

— Lithuania and the European Social Charter —

Signatures, ratifications and accepted provisions

Lithuania ratified the Revised European Social Charter on 29/06/2001. It has accepted 86 of the 98 paragraphs of the Revised Charter.

Lithuania has not yet accepted the system of collective complaints.

The Charter in domestic law

Automatic incorporation into domestic law and superiority of International treaties ratified by the Seimas (Parliament) over national legislation (Article 138 of the Constitution and Article 11 of the Law on Treaties).

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										
								Grey = Accepted provisions			

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Lithuania](#) in 2007, in 2013 and in 2016. The Committee considers that there are no obstacles to the acceptance of Articles 12§2, 19§2, 19§4, 19§8, 19§12, 23 and 30.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

Monitoring the implementation of the European Social Charter ¹

I. Reporting system ²

Reports submitted by Lithuania

Between 2003 and 2019, Lithuania has submitted 16 reports on the application of the Revised Charter.

The [15th report](#), submitted on 16/11/2017 covers the accepted provisions of the Social Charter relating to thematic group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29).

Conclusions with respect to these provisions have been published in March 2019.

The [16th report](#), which was submitted on 08/11/2018, should concern the accepted provisions relating to Thematic group 4 "Children, families, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in January 2020.

¹ The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

² Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

Situations of non-conformity³

Thematic group 1 « Employment, training and equal opportunities » - Conclusions 2016

No cases of non-conformity retained.

Thematic group 2 « Health, social security and social protection » - Conclusions 2017

- ▶ *Article 353 - Right to safe and healthy working conditions - Enforcement of safety and health regulations*
 - Measures to reduce the number of fatal accidents at work are inadequate;
 - It has not been established that labour inspection, insofar as it concerns occupational health and safety, is effective.

- ▶ *Article 354 - Right to safe and healthy working conditions - Occupational health services*

It has not been established that there is a strategy to progressively institute access to occupational health services for all workers.

- ▶ *Article 1151 - Right to protection of health - Removal of the causes of ill-health*

It has not been established that sufficient measures have been taken to guarantee the right of access to healthcare in practice.

- ▶ *Article 1251 - Right to social security - Existence of a social security system*

- The minimum level of sickness benefits is inadequate;
- The minimum level of old-age benefits is inadequate;
- The minimum level of unemployment benefits is inadequate;
- The minimum level of invalidity benefits is inadequate;

- ▶ *Article 1351 – Right to social and medical assistance - Adequate assistance for every person in need*

- The levels of social assistance and of social assistance pension are not adequate;
- Nationals of other States Parties are subject to a length of residence requirement of five years to become eligible for social assistance.

Thematic group 3 « Labour rights» - Conclusions 2018

- ▶ *Article 251- Right to just conditions of work - Reasonable working time*

During the reference period, for certain categories of workers a working day of 24 hours was permitted.

- ▶ *Article 451 – Right to a fair remuneration – Decent remuneration*

The minimum wage does not ensure a decent standard of living.

- ▶ *Article 452 – Right to a fair remuneration - Increased remuneration for overtime work*

The exception to the right to increased remuneration does not apply exclusively to senior officials and management executives.

- ▶ *Article 454 – Right to a fair remuneration-Reasonable notice of termination of employment*

No notice period is given in case of termination of employment based on a judicial decision which prevents the performance of work; the withdrawal of administrative licences required for the performance of work; the request from bodies or officials authorised by the law; and the unfitness for work certified by authorised bodies.

- ▶ *Article 455 – Right to a fair remuneration - Limits to deduction from wages*

In the reference period, after all authorised deductions, the wages of workers with the lowest pay do not allow for them to provide for themselves or their dependants.

- ▶ *Article 652 - Right to bargain collectively - Negotiation procedures*

The promotion of collective bargaining is not sufficient.

³ Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 26§1 – Right to dignity in the workplace – Sexual harassment*

It has not been established that, in relation to the employer's responsibility, there are sufficient and effective remedies against sexual harassment in relation to work.

