabilitation centres of the deaf (the number of interpretation services totalled

1200) and 80 hearing people (600 interpretation services); the amount of money used for the services totalled LTL 853,000.

In 2007, 33,525 sign language interpretation services to 2,369 deaf people were provided in counties (these services were financed by county administrations).

In 2008, the Department for the Affairs of the Disabled co-ordinated 20 measures of the programme carried out by the management authorities of 10 counties, the Ministry of Education and Science and the Lithuanian Association of the Deaf. During the same year the following publications were developed and released: 2,000 sign language lexical units were described in an explanatory sign language dictionary, two explanatory dictionaries of the Lithuanian sign language in a CD format (600 copies each) were developed and released; a grammar manual of the Lithuanian sign language in a CD format was developed, 7 special training tools were published, visual material on the basics of the Lithuanian sign language for hearing students was prepared, 3 visual aids in a CD format in the Lithuanian sign language were developed for the experts providing public services, 2 publications for the Lithuanian sign language lecturers were published, 18 Lithuanian sign language practical skills' enhancement workshops were organised; in implementing the measures, 9 Lithuanian sign language interpreters provided interpretation services for 1400 deaf persons in 6 rehabilitation centres of the deaf (the total number of interpretation services was about 2000); the amount of LTL 537,000 was used.

In 2008, 45,614 sign language interpretation services to 2,773 deaf people were provided in counties (these services were financed by county administrations).

In 2009, the measures of the programme were financed to achieve the following results: an explanatory Lithuanian sign language dictionary was improved, the research of the Lithuanian sign language was developed; researchers of the Lithuanian sign language were trained; thematic dictionaries of the Lithuanian sign language were developed and published, a methodological basis for the deaf at schools were improved (training tools were developed and published, a literature manual in the Lithuanian sign language was developed), Lithuanian sign language teaching programmes were developed for the experts providing public services and sign language interpreters, Lithuanian sign language courses were prepared for the Lithuanian sign language interpreters, sign language teachers, officials of the police and fire prevention and rescue service, health care personnel, social workers, family members of the deaf and other members of society, Lithuanian sign language interpretation services were provided to the deaf in social rehabilitation centres of the deaf (over 3,500 Lithuanian sign language interpretation services provided to 2,100 deaf people in the rehabilitation centres of the deaf). The amount of LTL 658,690 was used to implement the measures of the programme (financed by the Department for the Affairs of the Disabled).

In 2010, the measures of the programme were financed to achieve the following results: explanatory Lithuanian sign language dictionary was updated; the research of the Lithuanian sign language was developed; an explanatory Lithuanian sign language dictionary was improved, the research of the Lithuanian sign language was developed; researchers of the Lithuanian sign language were trained; thematic dictionaries of the Lithuanian sign language were developed and published, a methodological basis for the deaf at schools were improved (training tools were developed and published, a literature manual in the Lithuanian sign language was developed), Lithuanian sign language teaching programmes were developed for the experts providing public services and sign language interpreters, an independent sign language training programme was developed for hearing students to learn the basics of the sign language, Lithuanian sign language courses were prepared

for the Lithuanian sign language interpreters, sign language teachers, officials of the police and fire prevention and rescue service, health care personnel, social workers, family members of the deaf and other members of society, the functions and activities of the Surdological Aid Centre were developed to make it become a methodological aid centre performing upgrading of qualification services of sign language interpreters, Lithuanian sign language interpretation services were provided to the deaf in social rehabilitation centres of the deaf (3,650 Lithuanian sign language interpretation services provided to 1,910 deaf people in the rehabilitation centres of the deaf). In 2010, the amount of LTL 800,000 was allocated to the Department for the Affairs of the Disabled to implement the measures of the programme.

During 2010, 2,489 deaf persons received 33,221 Lithuanian sign language interpretation services in county sign language interpretation centres.

### **Allowances paid to the disabled raising children to pay for utilities, electricity, telephone expenses or buy fuel**

The Department for the Affairs of the Disabled provided allowances amounting to 20% of the minimum subsistence level for disabled families raising children aged up to 18 (for those who are studying aged up to 24), to pay for utilities, electricity, telephone expenses or buy fuel (the measure is implemented by city and regional municipalities).

In 2007, monthly allowances were paid to approximately 340 families; the total amount of LTL 106,100 was used for the purpose.

In 2008, monthly allowances were paid to approximately 216 families; the total amount of LTL 67,600 was used for the purpose.

In 2009, monthly allowances were paid to approximately 173 families; the total amount of LTL 58,900 was used for the purpose.

In 2010, monthly allowances were paid to approximately 185 families; the total amount of LTL 59,500 was used for the purpose.

The system of supplying aids for the disabled is the following: amendments to the Description of the Procedure for Supplying Technical Aids to the Disabled and Reimbursement of the Expenses of Acquisition such Aids were developed by taking into account the needs of persons and the requests submitted by non-governmental organisations of the disabled as well as the actual possibilities to supply technical aids and provide financing for them. The criteria for allocation of measures were expanded to offer an opportunity for a bigger number of the disabled to acquire such aids. The person will be able to get a technical aid only from those enterprises which signed a contract with the Centre of Technical Aid for the Disabled on the supply of aids to the disabled. The supply of aids through enterprises offers wide possibilities for a person to choose the aid meeting his or her needs, the enterprise and have no concerns about the funds to procure the aid with. Obviously, aids are different and their price differs, depending on their functionality, hence it is up to the person to decide on his or her financial capacities and the aid to be procured.

Social services are provided for the disabled, they are involved in social life and attempts are made to create conditions for their quality life in a community. Such services as holistic social care at home are strengthened; short-term social care is provided to them by temporarily placing a disabled or senior person in a care institution.

**Responses to the questions raised and conclusions made by the European Committee of Social Rights:**

However, the Committee reiterates that the right of persons with disabilities to social integration provided for by Article 15§3 implies that barriers to communication and mobility should be removed to offer them access to transport by road, rail, sea and air, public/social and private housing, and cultural activities and leisure, such as social and sporting activities. Article 15§3 therefore requires comprehensive non-discrimination legislation covering both the public and private spheres in fields such as housing, transport, telecommunications and cultural and leisure activities and effective remedies for those who have been treated unlawfully.

The Committee notes that certain aspects such as housing, transport and telecommunications are not explicitly covered by the legislation described above. It considers therefore that the situation is not in conformity with the Revised Charter.

The general anti-discrimination provisions to protect persons with disabilities, which explicitly covers the fields of housing, transport, telecommunications and cultural and leisure activities are established under Article 11 of the Law on the Social Integration of the Disabled (28 November 1991, No I-2044). It establishes the legal obligation for the settlement of the environment suitable physically for persons with disabilities in all spheres of the life. Under this Article it shall be implemented through the planning of territories, buildings and adjustment of public buildings, housing and its' environment, of public transport for passengers and their infrastructures, of informative environment to the special needs of persons with disabilities.

The same Article establishes the responsibilities:

- Ministry of Environment of the Republic of Lithuania is responsible for the preparation and the supervision of the implementation of the legal technical provisions on the building for the adjustment of environment for the special needs of persons with disabilities;
- Institutions of municipalities, owners and users of objects prescribed under this law are responsible for the adjustment of objects for the special needs of persons with disabilities;
- Institution authorized by the Government is responsible for the adjustment of informative environment to the special needs of persons with disabilities.

There is the Program on Adaptation of Housing for Persons with Disabilities for 2007-2011 which is aimed on independency and social integration of disabled, meeting their special needs and adjustment the housing and environment for them.

Under the National Program on Social Integration of People with Disabilities for 2003–2012 three main measures are financed:

- adjustment of public physical environment;
- adjustment of building and living environment;
- adjustment of informative environment.

The Paragraph 9 of the Article 5 of the Law on Lithuanian National Radio and Television provides that Lithuanian national radio and television shall arrange programs for people with vision and hearing disabilities.

There are also Programs on Social Integration of People with Disabilities in the Sphere of Culture, Sport and Leisure. Under those programs various events are organised.

The Paragraph 1 of the Article 3 of the Law on Body Culture and Sport establishes equal rights to sport for all wiling without discrimination on disability or any other ground. There are 5 national

sport organizations of disabled in Lithuania, 42 sports clubs for people with various disabilities, 15 special schools, 15 special pensions, 4 special centres for persons with disabilities.

Legally there is no payment for authors for the adjustment of their work of art for the use of people with disabilities if this work of art has not been made specially for the use of people with disabilities.

#### *Measures to overcome obstacles*

##### Technical aids (not transport)

**It asks whether persons with disabilities are entitled to free technical aids or must contribute themselves to the cost. If an individual contribution is required, the Committee asks whether the state provides some financial contribution to the cost of obtaining technical aids. It also asks whether disabled persons are entitled to free support services, such as personal assistance or home help, when required, or have to meet some of the cost of such measures. The Committee finally asks whether mechanisms are in place to assess the barriers to communication and mobility faced by individual persons with disabilities and to identify the technical aids and support measures that may be required to assist them in overcoming these barriers.**

The Centre of Technical Aid for the Disabled under the Ministry of Social Security and Labour (hereinafter referred to as the Centre) supplies technical aids to Lithuanian residents with movement, visual and hearing disorders.

The purpose of the Centre is to ensure supply of technical aids to the residents by satisfying their special needs.

The supply of technical aids means the provision of either full or partially compensated technical aids which includes the following: any special or standard product, tool, equipment or technical system used by the disabled and helping to avoid, compensate, reduce or remove the impact of impaired functions to health, personal independence, training or work activities. All the measures are financed by the state and only since 2010 the persons would be obliged to cover 10% of the expenses incurred when obtaining aids (manually or automatically regulated beds and foot pedalled tricycles and this amount should be paid to Centre of the price of the new technical aid or its residual value calculated on the day of issuing the aid. (The requirement of 10% payment does not apply to the aids received as charity.) The 10% received from persons will be used to repair movement technical aids and acquire other technical aids. The experience has shown that manually or automatically regulated beds and foot pedalled tricycles are not always provided and used according to their purpose, there is waiting list to get them and hence when changes are introduced the responsibility of persons taking part in the system of supply is believed to be enhanced along with the improvement of the system itself.

The procedure for the supply of technical aids to the disabled and the reimbursement of expenses incurred by acquiring the aids is regulated by the Description of the Procedure for Supply of Technical Aids to the Disabled and the Reimbursement of Expenses Incurred when Acquiring such Aids.

The Centre implemented the programmes pursued by the Ministry of Social Security and Labour as the manager of appropriations. The programmes included the following:

Programme on the Social Integration of the Disabled, the title of the measure pursued under the programme is *Acquisition, Supply and Repair of Technical Aids for the Disabled*.

Programme on Development of Social Services in the Bodies Accountable to the Ministry of Social Security and Labour, the measures under the programme are *Providing Conditions for the Operation of the Centre of Technical Aids to the Disabled and Supply of Technical Aids to the Disabled* and *Development of the Infrastructure the Centre of Technical Aids to the Disabled*.

The Centre has ten offices in the country. The service has been brought closer to the place of residence of the disabled to ensure quality of such services. The staff can visit the persons who are not able to come to the Centre and co-operate with municipalities on issues related to the supply of technical aids. In 2010, the Centre carried out its activities of supplying technical aids to the disabled in its all territorial offices.

### **Programme on the *Social Integration of the Disabled***

**The measures under the programme is *Acquisition, Supply and Repair of Technical Aids for the Disabled*.**

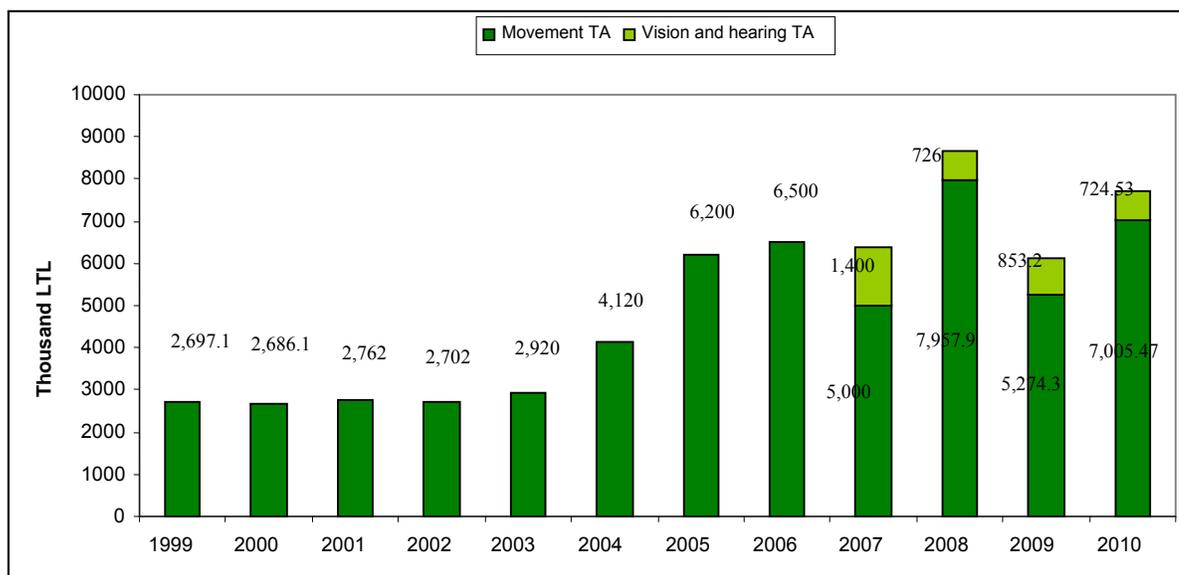
The measures was implemented by acquiring movement, visual and hearing technical aids and electrical wheelchairs for the disabled and supplying these aids to the disabled; organisation repair work of movement technical aids and their adaptation to the individual needs of the disabled; it also included an organisation of receipt of technical aids provided as a form of support; requests of persons were accepted for the reimbursement of expenses incurred when procuring technical aids, waiting lists were made and compensations were paid.

To implement the measure, the planned allocations in early 2010 were LTL 5,000,000 and later, during the year, they were modified and approved, totalling in practice LTL 7,700,000.

During 2010, LTL 25,400 were collected from persons who procured devices and electrical wheelchairs connected to radio and TV receivers as well as associated with the repair of such devices. These funds were used to repair technical aids and procurement of new movement technical aids.

In 2010, the amount of allocated funds almost reached the amount of the funds allocated in 2008 (LTL 7,957,000) (see **Fig. 15.3.5**).

**Fig. 15.3.5. Funds used by the Centre of Technical Aids for the Disabled in 1999-2010**



#### Communication

The Committee refers to its previous conclusions (Conclusions 2005 and 2007) for a description of **the communication and new technologies projects that have been carried out for the disabled.**

The relevant information is provided in the sections dealing Provision of Sign Language Interpretation Services and Support to Activities and Services of Associations of the Disabled in Community.

#### Housing

On 28 June 2006, the Government adopted a resolution and made three bodies (the Ministry of Social Security and Labour, the Ministry of the Environment and the Department for the Disabled) responsible for converting housing. The resolution comprises a programme for the renovation of housing for people with motor impairments covering the period from 2007 to 2011. **The Committee asks for the next report to provide information on the outcome of this programme.**

The relevant information is provided in the aforementioned section *Adaptation of Housing for the Disabled.*

#### Culture and leisure

**The Committee asks what measures have been taken to enable people with disabilities to practise sports and cultural activities in an ordinary environment, in terms of aspects such as access, cost and adaptation.**

The relevant information is provided in the sections dealing Provision of Sign Language Interpretation Services and Support to Activities and Services of Associations of the Disabled in Community.

**ARTICLE 18: THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES**

**ARTICLE 18, PARAGRAPH 1**

**1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

The legislation not mentioned in the previous report or adopted during the reference period:

- Law on Guarantees for Posted Workers (Law No. X-199 of 12 May 2005);
- Resolution No. 534 of the Government of the Republic of Lithuania of 3 May 2004 “On Amendment to Resolution No 359 of the Government of the Republic of Lithuania of 12 June 2000 *On Assessment of Occupational Qualifications and Approval of Assessment Provisions and the List of Bodies Performing Assessment of Occupational Qualifications and Acknowledgement as well as the List of the Regulated Occupations* (applied with respect to the acknowledgement of occupational qualifications of third-country nationals who seek to engage in a regulated occupation in the Republic of Lithuania);
- Order of the Minister of Social Security and Labour and the Minister of the Interior on Amendment to Order No. A1-223/IV-310 of the Minister of Social Security and Labour and the Minister of the Interior of 28 September 2004, *On Approval of the Conditions for the Work Permit for a Foreigner present in the Republic of Lithuania and the Procedure for the Issuance thereof* (Order No. A1-322/IV-462 of 4 December 2006) ;
- Order No. A1-500 of the Minister of Social Security and Labour of the Republic of Lithuania of 14 August 2009, *On Approval of the Conditions for Issuance of a Work Permit for Foreigners and the Procedure of Issuance thereof*.

From the end of 2006, as a result of the growing economy and emigration, there was a lack of the labour force on the Lithuanian labour market (particularly in the transport, services and construction sectors). A joint order of the Minister of Social Security and Labour and the Minister of the Interior was passed, allowing, in exceptional cases, foreigners to obtain a work permit while already present in the Republic of Lithuania. Such work permits were issued to foreigners who came to Lithuania to work on a contractual basis and engage in one of the types of economic activities which had identified a shortage of employees of a certain occupation and hence the opportunities of operation of such enterprises without foreigners involved were limited.

Priority was given to foreign experts of high qualification when national experts were lacking or non-existent. Employment of highly-qualified foreign experts offers an opportunity to take over the experience of other countries, train specialists and encourage investment into the country’s economy.

Every year since 2007, an order of the Minister of Social Security and Labour is passed approving the list of professions for which there is a shortage of workers in Lithuania. This list is made by taking into consideration the distribution of the demand for work, the distribution of employment demand by occupation, territories and the professions of foreigners who are already working in Lithuania with a work permit.

**2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

**3) Please supply any relevant statistics or other information, if appropriate, on the rate of refusals to issue work permits in response to requests from nationals of other States party, broken down by country and whether these are first time requests or applications for renewal.**

In 2007, the Lithuanian Labour Exchange issued 5,686 work permits, including 3,673 permits for work on a contractual basis, 1,594 work permits for posted foreigners and 184 work permits for seamen. 235 permits for work in the Republic of Lithuania were extended. The number of registered work contracts totalled 3,286 contracts. Work permits were issued to 2,927 men and 138 women.

In 2007, the majority of work permits in the Republic of Lithuania were issued to the nationals of Belarus (38%), Ukraine (36%), Turkey (7%), Moldova (5%) and Russia (5%).

During 2007, 42% of employed foreigners were drivers (forwarder drivers, drivers of international cargo shipment vehicles and bus drivers), 12% of the employed were brick-layers, 8% welders (electrical welders, electrical and gas welders, ship body welders), 7% of assemblers and 5% of concrete layers.

The majority of foreigners worked in the construction sector (2,693 workers, accounting for 47% of the totally employed foreigners in Lithuania) and transport economic sector (2,059 workers, making up 37%). The service sector employed 10% (563) of workers, production sector had 3% (163) of workers, and light industry also had 3% (158) of all the temporary employed foreigners in the Republic of Lithuania. The education sector employed 16 foreigners, whereas the health sector had 3 foreigners.

In 2008, the Lithuanian Labour Exchange issued 7,819 permits for foreigners to work in the Republic of Lithuania.

The number of work permits issued to foreigners to work in the Republic of Lithuania on a contractual basis totalled 4,496 permits. Posted foreigners were issued 2,733 work permits. There were 580 extensions of work permits to foreigners. Ten work permits were issued to seamen in ships flying a flag of the Republic of Lithuania.

In 2008, similarly to 2007, the lion's share of foreigners who were issued a work permit in the Republic of Lithuania were Belarus nationals. During 2008, there was an increase in the number of foreigners coming from the Republic of Moldova (40% more than in 2007), China (50% more than in 2007) and India (61% more than during the previous year). The number of work permits issued to Turkish nationals increased by 80% and the number of work permits issued to Georgian nationals augmented by 69%. The number of work permits issued to Ukrainian and Russian nationals reduced by 14% and 8% respectively.

The majority of work permits were issued to foreigners in the construction sector (3,321 permits) and service sector (3,096). The number of work permits issued to foreigners in the industrial sector was 1,375 and the number of work permits issued to foreigners in agricultural, hunting and forestry sector was 27 permits.

In 2008, there was an increasing need for brick layers, concrete finishers and concrete casters (which augmented by 50% as compared to 2007) as well as welders (went up by 31% as compared to the previous year).

In 2009, the Lithuanian Labour Exchange issued 2,239 permits for foreigners to work in the Republic of Lithuania.

The number of permits issued to work in Lithuania on a contractual basis totalled 1,194. Posted foreigners were issued 411 work permits in Lithuania. The number of work permit extensions totalled 613. In 2009, 21 work permits were issued to seamen in ships flying a flag of the Republic of Lithuania (20 permits during the first quarter of the year and one permit during the third quarter of the year).

During the same year, the majority of work permits to foreigners were issued in the service sector (1091 permits accounting for 49%), industrial sector (692 or 31%) and construction sector (455 or 20%). One work permit was issued in the agricultural, hunting and forestry sector.

During 2009, the lion's share of work permits to foreigners were issued to engage in the economic activities of transport, warehousing and communications (32%) as well as processing industry (30%).

During 2009, there was an increasing demand for drivers (forwarder drivers and international cargo shipment drivers), restaurant cooks and welders and a reducing need for brick layers, finishers, concrete layers, assemblers of concrete constructions and other construction workers.

In 2009, similarly to 2008, the lion's share of foreigners issued permits to work in the Republic of Lithuania were the nationals of Belarus (28 %), Ukraine (26 %) and Turkey (24 %).

In 2010, the number of work permits issued to foreigners in the Republic of Lithuania totalled 1,808.

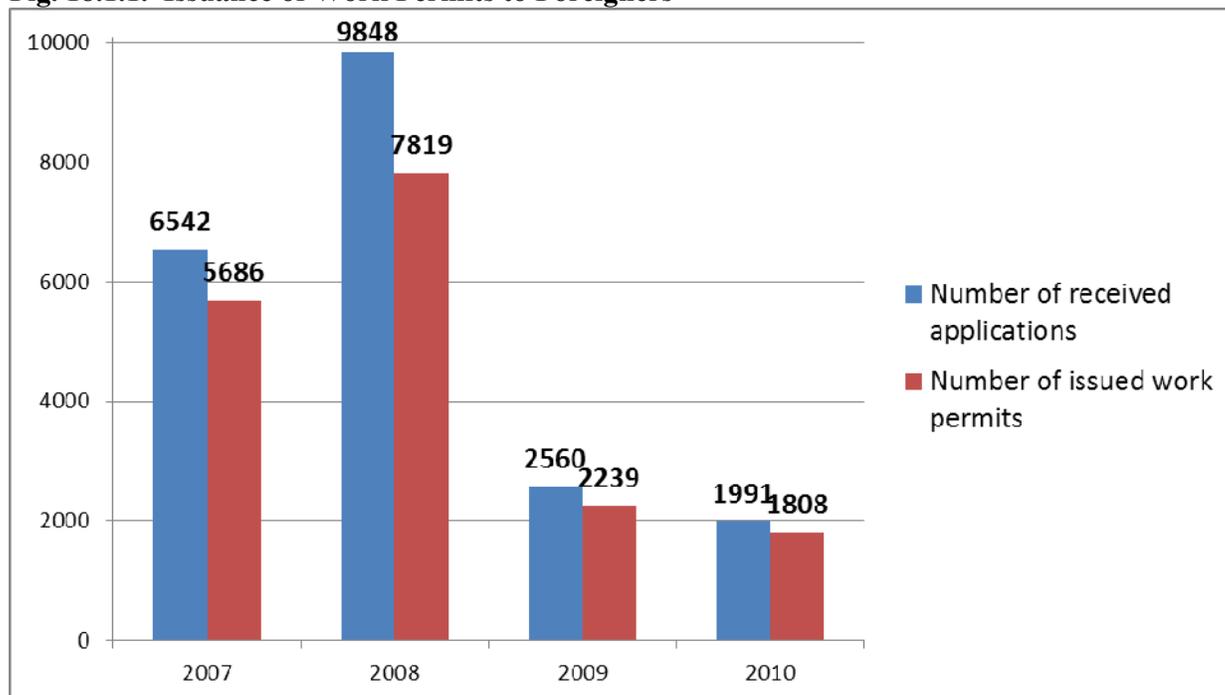
The number of permits issued to work in Lithuania on a contractual basis totalled 1,297 permits. Posted foreigners were issued 136 work permits in Lithuania, including 13 work permits for seasonal work. Work permit extensions granted to foreigners totalled 375 extensions, including work permit extensions for foreigners working on a contractual basis (316) and as posted workers (59).

The majority of work permits to foreigners were issued in the service (82 %) and industrial (15 %) sector and as little as 3 % of work permits were issued to foreigners in the construction sector. In 2010, as compared to 2009, the number of work permits in the service sector increased by 33% and the number of work permits in the construction sector shrunk by 17%.

The majority of work permits were issued to foreigners working as international cargo shipment drivers (63%), metal ship body assemblers (8%), welders (5%) and restaurant cooks (5%). Banking system consultants were issued 3% of all the work permits issued in Lithuania.

In 2010, work permits were issued to foreigners from 35 countries. The majority of work permits were issued to Belorussian nationals (50%). The work permits issued to Ukrainian nationals accounted for 23% of all work permits issued in the Republic of Lithuania, work permits issued to Chinese nationals made up 6%, followed by 4% issued to the nationals of Russian Federation and India each.

**Fig. 18.1.1. Issuance of Work Permits to Foreigners**



**Responses to the questions raised and conclusions made by the European Committee of Social Rights:**

*Foreign population and migratory movement*

The Committee does not have any information on trends in migratory movements and the foreign population in Lithuania. It asks for information of this type to be included in future reports.

The majority of Lithuanian residents are Lithuanian nationals. The table below presents information about Lithuanian residents by citizenship in 2007-2010.

**Table 18.1.2.**

Citizenship	2007 (thousand)	2008 (thousand)	2009 (thousand)	2010 (thousand)
Belorussian	3.4	4.7	4.8	3.3
American	0.4	0.5	0.4	0.3
Latvian	0.4	0.4	0.4	0.4
Polish	0.5	0.5	0.5	0.5
<b>Lithuanian</b>	<b>3 345.2</b>	<b>3 323.4</b>	<b>3 308.4</b>	<b>3 292.0</b>
Russian	12.5	12.8	12.3	11.7
Ukrainian	2.2	2.6	2.5	1.7
German	0.4	0.5	0.4	0.4
Without citizenship	5.8	4.2	3.9	3.7
<b>Total</b>	<b>3 384.9</b>	<b>3 366.4</b>	<b>3 349.9</b>	<b>3 329.0</b>

The number of immigrants from other states in Lithuania is not huge. The majority of people come from the United Kingdom and Ireland.

**Table 18.1.3.**

The state of a former place of residence	2007	2008	2009	2010
Ireland	884	961	765	607
Belarus	1 032	1 228	569	260
Spain	416	422	311	247
United Kingdom	1 792	1 993	1 639	1 439
United States	735	718	532	315
Russia	888	805	579	407
Ukraine	500	577	273	149
Germany	592	563	405	274
<b>Total</b>	<b>8 609</b>	<b>9 297</b>	<b>6 487</b>	<b>5 213</b>

According to statistics, the majority of persons documenting their arrival to Lithuania are Lithuanian citizens. For instance, in 2007, Lithuanian nationals totalled 6,100 persons (71.3% of the people who documented their arrival in Lithuania), in 2008, their number was 6,300 (67.7%), followed by 4,800 persons (73.8%) in 2009 and 4,100 persons (79.7%) in 2010.

**Table 18.1.4.**

Citizenship of persons who have documented their arrival to Lithuania	2007	2008	2009	2010
Belorussian	746	987	438	255
American	123	94	47	32
<b>Lithuanian</b>	<b>6 141</b>	<b>6 337</b>	<b>4 821</b>	<b>4 153</b>
Russian	416	368	312	248
Ukrainian	422	508	209	145
Without citizenship	24	16	15	10
<b>Total</b>	<b>8 609</b>	<b>9 297</b>	<b>6 487</b>	<b>5 213</b>

The trends of migration in Lithuania are primarily linked to the country's economic situation. During the reference period, the emigration of the Lithuanian population remained one of the biggest threats to the country's demographical development, economic growth and preservation of cultural integrity. In 2007-2008, net migration was negative and from 2009 it increased significantly as a result of a detrimental economic situation. In 2010, the scope of documented emigration experienced a sharp increase. That can be partially explained by the amendments to the Mandatory Social Insurance Law coming into effect. According to these amendments, the majority of emigrating Lithuanian nationals had to have their leave documented.

**Table 18.1.5.**

	2007	2008	2009	2010
Republic of Lithuania				
Emigrants	13 853	17 015	21 970	83 157
Immigrants	8 609	9 297	6 487	5 213
Net migration	-5 244	-7 718	-15 483	-77 944

The majority of Lithuanian residents left for the English speaking member states of the EU, namely the United Kingdom and Ireland. Emigration to Germany and Spain is also growing.

**Table 18.1.6.**

	2007	2008	2009	2010
Ireland	1 616	1 983	2 763	13 048
Spain	841	917	1 355	3 535
United Kingdom	3 659	4 472	5 719	40 901
United States	1 540	1 782	1 700	2 783
Germany	1 277	1 349	1 350	3 806
Total	13 853	17 015	21 970	83 157

Although the labour force migration is primarily caused by economic reasons, including unemployment and the gap between income received and the level of subsistence, yet people emigrate from Lithuania and migrate to it also for other reasons. They go to other countries to study, learn a foreign language, and get acquainted with the culture of another country; they are also prompted by family circumstances and friends. This shows that emigration is a complex phenomenon and hence co-operation of all institutions is needed to stop it from spreading. Every ministry implements certain measures, the purpose of which is to reduce emigration. On 25 April 2007, the Government of the Republic of Lithuania passed a resolution thereby approving the Strategy for Regulation of Economic Migration. A number of different bodies are involved in the implementation of the strategy. In 2007-2010, the measures of the Strategy for Regulation of Economic Migration were targeted towards the improvement of the legal basis, providing information and consultations to economic migrants, maintaining links with Lithuanians abroad. Moreover, in 2009, upon the initiative of the Ministry of Foreign Affairs, preparations were underway with respect to the development of the programme Global Lithuania which was concerned with the involvement of Lithuanians abroad into the state life 2011-2019 (approved by Resolution No. 389 of the Government of the Republic of Lithuania of 30 March 2011). Several measures of the Strategy for Regulation of Economic Migration were transposed into the programme. These measures were associated with maintaining links with Lithuanians abroad and provision of information of relevant issues.

The measures currently pursued by the Ministry of Social Security and Labour and those planned for the future are closely related to the joint labour market policy measures and are primarily directed towards creation of jobs. The other measures deal with the provision of information and consultations to economic migrants as well as the improvement of the legal framework. Seeking to ensure that economic migrants obtain access to information on the issues relevant to them, publications and brochures are published and consulting events are organised to reach them. The most pertinent issues for Lithuanian emigrants are pensions, social insurance, taxes, children integration/reintegration in Lithuanian schools and employment in Lithuania.

#### *Work permits*

**The Committee asks for the next report to provide information on the documents that foreign nationals require to engage in a self-employed activity.**

A work permit is issued to foreigners coming to the country to work either on a contractual basis or, when their permanent place of employment is abroad, as temporarily posted workers in the Republic of Lithuania.

A self-employed person does not need a work permit. Such foreigners are only issued a temporary residence permit. The Migration Department under the Ministry of Interior decides if a foreigner meets the criteria of a self-employed person. This Department also processes the data of the

Register of Foreigners. A foreigner who discontinues a legal activity in the Republic of Lithuania is obliged to leave the country.

*Relevant statistics*

The Committee recalls that its assessment of the degree of liberalism in applying existing regulations is based on figures showing the refusal rates for both first-time and **renewal applications** for work permits by nationals of States Parties (Conclusions XVII-2, Spain). **It does ask for the next report to provide figures relating to applications for renewal, in addition to up-to-date statistics on first-time applications for work permits and for any permits that foreign nationals require to be self-employed.**

Self-employed persons do not need a work permit.

**Extension of Work Permits**

In 2008, 580 work permit extensions were granted to work in the Republic of Lithuania, i.e. by 76% more than in 2007, when the number of work permit extensions was 138. The number of work permit extensions in the construction sector was 218 (38%), followed by 183 (32%) of extensions in the processing industry, 165 (28%) extensions in the transport, warehousing and communications sector. Foreigners were granted 11 work permit extensions to engage in real estate, rent and other business activities, 2 extensions were given to foreigners working in the hotel and restaurant sector and 1 work permit was extended to continue working in the agricultural, hunting and forestry area. The majority of work permit extensions were granted to Ukrainian nationals to work as welders (102 permits).

In 2009, the number of work permit extensions to foreigners totalled 613 extensions, which is almost the same number of extensions as in 2008.

**Table 18.1.7. Distribution of Work Permit Extensions granted to Foreigners by Profession, 2009**

PROFESSION	Number in 2009
Concrete worker	97
Forwarder driver	69
Bricklayer	61
Assembler of ship metal constructions	47
Assembler of concrete constructions	42
Painter	37
Welder	35
Plasterer	28
Ship metal body assembler	27
Concrete construction engineer	24
Concrete caster	21
Consultant	17
Electrician	14
Ship piper	10
Assembler of metal constructions	9
Finisher	8
Electrical welder	8
Engineer	8
Information technology technician	7
<i>Other</i>	<i>44</i>

**Table 18.1.8. Distribution of the Number of Work Permit Extensions granted to Foreigners by Country, in 2009**

COUNTRY	Number in 2009
Turkey	344
Ukraine	139
Belarus	72
India	24
Russian Federation	14
China	7
Moldova	4
USA	3
Georgia	2
Kyrgyz Republic	1
Lebanon	1
Uzbekistan	1
Mexico	1

The biggest number of work permit extensions were granted to Turkish nationals to work as brick and concrete layers, assemblers of concrete constructions and engage in other construction works (56%), to Ukrainian nationals to work as assemblers as metal ship bodies, welders, drivers of international cargo shipment vehicles, painters and ship bodies (23%), and to Belorussian nationals to work as drivers of international shipment vehicles and assemblers of metal constructions (12%).

During 2010, the Lithuanian Labour Exchange issued 316 work permit extensions to foreigners employed on a contractual basis. The majority of such extensions, i.e. 72%, were granted to Belarus nationals employed on a contractual basis in Lithuania. Moreover, 59 extensions were granted to posted foreign workers in the Republic of Lithuania.

#### **Termination of Work Permits**

In 2008, the number of terminated work permits of foreigners in the Republic of Lithuania totalled 2,530 permits, i.e. 53% more than in 2007. The number of terminated work permits issued in 2008 accounted for 12% of all the work permits issued during that year. The majority of work permits (1,822 work permits under a contractual basis and 417 permits for posted workers) were terminated upon the expiry of the employment contract. Pursuant to the Law on the Legal Status of Aliens, Article 63(1) ("a work permit obtained by a foreigner by deceit") and having determined that fraudulent documents verifying the person's occupational qualification and work experience were submitted, 48 work permits were terminated which had been issued Chinese citizens in 2008. After determining that the services of workers were rented to other enterprises, 54 more work permits were terminated. In 2009, the number of terminated work permits totalled 2,369.

**Table 18.1.9. Termination of Work Permits to Foreigners in 2009**

	<i>Work permits issued in 2007</i>	<i>Work permits issued in 2008</i>	<i>Work permits issued in 2009</i>	<i>The total number of terminated work permits in 2010</i>
Under employment contracts	421	1112	141	1674
Posted workers	-	585	22	607
Extensions	-	62	26	88
<b>Total</b>	<b>421</b>	<b>1759</b>	<b>189</b>	<b>2369</b>

In 2009, 13 work permits were terminated in accordance to the information provided by the competent authorities and on the basis of Article 63(1) of the Republic of Lithuania Law *on Legal Status of Aliens* ("a work permit obtained by deceit"). The remaining 2,356 work permits were terminated upon the employers' request when the employment relations with the respective foreigner terminated upon the expiry of the work permit or the posting of a foreigner in the Republic of Lithuania ended.