► *Article 26§2 – Right to dignity in the workplace - Moral harassment*

- It has not been established that, in relation to the employer's responsibility, there are sufficient and effective remedies against moral (psychological) harassment in the workplace or in relation to work;
- It has not been established that appropriate and effective redress (compensation and reinstatement) is guaranteed in cases of moral (psychological) harassment.

► *Article 28 - Right of workers' representatives to protection in the undertaking and facilities to be accorded to them*

The protection afforded to workers' representatives does not extend to a period after the mandate.

Thematic group 4 « Children, families and migrants » - Conclusions 2015

► *Article 7§1 – Right of children and young persons to protection - Prohibition of employment of children under the age of 15 and Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

During school holidays the daily and weekly working time for children subject to compulsory education is excessive and therefore the work cannot be qualified as light work.

► *Article 8§2 – Right of employed women to protection of maternity - Illegality of dismissal during maternity leave*

Exceptions to the prohibition of dismissal of employees during pregnancy or maternity leave are excessively broad.

► *Article 16 – Right of the family to social, legal and economic protection*

- Family benefits are not of an adequate level for a significant number of families;
- Equal treatment of nationals of other States Parties with regard to the payment of family benefits is not ensured due to an excessive length of residence requirement

► *Article 17§1 – Right of children and young persons to social, legal and economic protection - Assistance, education and training*

Corporal punishment of children is not prohibited in the home, in schools and in institutions.

► *Article 31§1 – Right to housing – Adequate housing*

Measures taken by public authorities to improve the substandard housing conditions of most Roma are insufficient.

► *Article 31§2 – Right to housing – Reduction of homelessness*

It has not been established that:

- there are measures in place to prevent persons having lost their right to municipal subsidised housing to become homeless;
- there exists legal protection for persons threatened by eviction;
- the right to shelter is adequately guaranteed.

The Committee has been unable to assess compliance with the following rights and has invited the Lithuanian Government to provide more information in the next report in respect of the following provisions:

Thematic group 1 « Employment, training and equal opportunities »

- ▶ Article 1§4 - Conclusions 2016
- ▶ Article 9 - Conclusions 2016
- ▶ Article 10§2 - Conclusions 2016
- ▶ Article 10§3 - Conclusions 2016
- ▶ Article 10§5 - Conclusions 2016

Thematic group 2 « Health, social security and social protection »

- ▶ Article 11§3 - Conclusions 2017
- ▶ Article 12§4 - Conclusions 2017

Thematic group 3 « Labour rights »

- ▶ Article 4§3 - Conclusions 2018
- ▶ Article 6§4 - Conclusions 2018

Thematic group 4 « Children, families and migrants »

- ▶ Article 7§5 - Conclusions 2015

II. Examples of progress achieved in the implementation of rights under the Charter ***(non-exhaustive list)***

Thematic group 1 « Employment, training and equal opportunities »

- ▶ The Law amending the Law on Equal Treatment (No. X-1602 of 17 June 2008) requires employers to make reasonable accommodation for persons with disabilities. Article 7 of the Law states that when applying equal treatment employers must "take appropriate measures to provide conditions for disabled people to obtain work, to work, to pursue a career or to study, including adapting premises, provided that the employer would not be disproportionately burdened with duties as a result.
- ▶ Repeal of 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 entailed restrictions which restricted the professional activities of former employees.
- ▶ On 19 June 2012 the Parliament amended the Law on the Guarantee Fund (Recast) which came into effect on 1 January 2013. The law establishes a better regulation in order to simplify the calculation of allowances from the Guarantee Fund and to speed up the allowances allocation process.