In 2009, 637 work permits which had been issued to foreigners in the Republic of Lithuania were terminated.

**Table 18.1.10. Termination of Work Permits to Foreigners in 2010**

	Work permits issued in 2008	Work permits issued in 2009	Work permits issued in 2010	The total number of terminated work permits in 2010
<b>Under employment contracts</b>	239	234	88	<b>561</b>
<b>Posted workers</b>	-	10	12	<b>22</b>
<b>Extensions</b>	-	16	38	<b>54</b>
<b>Total</b>	<b>239</b>	<b>260</b>	<b>138</b>	<b>637</b>

In 2010, seven work permits were terminated pursuant the Republic of Lithuania Law on Aliens, Article 63(1) ("a work permit obtained by deceit"), another 4 work permits were terminated on the basis of Article 63(4) of the same law ("termination of a temporary residence permit"). The remaining 626 work permits were terminated upon the employer's request.

#### **ARTICLE 18, PARAGRAPH 4**

**1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

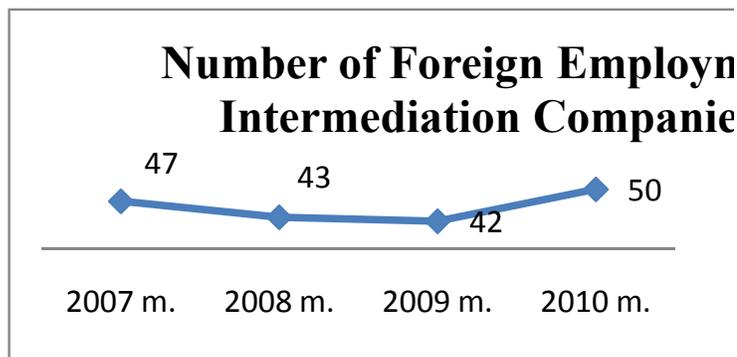
Pursuant to the Republic of Lithuania Law on Declaration of the Place of Residence (No. VIII-840 of 2 July 1998), Article 4, the place of residents must be declared by the citizens of the Republic of Lithuania who have come to live in the Republic of Lithuania for a period longer than 183 days per year, those who change their place of residence in the Republic of Lithuania *or those who leave the Republic of Lithuania for a period longer than six months.*

#### ***Employment Abroad***

In implementing Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36), the Law on Amending Articles 87, 88 and Repealing Article 90 of the Labour Code was adopted, whereby the licensing of intermediation services for employment abroad was abandoned. From 5 January 2010, the Lithuanian agencies of employment abroad have been made equivalent to the other enterprises providing services and therefore the Ministry of Social Security and Labour does not issue licences to engage in such activities. **Natural persons and legal entities** providing intermediation employment services should provide a **notification** to the Lithuanian Labour Exchange about their status and services provided to persons in line with the Description of the Procedure of Providing Information on Employment Intermediation Services approved by Order No. V-1 of the Director of the Lithuanian Labour Exchange of 6 January 2010.

In 2007-2009, foreign employment intermediation services were provided by 42-47 enterprises which obtained a license from the Ministry of Social Security and Labour to engage in such activities. In 2010, after the **licensing** to engage in employment intermediation activities was **abandoned**, **50 enterprises provided notifications to the Lithuanian Labour Exchange about foreign employment intermediation services.**

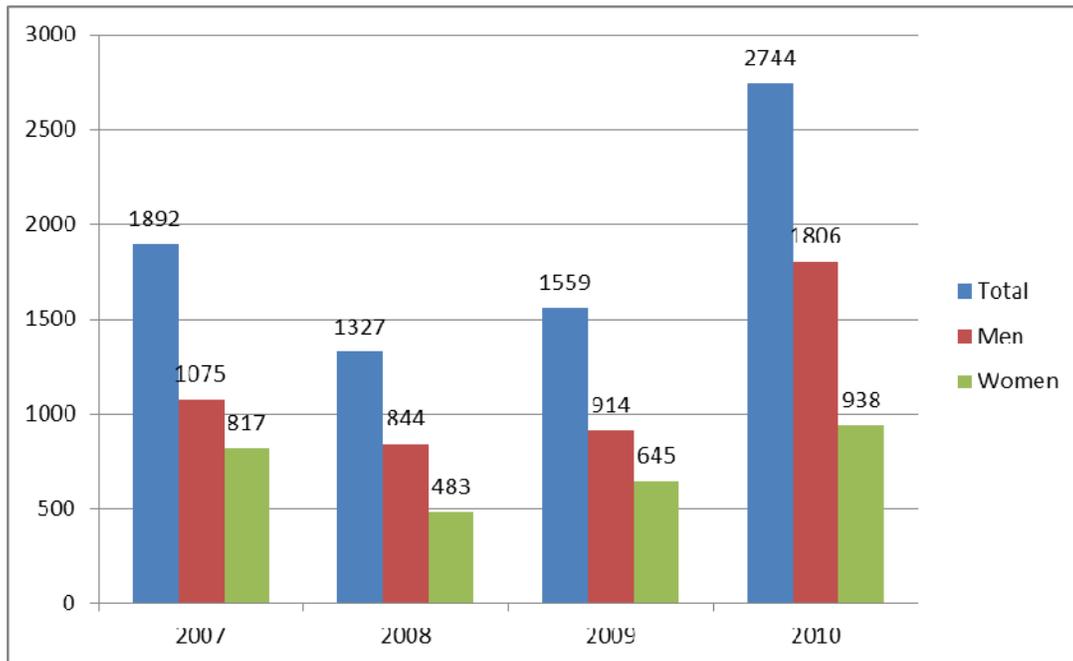
**Fig. 18.4.1.**



Since the citizens of the Republic of Lithuania fail to notify the Lithuanian Labour Exchange about their employment abroad, the data below only reflect the figures presented by foreign employment intermediation agencies.

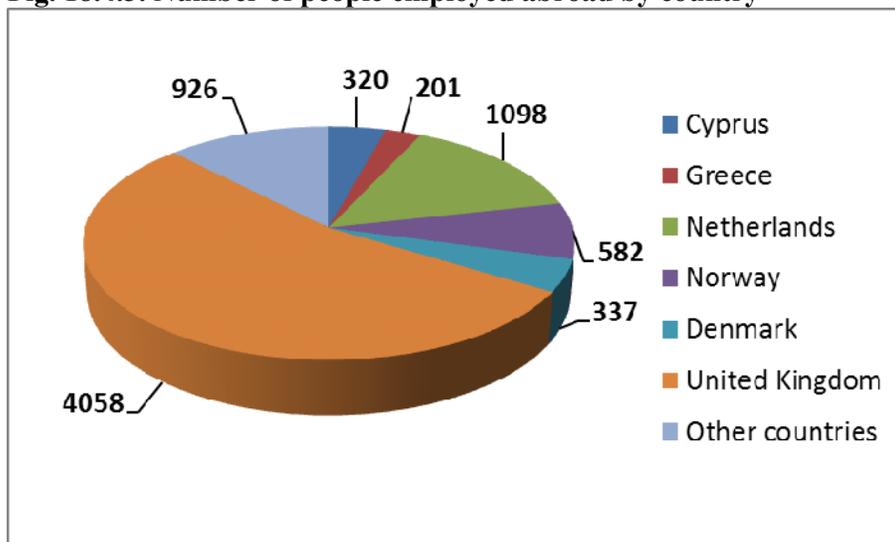
During 2007 – 2010, private intermediaries of employment abroad employed 7,522 persons, including 4,639 (61.67 %) men and 2,883 (38.33 %) women.

**Fig. 18.4.2. Number of people employed abroad**



In 2007-2010, the majority of persons were employed in the United Kingdom, Netherlands, Norway and Denmark.

**Fig. 18.4.3. Number of people employed abroad by country**



2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

**Responses to the questions raised and conclusions made by the European Committee of Social Rights:**

In reply to the Committee's question, the report states that under Article 86 of the Labour Code, use of employment agencies is optional. **In this respect, the Committee asks for confirmation that Lithuanian**

citizens are free to seek work in the other States Parties without the involvement of the aforementioned bodies.

Since 2010 the **licensing** of intermediation services for employment abroad has been **abandoned**. However, when the **procedure of licensing** of intermediation services for employment abroad was still valid, **Lithuanian nationals could search for work abroad without any intermediation**.

It therefore asks again for the next report to provide a complete list of practical circumstances in which Lithuanian citizens may be prevented from leaving the country, and their legal basis. It also asks whether people whose right to leave the country is restricted have legal remedies to challenge any such decision.

There are no such limitations which would apply within the remit of the Ministry of Social Security and Labour; a freedom to leave the country may be limited only to the defendant in criminal proceedings and, in exceptional cases, to a suspect.

Article 75 of the Republic of Lithuania **Criminal Code**, adopted by law No. VIII-1968 of 26 September 2000, prescribes that when suspending a sentence, a court shall impose on the convict a penal sanction provided for in Chapter IX of this Code and/or one or more of the following mandatory injunctions: *“7) not to leave his place of residence for a period exceeding seven days without the consent of the institution supervising suspension of the sentence.”*

Article 120 of the Republic of Lithuania **Criminal Procedure Code**, approved by Law No. IX-785 of 14 March 2002, prescribes the types of provisional measures which include seizure of documents, injunction to report periodically to the police and a recognizance.

Article 121 regulates general principles of application of provisional measures:

“1. ....provisional measures: seizure of documents, injunction to report periodically to the police and a recognizance in urgent cases may be applied by a decision of a pre-trial investigation officer. In that case, a pre-trial investigation officer must immediately notify the prosecutor about the application of the provisional measure.

2. Provisional measures may be imposed only when there is probable cause that a suspect committed a criminal act.

3. Several provisional measures less severe than detention may be employed at a time.

4. A pre-trial investigation officer, a prosecutor, a judge or the court, when deciding whether there is a need to apply a provisional measures and selecting its type, must take into account the gravity of the criminal act committed by a suspect, his or her personality, whether or not he or she has a permanent residence and a job or any other legal source of livelihood, his or her age, condition of his or her health, marital status and other circumstances which might be pertinent when determining the issue.

5. A provisional measure may also be applied to the accused and convicted person.”

Article 136. Recognizance

“1. A recognizance shall be a written obligation by a suspect not to leave the Republic of Lithuania, not to leave his or her place of residence or a place of temporary stay without the permission granted by a pre-trial investigation officer, prosecutor or a court.

2. A recognizance may also mean a prohibition to suspect to go to certain places and communicate or search for contact with certain persons.

3. Where the suspect violates recognizance, a more severe provision measure may be applied is respect to him or her. When entering a recognizance the suspect must be warned about the potential of a more severe provisional measure.”

Article 139. Reversal or Modification of a Provisional Measure

“1. The imposed provisional measure shall be reversed if it becomes no longer necessary or it is modified by a more severe or less severe measure where determined by the circumstances of the case. The provisional measure shall be reversed or modified by a prosecutor’s decision or a court order.

2. If, during the pre-trial investigation, the basis for arrest, home arrest or an obligation to live separately from the victim and the conditions for the application of the provisional measures are no longer valid, the prosecutor shall, without delay, take the decision to release the suspect or reverse the provisional measure applied with respect to him or her, including home arrest or an obligation to live separately from the victim, or apply the provisional measures less severely. The copy of such decision shall be sent to the pre-trial investigation judge who has ordered an arrest, home arrest or an obligation to live separately from the victim or who has extended the deadline for the application of such provisional measures.”

**ARTICLE 20: THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX**

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

**Improvement of Legal Acts**

**The Law on Equal Opportunities for Women and Men** prohibits any direct or indirect discrimination on the grounds of gender, particularly where it relates to the person's family status, sexual harassment, gender harassment and the instruction to discriminate, directly or indirectly, on the grounds of gender. The law is applied in the field of work, science and education, protection of consumer rights (goods and services), membership in the organisation, activities of state and municipal authorities and, from 2008, in social security systems. The provisions of this Law do not apply to family and private life. The Law on Equal Opportunities for Women and Men was amended in 2007, 2008 and 2009.

Amendments to the Law on Equal Opportunities for Women and Men in **2007** (Amendment Law No. X-1380 of 18 December 2007) are the following:

**The Employer's Duty to Implement Equal Rights for Women and Men at Workplace**

- When implementing equal rights for women and men at workplace, the employer must:
  - apply uniform selection criteria when recruiting or promoting, except where a certain job can be performed only by a person of a particular sex, where, due to the nature of a specific professional activity or the conditions of its fulfilment, the sex is an essential (unavoidable) and determinant professional requirement, this treatment is legitimate and the requirement is appropriate (proportionate);
  - provide equal working conditions and opportunities to improve qualification, re-qualify, acquire practical work experience, and provide equal benefits;
  - provide equal wage for the same work or for the work of equivalent value, including all the additional remuneration paid by the employer to employees for the performed work;
  - take appropriate measures to prevent sexual harassment or harassment of employees;
  - take measures to ensure that an employee, a representative of an employee or an employee who is testifying or providing explanations would be protected from hostile behaviour, negative consequences and any other type of persecution as a reaction to the complaint or another legal procedure concerning discrimination.
  
- The educational establishments and institutions of science must ensure equal conditions for women and men when admitting to vocational education institutions and schools of higher education, improving their qualifications, developing their professional skills and acquiring practical work experience.

The law was supplemented by a provision that discrimination on grounds of sex in relation to membership of, and involvement in, an organisation of employees or employers, or any other organisation (association) whose members carry on a particular profession, including the benefits provided for by such organisations (associations) shall be prohibited. Moreover, upon receiving a written consent of a person, an organisation of employees or employers and other legal persons who have a legitimate interest may represent him in judicial or administrative procedures in the manner prescribed by laws.

The law also provided for an amended wording of the concepts of direct and indirect discrimination to bring it in full conformity with the EU legislation. The mandate of the **Equal Opportunities Ombudsperson** was specified, which now includes provision of objective and unbiased consultations, exchange of information and co-operation with the European Union agencies performing equivalent functions (for instance, the European Institute for Gender Equality operating in Vilnius), development of independent reports, surveys of the current state of affairs, conclusions and recommendations. The functions of the Equal Opportunities Ombudsperson were once again reviewed by the Law on Equal Opportunities for Women and Men (Amendment Law No. XI-336 of 17 July 2009), which now include independent investigation of cases of discrimination and independent surveys of the status of discrimination, along with the publication of independent reports. Along with this amendment, Article 179 of the Labour Code was also amended providing for a bigger maternity protection. Article 179 of the Labour Code was supplemented by Paragraph 4 which stipulates that an employer shall ensure the right of employees to return to the same or an equivalent job (position) after the maternity leave under the conditions which are no less favourable to them, including the wage, as well as to benefit from any improvement in conditions, including the wage, to which they would have been entitled during their absence.

The **2008** Law on Equal Opportunities for Women and Men (Amendment Law No. X-1631 of 19 June 2008) widened up its scope by specifying the prohibition to discriminate on the basis of gender in social security systems. Discrimination prohibited when establishing and applying social security provisions in cases of sickness, disability, old-age, early retirement, accidents at work and occupational diseases or unemployment and social security provisions that provide for any type of social benefits including survivor's and orphan's pensions, benefits and material allowances.

Prohibition of discrimination on the grounds of sex applies for employed persons including self-employed persons, persons who have terminated their employment due to sickness, maternity, accident or forced unemployment as well as jobseekers, pensioners, disabled employees and persons who are entitled to demand benefits on their behalf.

It should also be said beforehand that on 9 June 2011 the Seimas of the Republic of Lithuania adopted amendments to the Law on State Social Insurance Pensions (Amendment Law No. XI-1436 of 9 June 2011), whereby retirement age would be gradually increased and become equal to both genders. As of 2012, retirement age would be increased by two months per year for men and by four months for women to reach 65 years by 2026.

Therefore although Annex to the European Social Charter states that it is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivor's benefit, may be excluded from the scope of this article, yet Lithuania did not take advantage of this exception and decided to apply an equal treatment principle in all social security systems, including the systems modifying or supplementing the state social insurance system.

Amended legislative provisions and the expansion of the scope of application thereof contributes not only to a more effective application of the law but also to the actual attainment of gender equality goals, ensuring a better protection from discrimination on the grounds of gender and more weighty opportunities to protect one's rights by lodging a complaint with the **Equal Opportunities Ombudsperson or the court**.

Article 2 of the **Labour Code** prescribes equality of subjects of labour law irrespective of their gender, sexual orientation, race, nationality, language, origin, citizenship and social status, religion,

intention to have a child (children)<sup>4</sup>, marital and family status, age, beliefs or views, membership in political parties and public organisations, factors that are not related to the employee's professional qualities.

Article 96(1)(1) of the Labour Code, *Guarantees upon Recruitment*, states that it shall be prohibited to refuse to employ on the grounds specified in paragraph 1(4) of Article 2 of this Code, i.e. equality of subjects of labour law irrespective of their gender, sexual orientation, race, nationality, language, origin, citizenship and social status, religion, intention to have a child (children), marital and family status, age, beliefs or views, membership in political parties and public organisations, factors that are not related to the employee's professional qualities.

**2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

### **Measures for De Facto Elimination of Inequality**

Article 2 of the Law on Equal Opportunities for Women and Men provides for specific temporary measures 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.

One of the measures provided for in the National Programme of Equal Opportunities for Women and Men, which the Equal Opportunities Ombudsperson plans to implement in 2011, is development of recommendations for the application of temporary special measures. Following the recommendations issued by the United Nations Committee on the Elimination of Discrimination against Women, the Equal Opportunities Ombudsperson plans to provide an explanation of the concept of temporary special measures, the recommendations on the opportunities to apply them, and the areas in which they can be applied. In 2012-2014, the Equal Opportunities Ombudsperson will organise training for a number of target groups, primarily social partners, about the implementation of given recommendations.

Seeking to assess the impact of two programmes – the National Programme of Equal Opportunities for Women and Men 2003-2004 and 2005-2009, the Women's Issues Information Centre carried out a **comprehensive comparative survey and assessment of the changes in the status of women and men in all areas**. The report of the survey is available on the website of the Ministry<sup>5</sup>. The survey was conducted by external experts, an association. The findings of the survey are the following:

1. The attitudes of the Lithuanian population towards women and equality of genders are becoming more modern and more favourable, yet these changes are slow-paced. Women's attitudes towards the equality of genders are more favourable than the attitudes held by men. Attitudes and people's behaviour become more favourable for women in the areas where the programmes adopted by the Government are implemented.

2. As compared to the surveys carried out in 1994 and 2000, the attitude towards the equality of women in the labour market changed radically. The majority of the population disagrees with the attitude that when there is a shortage of jobs, the priority for employment should be given to men. 70 % of the Lithuanian population prefer a family in which both husband and wife work, and take care of their homes and children.

3. More women than men receive smaller income and therefore, the threat of the feminisation of poverty remains. The employment rate among working age men is higher than

<sup>4</sup> Note: this is a new basis.

<sup>5</sup> <http://www.socmin.lt/index.php?1606775163>

among women, there are more male managers than female managers, which reveals the same secondary position of women on the labour market.

4. Since 1990 the importance of politics in the life of Lithuanian women and men has been decreasing. In 2009, only 3 % of women and 5 % of men considered it a very important field of their life. However, the attitude of the Lithuanian population towards the participation of women in politics is becoming more and more favourable. The number of people who think otherwise is shrinking significantly. There is a growing share of the Lithuanian population who thinks that many fields of state policy would improve if there was a preponderance of females in politics.

5. As compared to the surveys carried out in 1994 and 2000, there are smaller differences in the status of women and men, less discrimination on the grounds of sex, fewer cases of violence and sexual harassment. It is believed that the situation changed as a result of the Law on Equal Opportunities for Women and Men and amendments to other legislation; implementation of the national programmes of equal opportunities of women and men together with non-governmental organisations, scientists and social partners; implementation of the National Strategy for the Reduction of Violence against Women and other programmes adopted by the Government which include gender mainstreaming measures; activities of the Equal Opportunities Ombudsperson; the implementation mechanism of gender mainstreaming, in particular the establishment of the Commission of Equal Opportunities for Women and Men and its co-ordinated and streamlined activities.

6. The slowest to change is the attitude towards the role of a woman in society and family; this is probably because of discriminatory patriarchal stereotypes. A traditional division of responsibilities and household chores in a family remains almost the same. This area was not covered by the national programmes of equal opportunities for women and men. Therefore, it could be assumed that changes take place only in the areas which are covered by the aforementioned programmes.

7. Programmes of equal opportunities for women and men are well known by society, the programme directions have been chosen with a clear purpose and hence the results achieved show positive changes in the status of women and men in the relevant areas. The Lithuanian population believes that the main attention should be paid, and financing should be provided, to address the problems related to employment and the labour market, including offering of opportunities to get employed and take an equal position, receiving an equal wage for the same job; reconciliation of family and work, protection of human rights, elimination of violence in a family and society.

Annual reports present annual **results of implementation of the measures envisaged in the programme of equal opportunities for men and women and the changes achieved.**

**In 2007**, 36 out of 38 measures of the programme were implemented. Fifteen of these measures were implemented together with women's non-governmental organisations and scientific bodies. The Ministry of Social Security and Labour implemented 15 measures, including three measures together with the Lithuanian Labour Exchange and the Lithuanian Labour Market Training Authority; two measures were implemented by the Ministry of Health (two measures were not implemented due to the lack of sufficient funding); 3 measures were implemented by the Ministry of Foreign Affairs and the Ministry of Education and Science each; two measures were implemented by the Ministry of Environment and the Ministry of Economy each; 1 measure was implemented by the Ministry of the Interior, Ministry of Transport, Ministry of Agriculture and Ministry of Culture each; and five measures were implemented by the Statistics Department.

The **2007** report on the implementation of the measures envisaged by the programmes states the following:

**The level of employment of men and women is growing and the level of unemployment is decreasing.** According to the data of the Statistics Department,<sup>6</sup> in the third quarter of 2007<sup>7</sup> the level of female employment increased from 61.0% in 2006 to 62.9% in 2007 and exceeded the level of female employment provided for in the Lisbon strategy for 2010 (i.e. 60%). The level of unemployment of women, which was 5.4% in 2006, accounted for 4.2% in the 2<sup>nd</sup> and 3<sup>rd</sup> quarter of 2007.<sup>8</sup> Although the gap between the level of female and male employment did not change much, the Eurostat data provided by the European Commission in 2008 showed that according to the difference in male and female employment Lithuania moved from the 4<sup>th</sup> place to the 3<sup>rd</sup> place in the EU. With respect to the level of employment among senior women Lithuania moved to the seventh place in the EU (it occupied the 8<sup>th</sup> position in 2006); whereas with respect to women raising children aged up to 12, Lithuania moved as high as the second place. According to the difference in the level of unemployment between women and men Lithuania moved from the eighth position to the sixth place in the EU.

**More opportunities are given to rural women to get employed, start up a business and develop it.** During 2007, 14,400 women, including 1,301 women returning to the labour market after a longer break and 314 senior women, were referred to vocational training. Business basics programmes were offered to over 2,600 unemployed persons, including 2,000 women. The majority of women (1,700) took part in the programmes targeting people working under subsidised business licences and 300 women took part in programmes dealing with registration of their own business entities and planning to engage in individual activities. The statistics of business incubators and the clients of business information centres show that women, as compared to men, were much more active in using the services. According to the data provided by the Ministry of Agriculture, in 2007, 80% of people who took part in 440 seminars were women and 415 females participated in conferences.

**Better conditions are offered for men and women to reconcile their work and family life.** In implementing the projects supported by the EU initiative EQUAL aimed at reconciling family and work commitments, two models of reconciling professional activities and family duties have been created; one of them is for rural communities and the other one is for city-dwellers (the co-ordinator of the project is the Women's Issues Information Centre). A model of a family-friendly workplace has been created and tested in practice (the co-ordinator of the project is the Gender Studies Institute of Šiauliai University). The issues on improvement of reconciliation of family and work life have been included in the Human Resource Development Programme 2007-2012 as a separate measure. Moreover, measures for promotion of corporate social responsibility in 2006-2008 were complemented with new measures, the purpose of which was to create favourable workplaces for women and men with family commitments.

**Men are more and more willing to take a paternity leave.** From July 2006, when the law (on paternity leave) came into effect, until the end of 2006, a paternity leave was taken by 3,085 men and in 2007 their number was 9,185. In 2006, the share of men who took a child care leave accounted for 2.01% and in 2007, they made up 2.74% of men.

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<sup>6</sup> <http://www.stat.gov.lt/lt/pages/view/?id=2159>

<sup>7</sup> During the 1st, 2nd and 3rd quarter of 2007, the average level of female employment exceeded 62%. This means that the annual employment level will exceed 62%.

<sup>8</sup> During the 1st, 2nd and 3rd quarter of 2007, the average level of female unemployment was lower than 5%. This means that the annual level of female unemployment will be lower than in 2006.

**The provisions of the programme created a basis for addressing the issues of equal opportunity by using the European Union structural funds.** In 2007, the amount of LTL 6.241 million of the European Social Fund was used to support the projects of 23 women's non-governmental organizations, other institutions and organizations. The purpose of these projects is to promote female employment, particularly the employment of senior women and those who came back to the labour market after a child care leave, ensure a balanced representation of genders in decision-making, change traditional stereotypes and the role of women and men in economic activities, about the so-called "feminine" and "male" type of work and sectors, reduce horizontal segregation in the labour market, the gender imbalance with regard to sectors and professions, which has a very negative effect on a gender pay gap and determines a different economic situation of women and men. According to the Eurostat data provided in the European Commission Report 2008, the gender pay gap in Lithuania is close to the EU average (15%), yet this gap stays almost unchanged and with regard to the gender distribution by occupations and economic sectors, Lithuania remains among the three least advanced countries in the European Union.

**Motivation, competences and skills of women are increased to become more active decision-makers.** Training was organised for 255 women in Kaunas, Panevėžys, Birštonas and Marijampolė. The participants of such training were women, who were willing to take part in politics and decision-making and who improved their knowledge and skills, gained self-confidence and increased their chances to take part in decision-making processes. The number of women taking part in decision-making is increasing. According to the data of the Chief Electoral Commission<sup>9</sup>, 344 women were elected in the 2007 elections of municipal councils and this number is the highest as compared to the results of all previous elections. According to the Eurostat data provided in the European Commission Report 2008, Lithuania takes the leader's position with respect to the number of female managers in all levels. The number of female members of Parliament is equal to the EU average. The EU database "Women and Men in Decision-Making" reveals that with respect to the number of female chief executive officers of the largest business companies Lithuania moved from the 7<sup>th</sup> place to the 6<sup>th</sup> place in the EU in 2007.

**Reasons for a gap in the average life expectancy of women and men have been determined and recommendations were developed to reduce this gap.** When implementing the measures of the Programme, a survey was conducted to examine the reasons for health differences between women and men. The survey discussed the reasons which may play a role in determining health and life expectancy differences between women and men; recommendations were developed to reduce the differences and increase the average life expectancy. According to the data of the Statistics Department, the average life expectancy of Lithuanian men (65.4 years) is the shortest in the European Union, and the gender life expectancy gap is twelve years, which is one of the biggest in the EU.

**Co-operation with Lithuanian women's organisations has been strengthened.** Resolution No. 198 of the Government of the Republic of Lithuania of 13 February 2007 was passed offering an opportunity for female and male non-governmental organisations to elect and delegate their representatives to the Commission on Equal Opportunities for Women and Men; pursuant to it, women's organisations delegated two of their representatives as full-fledged members representing the interests of all female and male non-governmental organisations in the commission. From 2000 to 2007 representatives of non-governmental organisations were invited to take part in the activities of the commission holding the right of an advisory vote. The programme funds are used to provide annual support to the membership of Lithuanian women's organisations in the European Women's

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<sup>9</sup> [http://www.vrk.lt/2007\\_savivaldybiu\\_tarybu\\_rinkimai/stat/stat\\_lytis.html](http://www.vrk.lt/2007_savivaldybiu_tarybu_rinkimai/stat/stat_lytis.html)

Lobby. Taking into account the priorities of the Nordic - Baltic Gender Mainstreaming Programme, support was provided to the meeting of national co-ordinators of the network of bodies dealing with the reduction of violence against women in Nordic and Baltic States.

**The capacities of civil servants to address gender mainstreaming issues have been strengthened.** In 2007, with a view to assess the actual status of women and men, the Ministry of Environment, along with the Equal Opportunities' Ombudsperson, developed a questionnaire for 111 bodies accountable to it, under which data were collected, by gender, about employees, managers, disciplinary sanctions and bonuses, also the number of employees who took a child care or paternity leave. Thirty women and fifteen men from the Ministry of Transport took part in the seminar which addressed a number of different gender equality issues: gender wage gap, vertical and horizontal labour market segregation. Two hundred and three employees (142 women and 61 men) of the Ministry of the Interior and the bodies accountable to it took part in conferences, seminars and refresher training on gender mainstreaming issues.

**The collection of data by gender has been improved.** The statistics publication *Women and Men in Lithuania 2006*, released in 2007, apart from the main gender statistical indicators also, for the first time, provided information about gender equality in Lithuania. Taking into account consumer needs, data are provided by county, municipality and EU member states.

**In 2008**, 34 out of 36 measures of the programme were implemented. The Ministry of Education and Science failed to provide data about the implementation of one measure and the other measure was not implemented by the Ministry of Culture. The **2008** report on the implementation of the measures envisaged by the programmes states the following:

**The employment level of women remained high.** According to the data of the Statistics Department<sup>10</sup>, in 2008, as compared to 2007, the level of female employment increased insignificantly (in 2007, it accounted for 62.2% and in 3<sup>rd</sup> quarter of 2008<sup>11</sup> it made up 62.7%). The level of unemployment of women, which was 4.3% in 2007, reached 5.9% during the 3<sup>rd</sup> quarter of 2008<sup>12</sup>. According to the Eurostat data, with respect to the gender wage gap, Lithuania has only reached the EU average. According to the data of the Statistics Department, this gap is bigger and tends to grow. The reason for that is huge labour market segregation by gender.

**More opportunities are given to women, rural and senior women in particular, to get employed, start up a business and develop it.** According to the data of the Ministry of Economy, women were more active participants than men in business incubator events which totalled 780 events in 2008. During the same year, over 10,000 women (accounting for 60% of all participants) took part in the events of the network. According to the data of the Ministry of Agriculture, such events had in total 846 participants (including 59 men and 787 women).

Business basics programmes aimed at teaching self-employment and entrepreneurship skills, organised by labour exchange offices, were attended by 546 women, including 141 women aged over 50. During 2008, 726 women who had not worked for two or more years and registered with the labour exchange, as well as 678 women aged over 50 were referred to vocational training. An information education programme was attended by 209 women aged over 50 and 204 women who had not worked for two or more years. Programmes on sharing occupational knowledge, building

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<sup>10</sup> <http://www.stat.gov.lt/>

<sup>11</sup> When information was developed the annual data about the level of female employment in 2008 were not yet available.

<sup>12</sup> When information was developed the annual data about the level of female employment in 2008 were not yet available.

capacities and working skills were attended by 139 women, including 40 women aged over 50. Programmes introducing occupations were attended by 766 women, including 169 women aged over 50.

**The impact of the use of structural funds in 2004-2006 with respect to the gender mainstreaming issues was analysed.** According to the survey conducted by the Gender Studies Institute of Šiauliai University<sup>13</sup> during the period when structural funds were used, the gap between the status of women and men reduced in the labour market. The difference between male and female unemployment was shrinking; the unemployment of more senior women and men reduced along with the number of the unemployed with respect to the total number of the unemployed; the level of overall female employment was growing; the gender pay gap in the public sector was decreasing. However, the practical issues of ensuring gender equality in education, science, health care and other areas remained, along with the unbalanced representation in decision-making. The survey revealed that after structural funds were used, Lithuania, as compared to other countries, made huge progress with respect to reducing gender wage gap, yet a horizontal as well as vertical occupational segregation remained. According to the findings of the survey, recommendations were developed on the methodology for the assessment of projects with respect to gender mainstreaming, and assessment criteria were suggested to be applied when using the EU structural funds in 2007-2013.

**The qualifications of teachers with respect to gender equality were upgraded.** In implementing the measures of the programme, the Ministry of Education and Science organised eight refresher courses on gender mainstreaming issues for 315 participants; it also developed training material for teachers and social pedagogues "Opportunities for Teaching Gender Equality at School".

**The capacities of civil servants to address gender mainstreaming issues have been strengthened.** During 2008, 105 civil servants and other employees (including 59 women and 46 men) of the Ministry of the Interior and the bodies accountable to it took part in gender mainstreaming training. Similar training was attended by 24 employees of the Ministry of Environment and 39 staff members of the Ministry of Transport.

**In 2009**, only 28 measures out of 38 were implemented, mostly due to the lack of funds. The **2009** report on the implementation of the measures envisaged by the programmes states the following:

The economic recession has had a different impact on the situation of women and men. **The female employment rate exceeded the male employment rate.** According to the preliminary data of the Population Employment Survey of the Statistics Department, the female employment rate in 2009, as compared to 2008, decreased by as little of 1.1%, which is from 61.8% to 60.7%, exceeded the male employment rate (59.5%) and remained higher than the Lisbon target of 2010 (60%). In 2009, male employment (59.5 %), as compared to 2008 (67.1 %), dropped by as much as 7.6 %.

**During 2009, the female unemployment rate was significantly smaller than the male unemployment rate.** According to the provisional data of the Survey of Population Employment conducted by the Statistics Department, the male unemployment rate in 2009 accounted for 17 % and increased 2.8 times during one year, while the female unemployment rate was 10.4 % and grew 1.9 times during one year.

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<sup>13</sup> <http://www.socmin.lt/index.php?1606775163>

**The number of businesswomen increased.** According to the survey of Small and Medium-Sized Business conducted by the Statistics Department in 2009, women accounted for 28.7 % of all people engaged in business, which was 0.7 percentage points more than in 2008.

**The labour market segregation was continually decreasing.** According to the survey of Small and Medium-Sized Business conducted by the Statistics Department in 2009, the main business areas for women remained health care (making up 60.9 % of all entrepreneurs engaged in the area), social work, accommodation and catering services (58.3 %). However, the number of female entrepreneurs engaged in 'traditionally male' businesses, i.e. construction and transport, was rising. During 2009, as compared to 2008, the share of females employed in these two areas grew by 2.8 and 11.8 percentage points accordingly, accounting for 15.1 % and 24.7 %.

According to the data of the Statistics Department, **more women pursue higher education.** During 2009, higher education was obtained by 22,000 females or 65 % of all the graduates. The most popular study areas among women remained the same: social services (90 % of students were women), health care (80 %), journalism (79 %), pedagogy and humanities (76 %) and social sciences (72 %). Women were also more interested in the so-called "male" professions. General Jonas Žemaitis Military Academy of Lithuania had 378 servicemen, including 25 women (constituting 7 % of all students), studying aircraft piloting, flight management, international relations and personnel management. Mykolas Romeris university had 88 future police officers (43 % of all students).

#### **National Programme of Equal Opportunities for Women and Men 2010-2014**

Taking into account the results of implementing the National Programme of Equal Opportunities for Women and Men 2005-2009, having considered the findings of a comprehensive comparative survey and assessment of changes with respect to the status of women and men in all areas as well as taking into consideration other factors, the third National Programme of Equal Opportunities for Women and Men 2010-2014 was developed and approved by Resolution No. 530 of the Government of the Republic of Lithuania of 4 May 2010.

The main objectives of the Programme are the following: making sure that the provisions of the Republic of Lithuania Law on Equal Opportunities of Women and Men are implemented in all areas in a consistent, comprehensive and systemic manner; fulfilment of the European Union and international gender equality commitments.

To implement the programme, an action plan of the National Programme of Equal Opportunities for Women and Men 2010-2014 was developed and approved by Order No. A1-323 of the Minister of Social Security and Labour of 7 July 2010.

Article 3(2) of the Law on Equal Opportunities of Women and Men provides for the obligation of state and municipal institutions and agencies to ensure that equal rights for women and men be guaranteed in all legal acts drafted and enacted by them. The tasks of the Programme cover all areas of ministerial competences, hence the measures envisaged in the Programme are implemented by all ministries in co-operation with non-governmental organisations, gender study centres of universities, Equal Opportunities Ombudsperson and social partners.