Thematic group 2 « Health, social security and social protection »

- ▶ The General Regulations for Assessing Occupation Risks were amended and entered into force as of 1st November 2013. The Regulations contain revised concepts and provisions relating to the organisation and performance of risk assessment and set out that the assessment of a risk at the workplace is followed by the filling in of a document in the form chosen by the enterprise. Enterprises having conducted a self-assessment of occupational risks in accordance with the Regulations review and revise the assessment of or reassess occupational risks according to Paragraph 5 of the General Regulations for Assessing Occupational Risks.
- ▶ The Online Interactive Risk Assessment ("OiRA") tools are being developed seeking to help small and medium size enterprises to assess the risks on their entities.
- ▶ From 1 January 2012, payment of old age, work incapacity (disability) and survivors' pensions (widow's/widower's and orphan's pensions), which had been temporarily reduced in 2010-2011 (see Conclusions 2013), was restored to the full amount. As a result, in 2012, the average amount of old-age pension increased by around 9% compared to 2011.
- ▶ As of 1 January 2015, sickness allowances paid from the State Social Insurance Fund budget resources were increased by approximately one third, following the amendment of the Law on Sickness and Maternity Social Insurance. As a result, the sickness allowance was brought to 80% of the beneficiary's compensatory salary for the whole length of the sick leave, while until end 2014 only 40% of it was paid from the third to seventh day of sick leave.
- ▶ Sickness and maternity/paternity insurance was extended in 2015 to students and graduates under the age of 26, exempting them from the qualifying period requirements, provided that they start working within 6 months (as regards sickness insurance) or 12 months (as regards maternity/paternity insurance) from the completion of their studies. Until the end of 2014, young people starting work after completing their studies were only exempted from the qualifying period requirement if they started working within 3 months from the graduation.
- ▶ A Law on Compensation of State Social Insurance Old-Age and Lost Capacity for Work (Disability) Pensions, entered into force on 22 May 2014. The law provided for the payment of compensatory benefits to those who received reduced old-age and disability pensions in 2010-2011, because of the economic crisis, as well as to their heirs, if the beneficiaries has died after the entry into force of the law. The compensatory amounts were paid in instalments, between end 2014 and 2016, to around 500 000 persons, for a global cost of around €99 000 000. Another law (Law on Compensation of State Social Insurance Old-Age Pensions and State Pensions Reduced by Taking into Account Available Insured

Income), adopted on 30 June 2015, provides for further compensatory amounts to be paid in instalments between 2016 and 2018 to some 84 400 beneficiaries of Old-age pensions which were reduced in 2010-2011 (the global amount involved is expected to be around €120 600 000).

► Amendments to the Law on Pension which remove the length of residence requirement for old age pension, widows and survivor's benefits have been adopted, so that social security benefits are henceforth only based on the social insurance record. The amendments entered into force in 2014 provide for the payment of state social insurance pensions to any person, whether he or she is a Lithuanian national or a national of third country, who paid the compulsory contributions to the State Social Insurance Fund budget, irrespective of his or her presence in Lithuania.

► The amendments to the Law on Cash Social Assistance for Poor Residents established a legal basis for cash social assistance for persons in need. Municipalities provide cash social assistance for poor residents under equal conditions (both social benefits and compensations) as of 1 January 2015 by fulfilling their independent municipal function.

Thematic group 3 « Labour rights »

► A specific prohibition of moral (psychological) harassment has been introduced in the new Labour Code, adopted in September 2016 and entered into force in July 2017.

Thematic group 4 « Children, families and migrants »

► Extension of the number of child allowance beneficiaries (Child Allowances Act, entry into force 1 July 2004).

► A draft Act on Protection from Domestic Violence was submitted to the Government on 12 May 2010. The purpose of the draft legislation is to respond quickly to violations, impose sanctions, provide appropriate support and take preventive measures to protect people from domestic violence. In addition, Government Resolution No. 853 of 19 August 2009 approved the Plan of Measures Implementing the National Strategy on Combating Violence against Women, 2010-2012. With a view to enhancing the legal framework in this area, there are plans to improve access to legal assistance for victims of domestic violence.

► Adoption on 26 May 2011 of the Law on Protection against Domestic Violence, which defines the concept of domestic violence, establishes the rights and liabilities of subjects of domestic violence, implements preventive and protective measures and provides for assistance in the event of domestic violence.