The task of co-ordinating the implementation of the programme and responsibility for the implementation of the programme, similarly to the situation with regard to previous programmes, lies with the Commission of Equal Opportunities for Women and Men.

**Implementation of the Programme in 2010.** During 2010, 26 measures out of 31 were implemented. Some of the follow-up measures remained non-implemented due to reduced funding and institutional structural reforms.

In implementing the task of the Programme "**Improvement of opportunities for women and men returning to the labour market after the childcare leave, for senior women to reintegrate into the labour market and stay on it**", the Lithuanian Labour Exchange supported 154 women willing to gain or restore their working skills. During 2010, 1,323 persons, including 677 women, took part in the business organisation and business basics training organised by the Lithuanian Labour Exchange. Persons seeking self-employment were provided information and individual counselling about the conditions offered for start-ups, enterprise development, and operation of an enterprise under a business certificate. Counselling about opportunities to operate under a business certificate and also benefit from the state support was provided to 6,650 persons, including 3,320 women. The State Labour Inspectorate provided counselling to 341 persons about reliefs and guarantees offered to persons raising children, examined two complaints of persons returning to the workplace after a child care leave when an employer failed to provide an opportunity to return to the same workplace as provided for in the Labour Code. The information about compliance with established guarantees, with regard to women and men returning to the labour market after a child care leave, in enterprises, institutions and organisations is published on the website of the State Labour Inspectorate.

In implementing the task of the Programme "Increasing opportunities for women, and rural women in particular, to start and develop business, encourage economic involvement of rural residents, women and men", the Ministry of Economy, along with the Ministry of Finance and other stakeholders, organised a business promotion event "Entrepreneurial Lithuania" on 27-28 May 2010. The purpose of it was to promote entrepreneurship and self-employment. The goal of the event was also to build a dialogue between, on the one hand, the state and business and, on the other hand, residents, particularly women, youth and unemployed, who want to start up their business and want to learn about the conditions of starting-up small businesses in Lithuania. The two-day event had approximately 3,000 participants.

Seeking to promote economic involvement and self-employment of women and men, the Lithuanian Labour Exchange organised training for 36 local employment initiative project developers and other stakeholders from 10 regions, involving 244 persons, including 123 women. In order to present the results of implemented projects of local employment initiatives to the public, 20 conferences were organised, inviting 287 persons, including 146 women. Every quarter, territorial labour exchange offices organised information events, during which employers learned about the requirements applied for setting up a social enterprise and the state support offered for social enterprises. The aforementioned events were attended by 36% of women. The website of the Lithuanian Labour Exchange has a column, *Local Employment Initiatives*, providing information about persons in charge of implementation of local employment initiatives by gender. In 2010, 34 men and 16 women implemented local employment initiatives.

During 2010, when implementing the projects supported by the Ministry of Agriculture, dealing with the provision of information to rural residents, increasing their motivation, training and counselling to promote reorientation of rural labour force from agriculture to other activities, training was attended and finished by 7,163 persons, including 4,753 rurally residing women (accounting for 66.4% of all persons trained) and 2,409 rurally residing men (33.6%). The most popular non-formal training programmes selected by project participants were the following: *Development of Entrepreneurship, Stress and Conflict Management in Business, Basics of*

*Accounting and Accountancy, Setting up and Management of Small Enterprises, etc.* The most popular formal training programmes selected by project participants included the following: *Training Programme on Organisation of Rural Recreation and Rural Tourism; Training Programme on the Basics of Computer Literacy, Training Programme for Security Staff, etc.*

During 2010, the Ministry of Agriculture supported 13 projects of small business development in rural areas promoting alternative business initiatives of women and men engaged in agriculture to shift to other non-agricultural activities. Five projects out of 13 were managed by women, including three women who were key shareholders of agricultural enterprises and two farmers. The provisions of project support prescribe one of the project selection priorities, i.e. in assessing projects, the priority is given to the projects, whose managers or main shareholders of enterprises intending to implement the project, are women from rural areas.

In 2010, the Ministry of Agriculture provided support to 94 projects promoting alternative, non-agricultural activities for women and men, including 15 projects managed by women (12 women are the main shareholders of very small enterprises and other three women are rural residents engaged in alternative non-agricultural business under a business certificate or an individual activity certificate).

During 2010, in implementing the task envisaged in the Programme, i.e. **to create more favourable conditions for rural residents, women and men to improve their skills**, the Ministry of Agriculture supported five initiatives of the Lithuanian female farmers union promoting educational and co-operation based events to encourage the activities of rural residents, particularly women in rural areas.

The Lithuanian experience of gender mainstreaming is shared with neighbouring countries. In 2010, in implementing the task of the Programme, i.e. international promotion of Lithuanian gender mainstreaming experience, the Ministry of Foreign Affairs supported four projects, the majority of which focused on strengthening women's capacities, e.g. in Georgia: *Promotion of Women's Entrepreneurship in the Context of Georgia's European Union Integration.*

**In December 2009, the premises of the European Institute for Gender Equality were officially unveiled in Vilnius.** In implementing the task of the Programme, i.e. development of co-operation with the European Institute for Gender Equality (hereinafter referred to as the EIGE), and creating favourable conditions for the EIGE activities, the Ministry of Social Security and Labour provided financing to cover for rental expenses of the EIGE premises for two years, the staff of the Ministry took part in the activities of the EIGE Management Boards in 2007-2010, experts were delegated to the Expert Forum and working groups and staff of the Ministry attended a number of events organised by EIGE. At present, a Memorandum of Understanding is developed to be signed with EIGE and one of the statements included in the Memorandum of Understanding is to increase the EIGE's visibility by financing the Lithuanian version of the EIGE's website.

In implementing the task of the Programme, i.e. **improvement of qualifications of civil servants and contractual staff working in the state bodies and institutions with regard to gender mainstreaming issues**, training was organised for managers and staff of bodies and organisations falling within the remit of the Ministry of the Interior and the Ministry of Transport. The total number of training was 15, involving about 300 participants. Training discussed the employer's duties provided for in the Law on Equal Opportunities of Women and Men and specific actions to be undertaken to ensure gender mainstreaming and to counter actions against equal rights. A model of a workplace friendly to employees with family commitments was discussed and tested by

implementing the projects dealing with promotion of reconciliation of family and work life supported by the state budgetary funds and the EU initiative EQUAL. The model was recommended to social partners and the opportunities for application of its elements were discussed.

During 2010, in implementing the Programme task **improvement of provision of statistical data by gender to consumers**, a press release was developed and launched: "Lithuanian Women in 2009. A Statistical Profile". In addition, a brochure "Women and Men in Lithuania in 2009" was developed and published.

**3) Please provide pertinent figures, statistics or any other relevant information, in particular on employment and unemployment rates by sex and percentage differences in earnings.**

Article 186 of the Labour Code lays down the requirement that "men and women shall get an equal wage for an equal or equivalent work." In 2007, the State Labour Inspectorate under the Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter referred to as the State Labour Inspectorate) received complaints with regard to 3,922 issues about work wage, including only 21 issues with regard to an equal wage of women and men. In 2008, 8 issues out of 5,889 were about equal wage; in 2009, only one issue out of 5,826 concerned equal wage and in 2010 there were no complaints about this issue (out of 3811 issues).

During 2009, the gender pay gap in industrial, construction and service enterprises, except for public administration and defence, accounted for 15.3%. In 2009, the average hourly gross salary was LTL 11.38 of women and LTL 13.43 of men.

The gender pay gap in the private sector was much bigger than in the public sector and made up 20.5% (as compared to 13.1% in the public sector) in 2009. During the same year, the biggest gender pay gap was among employees aged 25-34 (accounting for 17.0%).

**Table 20.1. Gender Wage Gap<sup>1</sup> by Economic Sector, %**

	<i>Whole economy</i>	<i>Public sector</i>	<i>Private sector</i>
2008	21.6	17.3	23.5
2009	15.3	13.1	20.5

<sup>1</sup> Gender pay gap is % difference between the average gross hourly earnings of male and female employees, as % of male gross earnings.

**Table 20.2. Gender Pay Gap by Age of Employee**

	Gender pay gap by age of employee						
	Total by age	Less than 25	25 – 34	35 – 44	45 – 54	55 – 64	65 and more
2008	<b>21.6</b>	20.3	23.1	22.9	22.1	20.6	17.7
2009	<b>15.3</b>	14.0	17.0	16.7	15.9	14.2	11.1

**Table 20.3. Gender Pay Gap by Economic Activity, %**

Economic activity	2008	2009
Business economy	25.2	21.4
Industry, construction and services	20.5	15.0
Industry, construction and services (except public administration, defense, compulsory social insurance)	21.6	15.3
Mining and quarrying	14.3	5.0

Economic activity	2008	2009
Manufacturing	32.7	31.5
Electricity, gas, steam and air conditioning supply	20.1	18.9
Water supply; sewerage, waste management and remediation activities	10.2	9.7
Construction	6.9	-0.5
Wholesale and retail trade; repair of motor vehicles and motorcycle	26.1	26.9
Transportation and storage	6.1	3.0
Accommodation and food service activities	19.4	20.9
Information and communication	30.7	28.4
Financial and insurance activities	47.7	45.4
Real estate activities	11.3	18.5
Professional, scientific and technical activities	23.2	21.4
Administrative and support service activities	22.0	11.9
Public administration and defence; compulsory social security	7.4	8.7
Education	2.0	-3.2
Human health and social work activities	25.1	26.1
Arts, entertainment and recreation	19.0	20.7
Other service activities	30.3	30.1

The wage of men exceeds the wage of women in almost all sectors of economy. In 2009, there were only two sectors where the wage of men was lower than that of women, i.e. in construction and education.

**Responses to the questions raised and conclusions made by the European Committee of Social Rights:**

*Equal rights*

The Committee considers as a positive development the amendments to the Law on Equal Opportunities, and wishes to be informed on the implementation of these changes (and on any subsequent amendments). For a more detailed overview of the legal framework on the right to equal treatment between men and women, the Committee refers to its previous conclusions (Conclusions 2004 and 2006).

The information is provided in the first part of the report dealing with the improvement of legal acts.

The report states that the Tripartite Council of the Republic of Lithuania developed in December 2004 a methodology for assessing work and positions, and recommended that it be disseminated to social partners. It therefore asks the next report to provide more information on the above-mentioned methodology, and whether it covers the question of pay comparison.

Commissioned by the Ministry of Social Security and Labour, the Institute of Labour and Social Research conducted a scientific survey *Development of Methodology for Assessment of Work and Job Profiles* (Agreement No. 30/24 of 10 March 2004). The survey was conducted in three stages.

During the first stage, the opinion of social partners (employers, employees and governmental representatives) about the application of rating in enterprises was researched.

The goal of the second stage was to **analyse the gender pay gap and the reasons for it**. During the second stage:

1) the overall employment situation of women and men in Lithuania was assessed and general information about the work pay in the country was provided;

2) factors making an impact on the gender pay gap were analysed, paying attention to the distribution of women and men by economic sectors, economic activities and the level of qualification;

3) data were provided about the work pay of women and men holding equal positions/having equal occupation;

4) analysis of the working time of women and men as a factor which can potentially contribute to the gender pay gap was performed;

5) information was obtained from enterprise representatives during the opinion survey with respect to main reasons for a gender pay gap of persons occupying equal positions.

During the third, final, stage, the developed methodology for assessment of work and job profiles was presented, including the following: general provisions, assessment of work (job profiles), rating coefficients and setting work pay. The methodology also includes the model assessment of selected work (job profiles), rated categories, work pay coefficients and determination of the work pay level.

It is recommended to use this methodology in Lithuanian enterprises when assessing specific work and job profiles. The main criteria and principles provided for in the methodology of assessment of works and job profiles can be included the schemes of assessment of work and job profiles specific to a certain branch of economy and laid down in collective sector agreements.

In 2005, the managers of the Lithuanian Labour Federation, Lithuanian Confederation of Trade Union, Lithuanian Trade Union *Solidarity*, Lithuanian Confederation of Industrialists and Lithuanian Confederation of Business Employers signed an agreement *On Application of the Methodology for Assessment of Work and Job Profiles in Enterprises and Organisations*. The agreement recommends that managers of enterprises/organisations and trade union should apply the methodology of assessment of work and job profiles in practice and that this should be provided for in collective agreements.

**It therefore asks for more information in the next report on how equal treatment for women and men is being promoted by means of collective agreements, in particular as regards equal pay.**

Noteworthy, Article 2(1)(4) of the **Labour Code** enshrines the principle of equality of subjects of labour law. The regulatory provisions of collective agreement cannot contradict the principle of equality of subjects of labour law provided for in the Labour Code and the Law of Equal Opportunities for Men and Women. Hence even if a collective agreement does not include a provision on equal pay irrespective of gender, the provisions of the Labour Code should be followed.

Article 61 of the Labour Code stipulates that parties to a collective agreement of an enterprise shall lay down in the agreement the working, professional, social and economic conditions and guarantees which are not regulated by laws and other regulatory acts or by a national, sector or territorial collective agreement or which are not contrary to the above-mentioned acts and do not

put employees in a worse position. In this way, a collective agreement of an enterprise may provide for more favourable work pay conditions.

One of the tasks of the **National Programme of Equal Opportunities for Women and Men** is to ensure that labour market gender mainstreaming issues are included in social partnership and social dialogue. To implement that task and pursuant to the Action Plan of the Programme, round table discussions will be organised from 2012 in all regions of Lithuania about the role of social partners in pursuing equal opportunities of women and men and organising training for social partners. The goal of round table discussions and training would be to speak about an equal pay for an equivalent work, issues faced and actions taken to address such problems. To implement the measure, plans are to receive financing from the State budget and the European Social Fund which would support projects on reduction of discrimination on the labour market. The project selection tender will be launched in late 2011. In 2012, the Equal Opportunities Ombudsperson plans to develop methodological recommendations on the prevention of sexual and gender harassment and the instruction to discriminate directly and indirectly, present them to social partners and other stakeholders.

More information is provided under question 2 of the report form, which describes the implementation of the National Programme of Equal Opportunities for Women and Men.

#### *Specific protection measures*

**The Committee asks to be kept informed on the adoption of this amendment and for information on the specific occupational activities which might be excluded from the principle of equal treatment.**

On 18 December 2007, the Seimas of the Republic of Lithuania adopted Amendment Law on Equal Opportunities for Women and Men No. X-1380. The law was supplemented by a provision on a certain job which can be performed only by a person of a specific gender: there is no discrimination if **“where a certain job can be performed only by a person of a particular sex, where, due to the nature of a specific professional activity or the conditions of its fulfilment, the sex is an essential (unavoidable) and determinant professional requirement, this treatment is legitimate and the requirement is appropriate (proportionate).”**

Moreover, the law supplements the duty of the employer to implement equal rights of women and men at work by, inter alia, specifying that uniform selection criteria should be applied when recruiting or promoting employees, **except where a certain job can be performed only by a person of a particular sex, where, due to the nature of a specific professional activity or the conditions of its fulfilment, the sex is an essential (unavoidable) and determinant professional requirement, this treatment is legitimate and the requirement is appropriate (proportionate).** The law does not have a specific list of occupations. Every case is dealt with by the Equal Opportunities Ombudsperson. Examples of specific cases: the fact that the Women Crisis Centre employs only women to provide assistance to the women who have suffered from violence does not constitute discrimination, in other words arguments can be presented why only females are welcome to occupy a job vacancy. Another case is the body screening airports: a woman may demand that her body is screened only by a female, i.e. a person of a certain gender may be employed to perform the task.

#### *Position of women in employment and training*

**The Committee asks for information on measures taken to close the pay gap.**

Seeking to assess the impact of two programmes – the National Programme of Equal Opportunities for Women and Men of 2003-2004 and of 2005-2009, the Women’s Issues Information Centre

carried out a comprehensive comparative survey and assessment of the changes in the status of women and men in all areas. The findings of the survey revealed that labour market segregation which has an impact on gender pay gap is decreasing. According to the survey of Small and Medium-Sized Business conducted by the Statistics Department in 2009, the main business areas for women remained health care (making up 60.9 % of all entrepreneurs engaged in the area), social work, accommodation and catering services (58.3 %). However, the number of female entrepreneurs engaged in 'traditionally male' businesses, i.e. construction and transport, was rising.<sup>14</sup>

A sudden economic recession which started in 2009 had a negative impact on the status of women and men. The level of men's occupation dropped significantly and the level of men unemployment increased. However, the consequences should be treated not only as a challenge, but also as an opportunity, for instance, to reduce the horizontal labour market segregation, by offering men who had lost their job to engage in other areas which are traditionally dominated by women, i.e. schools and social work. With that in mind, projects supported by the European Social Fund will be implemented to organise training for consultants of the labour market bodies by focusing on non-stereotype counselling and information as well as vocational guidance.

Since the gender pay gap is influenced by a number of reasons, this long-term problem should be addressed by taking a variety of measures, directly or indirectly contributing to the solution of this complex phenomenon. Although the **National Programme of Equal Opportunities for Women and Men 2010-2014** includes one task to reduce gender pay gap, i.e. "to seek reduce gender pay gap and promote an equal attitude towards women and men in the labour market, reduce sector and vocational exclusion by gender", yet the implementation of other tasks also contributes significantly to elimination of reasons determining the gender pay gap. Such measures, for example, include the following: reconciliation of family and work life, training of social partners, promotion of participation of women in political and economic decision-making, promotion of women occupation and quality of workplaces, even addressing issues related to women's health.

#### *Measures to promote equal opportunities*

A new National Programme for Equal Opportunities of Women and Men for 2005–2009 has been adopted. A number of measures are foreseen to improve employment opportunities for women, reconcile work and family life, increase business opportunities for women and promote their economic activities. **The Committee asks to be informed on the results and implementation of this programme.**

Comprehensive information about the results of the programme is provided in part 2 of the report which describes the annual implementation of the National Programme of Equal Opportunities for Women and Men since 2007.

The Committee recalls that **Recommendation No. (2007) 17 of the Committee of Ministers to member States on gender equality standards and mechanisms, adopted on 21 November 2007, should be taken into consideration by the authorities when preparing measures and policies on equal treatment and opportunities between men and women.**

In developing and implementing the National of Equal Opportunities for Women and Men **2005-2009**, Recommendation No. R (98) 14 of the Committee of Ministers to Member States on Gender Mainstreaming was one of the basic documents followed. Apart from this, other recommendations of the European Council were taken in account, particularly Recommendation No. (2007) 17 of the Committee of Ministers to member States on gender equality standards and mechanisms.

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<sup>14</sup> During 2009, as compared to 2008, the share of females employed in these two areas grew by 2.8 and 11.8 percentage points accordingly, accounting for 15.1 % and 24.7 %.

The tasks, areas of application, issues and planned activities envisaged in the National of Equal Opportunities for Women and Men 2005-2009 are in principle in line with the scope, areas and recommended actions provided for in the aforementioned recommendations. It should be noted that Lithuania paid much attention to this recommendation already at the stage of its development and proposed an expert, Director of the Gender Studies Centre of the Šiauliai University, to the working group which drafted the recommendation. The Lithuanian expert was selected and played an active role in the working group. Upon the adoption of this recommendation, the expert shared her knowledge about the recommendation and contributed significantly to the development of the National of Equal Opportunities for Women and Men 2010-2014 and ensuring its compatibility with the recommendation.

## **ARTICLE 24: THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT**

**1) Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.**

Seeking to maintain workplaces during the recession and provide for a more flexible regulation of employment legal relations by offering more favourable legal conditions for employers to dismiss employees due to economic reasons without the employer's fault, the Seimas adopted the Law Supplementing and Amending the Labour Code (Law No. XI-404 of 23 July 2009). The law was effective from **4 August 2009 to 31 December 2010. Upon the expiry of the period, the former provisions of the Labour Code regained their effect.**

Paragraphs 4 and 5 of Article 129 of the Labour Code were amended which state that An employment contract with employees who will be entitled to the full old-age pension in not more than five years (the collective agreement may stipulate that this restriction applies to employees who will be entitled to the full old-age pension in not more than three years), persons under eighteen years of age, disabled persons and employees raising children under fourteen years of age may be terminated only in exclusive cases where the retention of an employee would substantially violate the interests of the employer.

Pursuant to the provisions of this Article and Article 130, an employer shall be entitled to terminate a fixed-term employment contract before the expiry thereof only in exclusive 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, or in the cases specified by the collective agreement upon the payment of a severance pay to the employee in the amount of at least his one monthly average wage.

Moreover, Article 130(1) of the Labour Code lays down that an employer shall be entitled to terminate an employment contract by giving written notice to the employee against signature two months in advance (subject to the collective agreement – at least one month in advance). Employees referred to in Article 129(4) of this Code must be given notice of dismissal from work at least four months in advance (subject to the collective agreement – at least two months in advance).

**2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

**3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.**

The information about jurisprudence is provided under Article 1§2 in response to the question raised by the European Committee of Social Rights with respect to Article 120 of the Labour Code.

### **Responses to the questions raised and conclusions made by the European Committee of Social Rights:**

#### *Obligation to provide a valid reason for termination of employment*

It reiterates **its request for information on the situation in both the private and public sector as regards termination of an employment contract on the ground of age and asks what is the procedure in such cases permitted by section 129§3 of the Labour Code.** The Committee recalls that dismissal on the ground of age will not constitute a valid reason for termination of employment unless a termination is, within the context of national law, objectively and reasonably justified by a legitimate aim such as a legitimate employment policy, labour market objectives or the operational requirements of the undertaking, establishment or service and provided that the means of achieving that aim are appropriate and necessary. **It wishes the next report to indicate whether the legal framework complies with this approach and, in the affirmative, how.**

Article 2 of the **Labour Code** prescribes the principles of the equality of subjects of labour law irrespective of their gender, sexual orientation, race, nationality, language, origin, citizenship and social status, religion, intention to have a child (children), marital and family status, age, beliefs or views, membership in political parties and public organisations, factors that are not related to the employee's professional qualities.

Article 129(3)(5) states that the age of an employee may not constitute a legitimate reason to terminate employment relationships.

An exception to the rule specified in this legal norm can be a circumstance that the employee has already obtained entitlement to an old-age pension or is already receiving it. This employee's entitlement occurs when there is a legally significant combination of the following facts: the employee has reached a retirement age and has performed the necessary state social insurance pensionable service. The combination of these facts is different from the fact specified under Article 129(3)(5) of the Labour Code.

Article 129 of the Labour Code should be interpreted and applied systematically (Article 10(1) of the Labour Code) and therefore the respective age of an employee specified in Article 129(3)(5) may be a reason for terminating a labour contract only when it is substantial, i.e. when it has a substantial impact on the employee's occupational capacities and other criteria, as a result of which, when the employee reaches a certain age, a question arises whether he or she may properly perform the functions agreed on the labour contract (Article 129(2) of the Labour Code).

A dismissal of an employee on the grounds of the employee's age, although it has no impact on the proper performance of his or her occupational functions, should be deemed as discriminatory (Article 2(1)(4) of the Labour Code). A conclusion can be made that for an employer to terminate labour relations, under Article 129 of the Labour Code, with an employee who has gained entitlement to an old age pension, the following combination of legal acts is necessary: the respective age of the employee; the fact that such age is an obstacle to carry out the functions provided for in the contract, i.e. that it is a significant, specific reason; the fact that the employee has gained entitlement to an old-age pension and is receiving it; and that there is no possibility to transfer the employee, upon his or her consent, to another suitable employment. (*Ruling of the Panel of Judges of the Civil Case Division of the Lithuanian Supreme Court of 1 March 2004, adopted in Case No. 3K-3-144/2004*). In this way, the legal regulation is in line with aforementioned position of the Committee.

The information about jurisprudence with regard to Article 129 of the Labour Code is provided under Article 1§2 in response to the question raised by the European Committee of Social Rights with respect to Article 120 of the Labour Code.

**The Committee also reiterates its question under what circumstances an employee sentenced to a term of imprisonment may be dismissed.**

Article 136(1)(1) stipulates that an employment contract must be terminated without notice 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.

In this case, under the aforementioned circumstances, an employer is obliged to dismiss the employee.

Admittedly, pursuant to the currently effective version of this provision, dismissal of an employee due to the punishment provided for in the Criminal Code relates to the fact that because of such punishment the said employee cannot continue performing his or her functions, i.e. continue working. Pursuant to the Criminal Code, penalties imposed on persons may include restriction of liberty, arrest, fixed-term imprisonment and life imprisonment. In cases prescribed by the Criminal Code, additional penalties may include one or several of the following: a prohibition to exercise a certain right, deprivation of public rights, deprivation of the right to be employed in a certain position or to engage in certain types of activities, etc. (Article 42 of the Criminal Code).

If an employee is dismissed on the basis of Article 136(1)(1) of the Labour Code, he or she shall be entitled to apply to the court within one month from the day of receipt of the appropriate notice (document) (Article 297(1) of the Labour Code). 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 wage for the entire period of involuntary idle time from the day of dismissal from work until the day of execution of the court decision. Where the court establishes that the employee may not be reinstated in his previous job due to economic, technological, organisational or similar reasons, or because he may be put in unfavourable conditions for work, it shall take a decision to recognise the termination of the employment contract as unlawful and award him a severance pay in the amount specified in paragraph 1 of Article 140 of this Code as well as the average wage for the period of involuntary idle time from the day of dismissal from work until the effective date of the court decision. In this case the employment contract shall be considered terminated from the effective date of the court decision (Article 297(3) and (4) of the Labour Code).

**ARTICLE 25: THE RIGHT OF WORKER TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER**

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

**Changes of Legal Regulation**

During the reference period, the Law on Guarantee Fund was amended three times: Amendment Law No. X-1222 of 26 June 2007; No. X-1636 of 26 June 2008 and No. X-1831 of 14 November 2008.

The law of 26 June 2008 had **an impact** on the satisfaction of **claims of employees** of enterprises in bankruptcy and bankrupt enterprises (wound-up due to bankruptcy) concerning legal labour relations from the Guarantee Fund.

The key changes of the law are the following:

1. The enterprise contributions payable to the Guarantee Fund have been reduced from 0.2% to 0.1% of the calculated amount of employee wage (from which the state social insurance contributions are calculated).

2. Seeking to ensure a more effective administration of allocations from the Guarantee Fund, a provision was included that “temporarily free funds of the Guarantee Fund shall be managed and decisions with respect to the investment of such funds shall be made by the Ministry of Finance in compliance with the procedure established by the Minister of Finance. Co-ordination with the Board of the Guarantee Fund shall be abandoned”.

3. The basis for the allocations of a severance pay from the Guarantee Fund to the employees of enterprises in bankruptcy and bankrupt enterprises were expanded, which is in line with the effective legislation (the amount of severance pay is laid down not only by Article 140(2) of the Labour Code, but also by Article 297 of the Labour Code).

4. The law was supplemented by a provision ensuring minimum protection of employees and also the attainment of a social purpose, i.e. “when an enterprise in bankruptcy or a bankrupt enterprise cannot provide the documents on the enterprise staff and accounting but when there are other data certifying the entitlement of employees to receive an allowance related to employment relations, the decision of the Board of the Guarantee Fund shall be passed to allocate the allowance from the Guarantee Fund, but such allowance shall not exceed the amount of three minimum monthly wages.”

5. With regard to the problems arising in practice, the deadline for submitting an application to the bankruptcy administrator on the allocation of allowances from the Guarantee Fund to the employees of an enterprise in bankruptcy or a bankrupt enterprise was extended from one to two months (following the date of confirmation of creditor claims).

6. Provisions were adopted with regard to employees of the enterprises wound-up as a result of bankruptcy (struck off the register) specifying that “a severance pay shall be paid to former employees of enterprises the bankruptcy proceedings of which were initiated prior to coming into effect of the Law on Guarantee Fund and continued after the law came into effect”. Prior to coming into effect of the present law, the allowances from the Guarantee Fund were only paid to cover the debts of work pay and compensate for damage caused by accidents at work or an occupational disease.

During the reference period, Government resolutions were amended accordingly, seeking to ensure their compliance with the laws amending the law on guarantee fund and those relating to institutional changes of administration of the Guarantee Fund.

## **Institutional changes related to the administration of Guarantee Fund**

After, following Resolution No. 966 of the Government of 11 September 2007, the Children's Maintenance Fund was attached to the Guarantee Fund, the functions of administration, from 1 January 2007, of the Guarantee Fund were transferred to the Administration of Guarantee and Children Maintenance Funds under the Ministry of Social Security and Labour.

Pursuant to Resolution No. 1023 of the Government of 14 July 2010, administrative functions of the Guarantee Fund were transferred to the Enterprise Bankruptcy Management Department under the Ministry of Economy (hereinafter referred to as the Bankruptcy Department). The Bankruptcy Department was tasked to perform the functions to make sure that bankruptcy proceedings (i.e. collection of data, performance of analysis and supervision of bankruptcy administrators) as well as relevant issues of administration of the Guarantee Fund are addressed in one body and that duplication of institutional functions is avoided, taking into account that satisfaction of employee claims (first-ranking creditors) is one of the constituting elements of the bankruptcy proceedings. The Ministry of Economy is responsible for building insolvency policy.

The Guarantee Fund is managed by the Board of the Guarantee Fund. The composition of the Board is approved by the Government. The Board of the Guarantee Fund is composed of 12 members: 4 members represent organisations protecting the interests of employees (professional unions and their associations), another 4 members represent organisations of employers (unions, associations, etc.) and the remaining 4 members represent state administration institutions. Representatives of the organisations protecting the interests of employees and representatives of employers are delegated by the organisations which are representing them. Representatives of state administration institutions are appointed in compliance with the procedure established by the Government. The activities of the Board of the Guarantee Fund are directed by the chairman. The chairman is appointed by the Government from the representatives of state administration institutions.

**2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

### **Planned changes of the legal regulation (reforms)**

Currently, the draft Law Amending the Law on Guarantee Fund is underway. With that in mind, the working group on the amendment to the law on guarantee fund was set up by Order No. 4-74 of the Minister of Economy of 8 February 2011.

Moreover, the draft Enterprise Bankruptcy Law is currently submitted to the Seimas of the Republic of Lithuania for consideration.

### **Changes of the work of administrator of the Guarantee Fund from 1 September 2010 to 31 December 2010**

#### **The process preceding the payment of funds has been speeded up:**

– The procedure for signing contracts on the transfer of funds from the Guarantee Fund to enterprises: the contracts are sent to bankruptcy administrators of enterprises are sent by electronic means of communication. This is a quicker way to conclude a contract and, accordingly, funds reach the account of an enterprise by one week sooner.

– The development of contracts (draft contracts) has been simplified by referring the functions carried out by information technologies, hence abandoning the practice of manual entering of data and avoiding mistakes. As a result, the procedure became two times shorter,

shrinking from 15 to 7 days. This procedure will be simplified and even more shortened once the database is created in 2011.

– The form and method of drafting the minutes of the Board of the Guarantee Fund was changed by shifting to information technologies and abandoning the practice of collecting information manually. The duration of this procedure (development of draft minutes, excluding the time allocated for its signature) shortened from 6 to 1-2 days. This procedure will be simplified and even more shortened once the database is created in 2011.

**The time for registration of applications was shortened.** A creation of a database for the administration of the Guarantee Fund is underway; this database will be a part of the Enterprises Restructuring and Bankruptcy information System (hereinafter referred to as the ERBIS). Using the system, the applicants will be able to fill out and receive their applications on-line. From December 2010, the data of enterprises available on ERBIS were started to be used by registering the applications, hence reducing the workload and time necessary to enter the applications into the system.

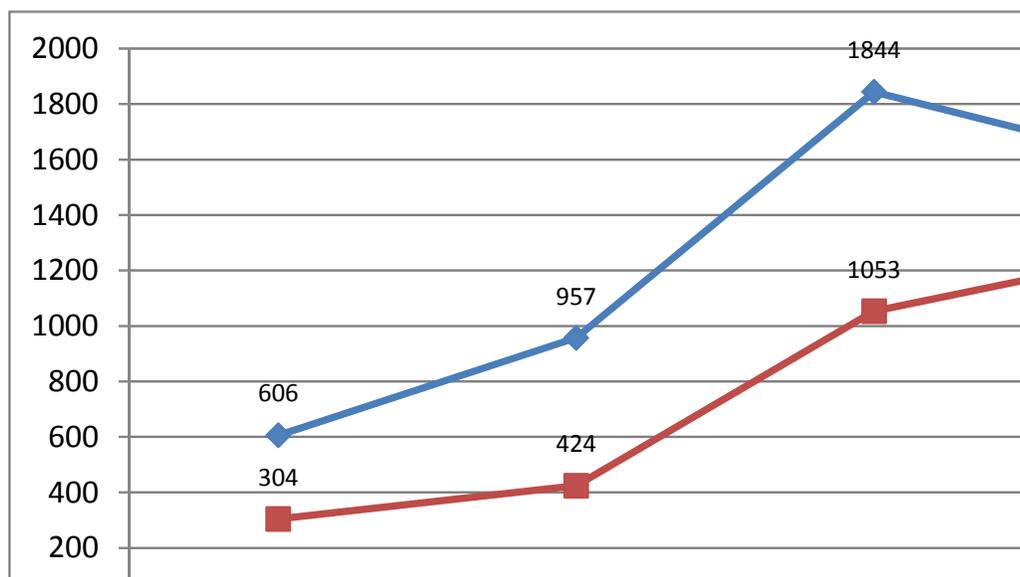
**Development of methodologies.** In response to questions raised by bankruptcy administrators and with regard to discrepancies associated with filling out of forms submitted together with an application form, the Bankruptcy Department developed information for *the Practical Manual for Filling out Table 7 (Columns 8-15)*, approved by decision of the Board of the Guarantee Fund on 5 October 2010.

**Control of submission of applications and respecting payment deadlines.** The Bankruptcy Department started to carry out and systemise control over meeting the deadlines for submission of applications and payment to employees of enterprises in bankruptcy or bankrupt enterprises.

**3) Please supply any relevant statistics or other information where possible on the amount of such claims, whether there is a ceiling on payments, the time taken between presentation of claims and payment of the amounts due and the overall percentage of employees' claims that are honoured by a guarantee institution and/or because those concerned are privileged creditors.**

Bearing in mind the growing number of bankruptcy proceedings during the reference period, more applications were submitted to the administrator of the Guarantee every year. The number of initiated bankruptcy proceedings was growing rather fast: In 2007, 606 bankruptcy proceedings were initiated, in 2008, their number was 957 (or 57.9% more) and the biggest growth of them was registered in 2009 when their number was 1,844 (or 92.5% more than in 2008); in 2010, 1636 bankruptcy proceedings were initiated (i.e. 11.3% less than in 2009).

**Fig. 25.1.**



Bearing in mind the increased number of applications and the number of specialists to deal with them, the duration from the submission of an application and the transfer of money to employees increased, on average, from four months in mid 2008 to twelve months in 2010. Currently, this period is getting shorter.

Comparative data for 2007-2010: the number of examined applications of enterprises, the number of employees who received allowances from the Guarantee Fund and the amount of allowances allocated to employees (in million LTL):

**Table 25.2.**

	2007	2008	2009	2010
Number of examined applications	293	300	342	1093
Number of employees who received allowances	5794	6894	6579	20439
The amount of allowances allocated to employees (million LTL)	13,4	18,2	22,6	62,5

According to the currently effective legislation, there is no established period for which allowances could be paid to employees from the Guarantee Fund (e.g. the payment can be allocated for one, two years and similar). The period of debts is not limited: it includes all debts related to labour relations which were incurred prior to the date of the court ruling initiating bankruptcy proceedings with respect to an enterprise (or following the date of the decision adopted by the meetings of creditors to initiate extrajudicial bankruptcy proceedings) and after the deadline, for the period of up to two months from the date of adoption of the aforementioned court ruling or a decision.

The claims of the employee of an enterprise in bankruptcy or a bankrupt enterprise are reduced by the amount of the funds allocated from the Guarantee Fund and are satisfied using the funds received from selling the property of the enterprise in bankruptcy or the bankrupt enterprise. Where an enterprise in bankruptcy or a bankrupt enterprise does not have enough property to satisfy the claims of employees as first ranking creditors, the remaining part of outstanding claims cannot be satisfied using the funds of the Guarantee Fund.

**Table 25.3. Satisfaction of creditor claims of employees from 1 January 2007 until 31 December 2010** (according to the data provided on 24 August 2011, after the assessment of completed enterprise bankruptcy proceedings)

Year	Satisfied creditor claims of employees (% of the approved claims)	The share of satisfied creditor claims of employees by the funds of the Guarantee Fund with respect to satisfied claims of employees (%)
2007	66.8	74.3
2008	76.4	66.5
2009	61.1	77.7
2010	67.0	80.2

### Amounts of allocations

The Law on Guarantee Fund provides for the following five types of allowances paid to the employees of enterprises in bankruptcy or bankrupt enterprises from the Guarantee Fund:

- 1) pay for work under the employee's outstanding claim;
- 2) monetary compensation for the unused annual leave;
- 3) severance pay provided for in Article 140 of the Labour Code, Article 297(4) or Article 19 of the Law on Enterprise Bankruptcy;
- 4) a compensation for damage caused by accidents at work or an occupational disease payable in the amount established by the Provisional Law of the Republic of Lithuania on Damage Compensation in Accident at Work or Occupational Diseases, where this obligation does not pass on to the state;
- 5) payment for idle time.

Laws provide for a ceiling of payment to four types of these allowances and it depends on the amount of the minimum monthly wage (hereinafter referred to as the MMW) or the amount of gross average monthly wage of employees:

- 1) the pay for work under the employee's outstanding claim shall be at least three MMW (depending on the debts of the enterprise (employee claim), which means that the employee claim shall not be smaller than 3 MMW) and not bigger than the amount of three gross average monthly wages of an employee during the calendar quarter preceding the month when the claim was submitted to the Bankruptcy Department;
- 2) a monetary compensation for the unused annual leave: not more than 1 MMW;
- 3) the severance pay provide for in Article 140 of the Labour Code, Article 297(4) or Article 19 of the Law on Enterprise Bankruptcy: up to 2 MMW;
- 4) payment for idle time: up to 1 MMW.

The maximum amount of allowances during the reference period (changes occurred due to the amount of MMW or the gross average monthly wage of employees (this amount is subject to changes every quarter), in LTL:

**Table 25.4.**

Year	Annual quarter	Ceiling of allowance	The maximum amount of a monetary compensation for the unused annual leave	The maximum amount of the severance pay	The maximum amount for idle time	The total maximum amount of allowances from the Guarantee Fund
2007	I	4959	600	1200	600	7359
	II	5190	600	1200	600	7590
	III	5214	700	1400	700	8014
	IV	5478	700	1400	700	8278
2008	I	5850	800	1600	800	9050
	II	6156	800	1600	800	9356
	III	6453	800	1600	800	9653
	IV	6711	800	1600	800	9911
2009	I	6960	800	1600	800	10160
	II	6957	800	1600	800	10157
	III	6579	800	1600	800	9779
	IV	6519	800	1600	800	9719
2010	I	6426	800	1600	800	9626
	II	6354	800	1600	800	9554
	III	6093	800	1600	800	9293
	IV	6168	800	1600	800	9368

From 1 January 2007, the minimum monthly wage approved by **Government Resolution** No. 298 of 27 March 2006, **On Increase of Minimum Monthly Wage**, was LTL 600.

From 1 July 2007, the minimum monthly wage approved by **Government Resolution** No. 543 of 6 June 2007, **On Increase of Minimum Monthly Wage**, was LTL 700.

From 1 January 2008, the minimum monthly wage approved by **Government Resolution** No. 1368 of 17 December 2007, **On Increase of Minimum Monthly Wage**, was LTL 800.

The gross average monthly wage of employees of the country's economy changes every quarter (as reported by the Lithuanian Statistics Department).

**Responses to the questions raised and conclusions made by the European Committee of Social Rights:**

It asks, however, for the next report to describe the situation as regards workers' claims in respect of amounts owed for absences other than paid leave.

Please refer to the information provided before (with regard to the satisfaction of creditor claims of employees).

The Committee points out that the Guarantee Fund Act applies to all companies, public bodies, banks and credit institutions. It does not apply to staff of bodies financed by the state budget or municipal budgets or to civil servants. The Committee asks whether there is another form of protection for these categories.

All the employees whose employers, following the Enterprise Bankruptcy Law, go bankrupt are entitled to allowances from the Guarantee Fund.

Enterprises financed by the state budget do not go bankrupt and the wages of employees of such enterprises are guaranteed by the state. Civil servants are subject to the provisions of the law on civil service.

According to the report, employees who have a holding of 50% or more in the company, either alone or with a partner or close relative, are not protected by the Guarantee Fund unless the shareholders cannot be held responsible for the company's bankruptcy. **Neither does the Guarantee Fund protect employees who negotiated an employment contract with a company which was known to be bankrupt already, either because this was announced publicly, or because the company's creditors had already begun bankruptcy proceedings or at least announced their intention to do so.**

The draft law amending the law on guarantee fund plans to abandon provisions, under which, presently, allowances are not allocated to employees who have concluded an employment contract with an insolvent enterprise following the date of notification of the creditor (creditors) to the enterprise about their intention to file with the court a petition for the initiation of bankruptcy proceedings or following the date of receiving a public notice or another notification of the enterprise to the creditor (creditors) that it cannot or does not intend to fulfil its obligations or a date of petition to the court about the initiation of bankruptcy proceedings (whichever date is the earliest) or following the date of sending a proposal to creditors to carry out extrajudicial bankruptcy proceedings.

The draft law amending the law on guarantee fund plans to provide that allowances from the Guarantee Fund will not be allocated to employees who have concluded an employment contract with the enterprise following the date of coming into effect of the court ruling to initiate bankruptcy proceedings or following the date of the decision adopted by the meetings of creditors to initiate extrajudicial bankruptcy proceedings.

Article 5(13) of the Law on Guarantee Fund, which aims to avoid abusive practices of employees who have an impact on the activities of enterprises, states that if an employee or his or her spouse (cohabitant) and/or close relatives owned, by right of ownership, more than 50% of enterprise shares (interests or member shares), the Board of the Guarantee Fund (represented by 4 organisations defending employee interests, 4 employer organizations and 4 state administration institutions) may decide to allocate only few types of allowances provided for in Article 5(1) of the Law and no allowances from the Fund may be allocated.

The draft law amending the law on guarantee fund plans to provide that allowances from the Guarantee Fund will not be allocated to the employees who, personally or together with their spouse or a close relative, at least one year prior to the entry into force of the court ruling to initiate bankruptcy proceedings or following the date of the decision adopted by the meetings of creditors to initiate extrajudicial bankruptcy proceedings, owned, by right of ownership, more than 50% of enterprise shares (interests or member shares), also to an owner of a sole proprietorship who worked in the enterprise at least one year prior to the date of coming into effect of the court ruling to initiate bankruptcy proceedings or following the date of the decision adopted by the meetings of creditors to initiate extrajudicial bankruptcy proceedings.

**ANNEXES**

**Statistical information with respect to Article1§1**

**1. Key Indicators of Economic Activity of the Population 2007-2010**

	2007	2008	2009	2010
	<b>Total, thousand</b>			
Total number of population	3,384.9	3,366.4	3,349.9	3,310.5
Aged 15 and more	2,846.8	2,849.4	2,844.9	2,814.0
Aged 15–64	2,319.5	2,316.2	2,308.7	2,282.5
Labour force	1,603.1	1,614.3	1,640.9	1,634.8
Employed population, total	1,534.2	1,520.0	1,415.9	1,343.7
In the public sector	401.9	418.4	411.5	395.1
In the private sector	1,132.3	1,101.7	1,004.3	948.6
hired workers	1,324.4	1,345.0	1,244.8	1,196.4
self-employed persons	183.2	152.9	146.3	124.4
assisting family members	26.7	22.1	24.7	23.0
employed persons aged 15–64	1,505.8	1,490.2	1,387.5	1,319.6
Unemployed	69.0	94.3	225.1	291.1
Non-active population, total	1,781.7	1,752.1	1,709.0	1,675.7
Aged 15 and more	1,243.6	1,235.1	1,204.0	1,179.2
	<b>Total, thousand</b>			
Employed population				
full employment	91.4	93.3	91.7	91.9
part-time employment	8.6	6.7	8.3	8.1
Activity level of the labour force				
Aged 15–64	67.9	68.4	69.8	70.5
Aged 15-24	27.4	30.8	30.3	29.6
Employment level				
Aged 15-64	64.9	64.3	60.1	57.8
Aged 15-24	25.2	26.7	21.5	19.2
Aged 20-64	72.8	72.0	67.2	64.4
Aged 55-64	53.4	53.1	51.6	48.6
Unemployment level	4.3	5.8	13.7	17.8
Aged 15-24	8.2	13.4	29.2	35.1
Long-term unemployment level	1.4	1.2	3.2	7.4
	<b>Men, thousand</b>			
Total	1,577.0	1,567.0	1,559.2	1,539.0
Aged 15 and more	1,301.2	1,301.9	1,300.3	1,284.4
Aged 15-64	1,121.0	1,120.5	1,118.5	1,105.0
Labour force	812.3	818.1	819.8	812.6

	2007	2008	2009	2010
Employed, total	777.7	768.7	680.0	640.2
In the public sector	124.1	139.8	132.9	126.9
In the private sector	653.5	628.9	547.1	513.3
hired workers	651.1	659.8	579.2	556.8
self-employed	117.9	101.5	91.6	73.9
assisting family members	8.7	7.4	9.2	9.5
Employed aged 15-64	761.0	751.5	665.5	627.9
Unemployed	34.6	49.5	139.8	172.4
Non-active population, total	764.7	748.9	739.5	726.4
Aged 15 and more	488.9	483.7	480.5	471.8
	<b>Men, %</b>			
Employed				
full employment	93.0	95.1	93.0	93.3
part-time employment	7.0	4.9	7.0	6.7
Activity level of the labour force				
Aged 15-64	71.0	71.4	72.0	72.4
Aged 15-24	31.8	35.4	33.9	32.8
Employment level				
Aged 15-64	67.9	67.1	59.5	56.8
Aged 15-24	29.6	30.9	22.0	20.2
Aged 20-64	76.5	75.5	66.9	63.6
Aged 55-64	60.7	60.2	56.0	52.3
Unemployment level	4.3	6.0	17.0	21.2
Aged 15-24	7.0	12.6	35.1	38.5
Long-term unemployment level	1.4	1.0	3.6	9.0
	<b>Women, thousand</b>			
Total	1,807.9	1,799.4	1,790.6	1,771.5
Aged 15 and more	1,545.6	1,547.5	1,544.6	1,529.6
Aged 15-64	1,198.5	1,195.7	1,190.2	1,177.6
Labour force	790.8	796.1	821.1	822.2
Employed, total	756.5	751.4	735.9	703.5
In the public sector	277.8	278.6	278.6	268.2
In the private sector	478.7	472.8	457.2	435.3
hired workers	673.3	685.2	665.6	639.5
self-employed	65.2	51.5	54.8	50.5
assisting family members	18.0	14.7	15.5	13.5
employed, aged 15-64	744.8	738.7	722.1	691.6
Unemployed	34.3	44.8	85.3	118.8
Non-active, total	1,017.1	1,003.2	969.5	949.3
Aged 15 and more	754.7	751.4	723.5	707.4

	2007	2008	2009	2010
<b>Women, %</b>				
Employed				
Full employment	89.8	91.4	90.5	90.7
Part-time employment	10.2	8.6	9.5	9.3
Activity level of the labour force				
Aged 15-64	65.0	65.5	67.8	68.8
Aged 15-24	22.8	26.0	26.7	26.3
Employment level				
Aged 15-64	62.2	61.8	60.7	58.7
Aged 15-24	20.5	22.2	20.9	18.2
Aged 20-64	69.5	68.8	67.5	65.1
Aged 55-64	47.9	47.7	48.3	45.8
Unemployment level				
Aged 15-24	10.0	14.6	21.6	30.8
Long-term unemployment level	1.3	1.4	2.8	5.8

*Note: Tables 1-5 of the Annex contain data provided by the Statistics Department*

## 2. Employment level by age groups, %

	15-64	20-64	15-24	25-54	55-64	65+
<b>Total</b>						
2007	64.9	72.8	25.2	82.5	53.4	5.4
2008	64.3	72.0	26.7	81.2	53.1	5.6
2009	60.1	67.2	21.5	76.3	51.6	5.3
2010	57.8	64.4	19.2	73.8	48.6	4.5
<b>Men</b>						
2007	67.9	76.5	29.6	84.3	60.7	9.3
2008	67.1	75.5	30.9	82.7	60.2	9.4
2009	59.5	66.9	22.0	74.6	56.0	8.0
2010	56.8	63.6	20.2	71.4	52.3	6.9
<b>Women</b>						
2007	62.2	69.5	20.5	80.8	47.9	3.4
2008	61.8	68.8	22.2	79.7	47.7	3.6
2009	60.7	67.5	20.9	78.0	48.3	3.9
2010	58.7	65.1	18.2	76.1	45.8	3.4

### 3. Employed population by the status and duration of employment, thousand

	2007	2008	2009	2010
<b>Total</b>	<b>1,534.2</b>	<b>1,520.0</b>	<b>1,415.9</b>	<b>1,343.7</b>
full employment	1,402.7	1,417.6	1,298.3	1,235.0
part-time employment	131.4	102.4	117.5	108.7
Hired workers	1,324.4	1,345.0	1,244.8	1,196.4
full employment	1,245.4	1,274.8	1,166.2	1,120.5
part-time employment	78.9	70.2	78.6	75.9
Self-employed persons	183.2	152.9	146.3	124.4
full employment	141.9	126.9	116.5	100.4
part-time employment	41.2	26.0	29.8	24.0
Assisting family members	26.7	22.1	24.7	23.0
full employment	15.4	15.9	15.7	14.1
part-time employment	11.3	6.2	9.1	8.9
<b>Men</b>	<b>777.7</b>	<b>768.7</b>	<b>680.0</b>	<b>640.2</b>
full employment	723.3	731.1	632.5	597.2
part-time employment	54.4	37.6	47.5	43.0
Hired workers	651.1	659.8	579.2	556.8
full employment	624.6	637.7	551.2	530.1
part-time employment	26.5	22.1	28.0	26.7
Self-employed	117.9	101.5	91.6	73.9
full employment	93.8	87.3	75.5	61.2
part-time employment	24.1	14.2	16.0	12.7
Assisting family members	8.7	7.4	9.2	9.5
full employment	4.9	6.1	5.8	5.9
part-time employment	3.8	1.3	3.5	3.5
<b>Women</b>	<b>756.5</b>	<b>751.4</b>	<b>735.9</b>	<b>703.5</b>
full employment	679.5	686.6	665.8	637.7
part-time employment	77.1	64.8	70.0	65.7
Hired workers	673.3	685.2	665.6	639.5
full employment	620.8	637.1	615.0	590.4
part-time employment	52.5	48.1	50.6	49.1
Self-employed	65.2	51.5	54.8	50.5
full employment	48.1	39.7	41.0	39.2
part-time employment	17.1	11.8	13.8	11.2

	2007	2008	2009	2010
Assisting family members	18.0	14.7	15.5	13.5
full employment	10.5	9.8	9.9	8.2
part-time employment	7.5	4.9	5.6	5.3

#### 4. Unemployment level by age groups, %

	Total	20-64	15-24	25-54	55-74
<b>Total</b>					
2007	4.3	4.3	8.2	4.0	3.4
2008	5.8	5.7	13.4	5.1	4.2
2009	13.7	13.6	29.2	12.5	9.5
2010	17.8	17.8	35.1	16.6	13.2
<b>Men</b>					
2007	4.3	4.2	7.0	4.0	3.6
2008	6.0	5.9	12.6	5.4	4.2
2009	17.0	16.9	35.1	15.5	11.1
2010	21.2	21.2	38.5	19.9	15.3
<b>Women</b>					
2007	4.3	4.3	10.0	4.0	3.2
2008	5.6	5.5	14.6	4.9	4.3
2009	10.4	10.3	21.6	9.7	7.9
2010	14.4	14.4	30.8	13.4	11.2

#### 5. The unemployed by age group and duration of unemployment, thousand

	2007	2008	2009	2010
<b>Total</b>	<b>69.0</b>	<b>94.3</b>	<b>225.1</b>	<b>291.1</b>
Up to 1 month	13.7	29.7	41.4	33.1
1-5 months	22.2	29.6	77.4	65.8
6-11 months	10.9	14.9	54.1	71.6
1 year or more	22.2	20.0	52.2	120.6
Aged 20-64	66.5	89.6	217.7	284.2
Up to 1 month	12.4	27.6	38.8	31.4
1-5 months	21.4	28.1	74.7	63.4
6-11 months	10.7	14.4	52.6	70.1
1 year or more	21.9	19.5	51.7	119.3
Aged 15-24	12.0	22.1	46.7	52.7
Up to 1 month	3.7	9.6	10.3	9.4
1-5 months	4.5	7.1	17.0	14.6
6-11 months	1.5	2.9	11.3	12.5
1 year or more	2.3	2.5	8.1	16.3
Aged 25-54	49.5	62.7	156.8	208.9
Up to 1 month	8.9	17.9	27.3	21.1
1-5 months	15.8	20.3	53.7	45.2
6-11 months	8.5	10.8	38.9	52.1

	2007	2008	2009	2010
1 year or more	16.4	13.7	36.9	90.5
Aged 55-74	7.5	9.5	21.6	29.5
Up to 1 month	1.1	2.2	3.8	2.6
1-5 months	1.9	2.3	6.7	6.0
6-11 months	(0.9)	1.3	3.9	7.0
1 year or more	3.6	3.7	7.3	13.9
<b>Men</b>	<b>34.6</b>	<b>49.5</b>	<b>139.8</b>	<b>172.4</b>
Up to 1 month	7.9	15.5	25.5	17.4
1-5 months	9.9	16.9	48.6	39.7
6-11 months	5.2	8.5	36.5	42.4
1 year or more	11.6	8.6	29.3	72.9
Aged 20-64	32.8	47.0	135.1	168.3
Up to 1 month	7.1	14.5	24.0	16.5
1-5 months	9.3	15.8	46.8	38.5
6-11 months	5.1	8.4	35.4	41.4
1 year or more	11.4	8.3	28.9	71.9
Aged 15-24	6.0	12.1	31.8	32.6
Up to 1 month	2.0	5.1	6.3	4.8
1-5 months	2.1	4.2	11.8	8.7
6-11 months	(0.7)	1.5	8.5	7.7
1 year or more	1.2	1.3	5.3	11.5
Aged 25-54	24.7	32.7	95.7	123.3
Up to 1 month	5.3	9.2	17.1	10.9
1-5 months	7.0	11.2	32.4	27.4
6-11 months	4.2	6.3	25.4	31.3
1 year or more	8.2	6.0	20.8	53.7
Aged 55-74	4.0	4.6	12.3	16.5
Up to 1 month	(0.7)	1.2	2.1	1.7
1-5 months	(0.8)	1.5	4.3	3.6
6-11 months	(0.3)	(0.6)	2.6	3.4
1 year or more	2.2	1.3	3.3	7.7
<b>Women</b>	<b>34.3</b>	<b>44.8</b>	<b>85.3</b>	<b>118.8</b>
Up to 1 month	5.7	14.2	16.0	15.7
1-5 months	12.3	12.8	28.8	26.0
6-11 months	5.7	6.4	17.6	29.2
1 year or more	10.6	11.4	22.9	47.8
Aged 20-64	33.6	42.6	82.6	115.9
Up to 1 month	5.3	13.2	14.8	14.9
1-5 months	12.1	12.3	27.9	25.0
6-11 months	5.6	6.0	17.1	28.7
1 year or more	10.6	11.2	22.8	47.4
Aged 15-24	6.0	9.9	14.8	20.1
Up to 1 month	1.6	4.5	4.0	4.6
1-5 months	2.4	2.8	5.1	5.9
6-11 months	(0.8)	1.3	2.8	4.8

	2007	2008	2009	2010
1 year or more	(1.0)	1.2	2.8	4.8
Aged 25-54	24.8	30.0	61.1	85.6
Up to 1 month	3.6	8.7	10.2	10.2
1-5 months	8.8	9.2	21.3	17.8
6-11 months	4.4	4.4	13.5	20.8
1 year or more	8.1	7.7	16.1	36.8
Aged 55-74	3.5	4.9	9.3	13.1
Up to 1 month	(0.5)	(1.0)	1.7	(1.0)
1-5 months	1.1	(0.7)	2.4	2.4
6-11 months	(0.5)	(0.7)	1.3	3.6
1 year or more	1.4	2.5	4.0	6.2

## Additional information to Article 15§1

### NATIONAL PROGRAMME OF SOCIAL INTEGRATION OF DISABLED PEOPLE 2003-2012 INTERIM ASSESSMENT REPORT (2003-2007)

When the national programme was developed, the educational reform had already been underway and many children with special educational needs, together with their peers, started to go to preschool establishments and general education schools. The number of pupils with special educational needs was steadily decreasing in special needs boarding schools. However, the implementation of the reform encountered certain problems. Special and general education establishments operated under uneven financial conditions for education of disabled children (children with special needs). The difficulties with regard to the education of children (with special needs) arose due to an insufficient satisfaction of special needs caused by disability, non-adapted environment of educational establishments and non-adapted education programmes. Teachers of general education establishments lacked knowledge necessary to educate children with special needs. As a result, the programme provided for more opportunities for teachers to gain additional knowledge and skills necessary to educate children with special needs in a common group or class. Moreover, the training of teachers of general education establishments had to include study programmes to make them gain the necessary knowledge.

Under the national programme, all the measures included in the action plan of the programme were implemented or are being currently implemented.

7.1. Amendment of currently effective legislation on education by including the issues addressing education of disabled people
Ministry of Education and Science as well as Ministry of Social Security and Labour
2003–2004
State budget
Inclusion of provisions of the Republic of Lithuania law on special education into the draft law on education and other legislation of the Republic of Lithuania
7.2. Development of improved methodologies for individual assessment and recommendations on the organisation of education
Ministry of Education and Science, Ministry of Social Security and Labour, Ministry of Health, and other ministries
2003–2012
State budget
The methodologies developed in line with the methodologies applied in Europe and the world will enable the application of educational measures, identification and satisfaction of special needs

In pursuing the aforementioned measure, 53 pedagogical psychological agencies were equipped with methodologies WISC-III-LT for the assessment of personal general intellectual capacities, adapted for Lithuania, psychologists of the agencies were trained to use them; Achenbach and Raven methodologies were adapted, a methodology for the assessment of children school maturity was developed; pedagogical psychological agencies were supplied with the methodology for adaptive behaviour assessment scales. In 2007, the Centre of Special Pedagogy and Psychology developed WISC-III-LT and draft methodologies for the assessment of children school maturity in Russian and Polish languages. It was planned to discuss and adopt them in 2008. Furthermore, in 2007, the Centre of Special Pedagogy and Psychology developed two

methodological tools, namely “Guidelines for Assessment of Capacities of Achievements of 1<sup>st</sup>-4<sup>th</sup> Grade Pupils” and “System for Provision of Additional Pedagogical Assistance”. The Centre also developed a publication “Education of Children with Special Needs” and methodological recommendations for teachers on the ways to assist preschool children with verbal, communication and behavioural disorders. Six measures were created for the device Intellikeys, the purpose of which was to develop language capacities and conceptual thinking of children with special needs. Moreover, methodological material “A School for Parents and Tutors” was developed.

In 2004, 2005 and 2007, the Ministry of Education and Science initiated opening of exhibitions “Training Tools for Everybody” coupled with conferences and seminars aimed for exhibition participants. The exhibitions presented 700 special training tools developed by Lithuanian specialists; the events were attended by 8,000 participants. Fifteen publishing houses took part in the exhibitions. In 2006, the Centre of Special Pedagogy and Psychology, founded by the Lithuanian Ministry of Education and Science, set up Special Training Tools Division. During the same year, criteria for the adaptation of special training tools as well as catalogues of special training tools were developed.

<b>7.3. Development and adoption of state-funded education services basket for disabled children (children with special needs) with respect to the type and severity of disability</b>
Ministry of Education and Science, Ministry of Social Security and Labour, and Ministry of Health
2003-2004
State budget
Under adapted education programmes a list of state-funded education services is drawn with respect to the need for teachers and assistants’ services, as well as transportation, technical aids and other necessary services.

The aim of increasing a financial basket by 33 per cent for a child with special needs, as compared to a standard pupil going to the common class of a school of general education was achieved.

From 2005, taking into account the outcome of practical implementation of the pupil’s basket and the comments submitted by municipalities, the Government increased financing of education.

Funding for preschool education groups was increased by 10 %, whereas financing of education of integrated children with special needs grew by 20 %.

The pupil’s basket for 11-12<sup>th</sup> grade pupils and 3<sup>rd</sup>-4<sup>th</sup> grade pupils of gymnasiums (if the school has two such classes) in municipal secondary, adult schools and adult training centres were increased by 10 %. This increase amounted to additional LTL 1.1 million allocated in 2005.

From 2005 financing for integrated pupils with special needs in general education classes (pupils’ basket) increased by 10 %.

An opportunity was given to set up 800 teacher assistant positions. This was followed by a 20 % increase of the pupil’s basket and financing allocated for pupils with visual and hearing disorders in special classes of special schools (centres, divisions).

<b>7.4. Collection and analysis of statistics about disabled children (children with special needs) (national, municipal, county data, data by disability)</b>
Ministry of Education and Science, Ministry of Social Security and Labour, and municipalities
2003-2012
State budget, municipal budgets
Systemised information allows to identify the need for special education and to plan the

assistance of specialists.
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The Ministry of Social Security and Labour collects data about children aged up to 18 with special needs and a disability. Every year, the Ministry of Education and Science systemises data about the number of pupils with special needs, the forms of education, educational establishments, etc. Furthermore, the information system of education management became operational and started to systemise data about pupils with special needs and special educational establishments. From 2007, after the forms of collection of statistical data were modified, data about pupils' need for special education were also gathered.

Pursuant to the Description of the Procedure for Supply of General Education Subject Manuals and Educational Tools, approved by Order No. ISAK-2 of the Minister of Education and Science of the Republic of Lithuania of 4 January 2005, a list of recommended special education tools was developed for the first time. The model of supply of special education tools prescribes that special education tools are visual, technical, demonstration aids, computers, toys, things, materials and exercise books which were developed or adapted for people with special needs. Pursuant to Article 72(6) of the Law on Education of the Republic of Lithuania, pupils with special needs are supplied with special training tools at school and at home. Hence pupils with special needs will be able to obtain exercise books and other special education tools included in the list covered by the pupil's basket funds.

<b>7.5.</b> Reform of the system of special education establishments, taking into account their efficiency, number of consumers and intention to move to integrated education.
Ministry of Education and Science, Ministry of Social Security and Labour, and municipalities
2003-2006
State budget and municipal budgets
Ensuring education of a disabled child (child with special needs) in the least limited environment, life in a family; implementation of the principle "a school for all".

A Preschool and Pre-primary School Education Development Programme for 2007–2012 was developed. The plan is to set up more positions of psychologists, social pedagogues and other educational service assistants in pedagogical psychological agencies, other preschool education establishments and institutions providing education services, wards. It is also intended to offer new forms of education assistance to the child and his or her family: set up universal multifunctional centres in rural areas, develop functions of day centres, etc. The aim is to increase access to preschool and pre-primary education and pedagogical as well as psychological assistance at an early stage. In 2003–2004, an expert from the Ministry of Education and Science took part in a project initiated by the European Agency for Development in Special Needs Education. The project developed recommendations for practitioners and policy-makers "Recommendations on Organisation of Early Education of Children with Special Needs".

<b>7.6.</b> Development of the programmes of early education of disabled children (children with special needs) and training of certain functions
Ministry of Education and Science and municipalities
2003-2012
State budget and municipal budgets
Ensuring early education of preschool age disabled children (children with special needs)

Children with severe disability go to common kindergartens, yet children suffering from cerebral paralysis or mental disorders mostly go to special education establishments. Several kindergartens have special groups for children with disability. The currently effective legislation offers an opportunity for parents to choose the group, special or ordinary, for their disabled child.

In 2005, there were 99 special purpose or other types of preschool education establishments with special purpose groups in Lithuania. They were attended by 4,484 children. The majority of children (62 %) had verbal disorders, followed by children with visual disorders (11 %) and physical and movement disorders (5 %). Moreover, general education groups of preschool education establishments had 12,800 children suffering from development deviation and which were subject to correctional or special education.

<b>7.7. Introduction of a mandatory course on special pedagogy and psychology for teachers of all subjects in higher educational establishments and colleges</b>
Ministry of Education and Science
2005
State budget
Ensuring work of qualified specialists with disabled children (children with special needs)

Seeking to make sure that qualified experts work with disabled children (children with special needs), under the programme of special education services (adopted by Resolution No. 1475 of the Government of the Republic of Lithuania of 22 November 2004), the plan was to introduce an integral system of mandatory credits (for the subjects of special pedagogy and psychology) in higher education schools which train teachers. The regulations of teachers' assessment, which became effective on 1 January 2008, prescribe that every teacher should attend a 60-hour duration course on education of pupils with special needs. The programme on upgrading of qualifications (60 hours) was adopted to be implemented by the Centre of Vocational Training of Teachers and municipal teacher education centres from 2008.

In 2007, the Ministry of Education and Science allocated LTL 100,000 for financing of programmes of eight teacher education centres. The number of implemented programmes on education of persons with special needs totalled 35. The seminars were attended by 3500 teachers and school principals.

In 2008, the plan was to develop recommendations for teacher training programmes that will be mandatory for all higher education establishments training teachers.

<b>7.8. Development and application of programmes on transition from the education system to the labour market or the social assistance system</b>
Ministry of Education and Science, Ministry of Social Security and Labour, and municipalities
2003-2012
State budget and municipal budgets
Following individual indications, ensuring consistent transition of disabled children (children with special needs) from the system of education to the labour market (assisted employment) or the social assistance system (assistance in getting involved in other employment forms) to be able to lead an independent life

To implement the measure, a new draft law on vocational training was developed, followed by the procedure on the compliance of vocational training programmes with labour market programmes providing for a development of a system of vocational training programmes for pupils with special needs. Furthermore, the plan is to implement the programme of the Ministry of Education and Science, "An Open System of Information, Consulting and Guidance".

<b>7.9. Development of a procedure for education of disabled children (children with special needs) at home, care and health care establishments</b>
Ministry of Education and Science and Ministry of Social Security and Labour
2005
State budget
Ensuring consistent and non-interrupted education of disabled children (children with special needs)

The Description of the Procedure for Providing Education Assistance to a Family Raising a Child of Preschool Age at Home was approved by Order No. ISAK- 842 of the Minister of Education and Science of the Republic of Lithuania on 4 June 2004. The Description defines the type of assistance, beneficiaries, suppliers and organisation of service provision. Assistance means activities carried out by specialists who help increase the quality of child education in a family. The purpose of providing assistance is to help parents (guardians) educate a child of preschool age effectively. The assistance is provided where requested by parents or upon the recommendation of institutions responsible for protection of the rights of the child. Upon the assessment of the child's psychological problems, the Agency (Centre) of Early Rehabilitation (Correction) of Children Development Disorders provides psychological assistance to children from their birth until they reach 3 years of age. These problems are addressed in co-operation between the assistance providers and the child's parents (guardians). The latter are given consultations in the form of non-formal education programmes for adults and they are offered special pedagogical assistance. It should be noted that such assistance is provided after the assessment of special education needs of the child. The provision of assistance is financed in compliance with the procedure established by the municipal council.

<b>7.10. Ensuring uniform quality and scope of special education services in general education and special education establishments</b>
Ministry of Education and Science, Ministry of Social Security and Labour, and municipalities
2003-2004
State budget and municipal budgets
Ensuring education services of the same quality and scope for disabled children (children with special needs), use of information technologies and adapted programmes

Every year the basket allocated for pupils with special needs is increasing. From January 2007, the nominal basket of pupils with special needs was almost 33% bigger than the basket of ordinary pupils. The Ministry of Education and Science allocated funding, by means of competition, for the municipalities which before September 2006 had set up new positions of a special pedagogue or teacher assistant in general education schools to maintain such positions until 2007. The number of teacher assistant and special pedagogue positions totalled 130 and 74 respectively in 182 general education schools of 45 municipalities. In 2007, there were 131.25 positions of teacher assistants, 42 special pedagogues and 28 psychologists. In addition, Methodological Recommendations on the Method for Calculation of the Basket of Pupils with Special Needs Educated in Common Classes of General Education Schools were developed and approved by the Order of the Minister of Education and Science of 30 January 2007.

A significant increase of the pupil's basket and application of the aforementioned recommendations will help organise education of pupils with special needs in general education classes more effectively. From 2006, pursuant to the Programme on the Use of the Lithuanian Sign Language or Provision of Interpretation Services of 2005-2008, approved Resolution No. 896 of the

Government of 17 August 2005, 12 future philologists of Vilnius Pedagogical University chose vocational sign language studies. In the future they could contribute to the standardisation of the Lithuanian sign language and development of methodological measures for the deaf. In 2006, three manuals for pupils with special needs in common classed were published and they looked very much like the manuals used by standard pupils (the Lithuanian language for the 3<sup>rd</sup> grade, maths for the 4<sup>th</sup> grade). In 2007, a manual of natural science for the 5<sup>th</sup> class, *Mokslininkų pėdomis (On the track of scientists)* was developed and submitted for expert opinion. In addition, a Lithuanian language manual for the 5<sup>th</sup> grade *Žaidžiu žodžiu (Playing with words)* was developed. These manuals help to ensure equal studying opportunities for children and youngsters with big or very big special educational needs. Methodological publications in the Lithuanian language published by the European Agency for Development in Special Needs Education are supplied to the general education schools and pedagogical psychological agencies (these manuals include *Early Childhood Intervention, Inclusive Education and Effective Classroom Exercises, Transition from School to Employment, Special Education in Europe*).

In 2003–2005, when implementing the Programme for Improvement of Schools, 62 educational establishments built ramps, adapted one WC for the disabled, elevators and lifts were built in 6 educational establishments. All the newly built schools have elevators, access for wheelchairs and adapted WCs for the disabled.

<b>7.11. Regulation and support of continuing and additional education of adults, their studies in higher education university and non-university schools</b>
Ministry of Education and Science, Ministry of Social Security and Labour, and municipalities
2003-2012
State budget and municipal budgets
Social assistance offers equal opportunities to gain general and/or vocational education.

**Under the measure and pursuant to the procedure for provision of assistance to disabled students (Official Gazette, 2006, No. 93-3655) funds were allocated for partial funding of studies undertaken by disabled students. Support was provided to 952 disabled students in 36 higher educational establishments, including 854 disabled students studying in 29 state institutions and another 98 disabled students going to 7 non-state institutions. Allowances for special needs were paid to 952 disabled students and 510 disabled students received special purpose allowances for partial reimbursement of studies.**

Through the Lithuanian Association of the Blind and Visually Handicapped support was provided to 42 visually impaired students studying in Šiauliai and Vilnius colleges to become massage therapists under a vocational training programme. Disabled students were provided funds to hire a reader.

In 2004-2006, the Šiauliai college offered a vocational training programme for young people with visual impairment.

The amount of financial assistance allocated for the implementation of the measure of studying disabled students totalled LTL 1,309,000, including LTL 28,250 allocated for the Lithuanian Association of the Blind and Visually Handicapped. Out of the amount allocated LTL 1,305,400 were used. The remaining amount was returned by the College of Social Sciences into the state budget after 10 January 2008.

<b>7.12. Support of projects for non-formal education and training of people with disabilities</b>
Ministry of Education and Science, Department of Affairs of the Disabled under the Ministry of Social Security and Labour, and municipalities
2003-2012

State budget and municipal budgets
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The projects of non-formal education and training of people with disabilities implemented in a community will help to build better links between a person and society and offer an opportunity to increase employment.
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In 2003-2006, the number of children and youth educational programmes as well as non-formal education programmes implemented by the associations of the disabled and their partners totalled appr. 14 each year. In the area of education the plan was develop education of disabled children (children with special needs), young people and adults as well as adapt training programmes and ensure provision of social services necessary for the education process.

The measures of non-formal education programmes included about 12,480 disabled students. Classes of music and other arts were given to 950 disabled adults and 650 disabled children. Every year about 800 persons attend various educational establishments. During 2003-2007, the amount of LTL 17 million was allocated to educational programmes implemented by the associations of the disabled and their partners.