

– 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 2022, Lithuania has submitted 18 reports on the application of the Revised Charter.

The [18th report](#), submitted on 9/04/2021, concerns the accepted provisions relating to thematic group 2 "Health, social security and social protection" (Articles 3, 11, 12, 13, 14, 23 and 30).

Conclusions with respect to these provisions have been published in March 2022.

The 19th report, which was to be submitted by 31/12/2021, should concern the accepted provisions relating to thematic group 3 "Labour rights", namely:

- the right to just conditions of work (Article 2);
- the right to a fair remuneration (Article 4);
- the right to organise (Article 5);
- the right to bargain collectively (Article 6);
- the right to information and consultation (Article 21);
- the right to take part in the determination and improvement of the working conditions and working environment (Article 22);
- the right to dignity at work (Article 26);
- the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28);
- the right to information and consultation in collective redundancy procedures (Article 29).

Conclusions with respect to these provisions will be published in March 2023.

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 2020

► *Article 1§4 – Right to work – Vocational guidance, training and rehabilitation*
Vocational guidance within the education system is not guaranteed.

► *Article 9 - Right to vocational guidance*

Vocational guidance within the education system is not provided by sufficient staff, nor is it provided to a sufficient number of persons.

► *Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*

the lack of sufficient measurable progress in respect of the obligation to promote the right to equal pay.

Thematic group 2 "Health, social security and social protection" - Conclusions 2021

► *Article 3§3 - 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 11§1 - Right to protection of health - Removal of the causes of ill-health*

Les mesures prises pour garantir de manière efficace le droit d'accès aux soins de santé ont été insuffisantes.

► *Article 13§1 – Right to social and medical assistance - Adequate assistance for every person in need*

- The levels of social assistance, including for the elderly persons, are not adequate;
- Nationals of other non-EEA 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 2§1- 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 4§1 – Right to a fair remuneration – Decent remuneration*

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

► *Article 4§2 – 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 4§4 – 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 4§5 – 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 6§2 - Right to bargain collectively - Negotiation procedures*

The promotion of collective bargaining is not sufficient.

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

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

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 2019

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

During the school term, the daily duration of working time on non-school days is excessive and therefore the work cannot be qualified as light.

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

During the school term, the daily duration of working time on non-school days is excessive and therefore the work cannot be qualified as light.

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

It has not been established that children may only be removed from their families in exceptional circumstances and never on the sole ground of their family's financial situation.

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

It has not been established that the supervision of housing standards is adequate.

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

- The law does not provide for the prohibition of evictions in wintertime;
- The right to shelter is not 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§2 - Conclusions 2020
- ▶Article 10§1 - Conclusions 2020
- ▶Article 10§3 - Conclusions 2020
- ▶Article 15§1 - Conclusions 2020
- ▶Article 15§2 - Conclusions 2020
- ▶Article 15§3 - Conclusions 2020

Thematic group 2 "Health, social security and social protection"

- ▶Article 3§2 - Conclusions 2021
- ▶Article 3§4 - Conclusions 2021
- ▶Article 12§1 - Conclusions 2021
- ▶Article 12§4 - Conclusions 2021
- ▶Article 14§2 - Conclusions 2021

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 2019
- ▶Article 7§10 - Conclusions 2019
- ▶Article 16 - Conclusions 2019
- ▶Article 17§2 - Conclusions 2019
- ▶Article 19§1 - Conclusions 2019
- ▶Article 19§10 - Conclusions 2019

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.

► In order to help identify investigation process of the psychosocial risk factors to the changing working conditions and to simplify the provisions in order to help small and medium enterprises to investigate such risks Regulations on investigation of psychosocial occupational risks were changed by the order No. V-153/A1-77 of the Minister of Health and the Minister of Social Security and Labour of 5 February 2019. Also, on 1 May 2019 the Minister of Health adopted the order No. V-590 which relates to improving competencies of workers' mental health and which is directed towards reducing the impact of stress at work to the workers' health.

► In order to help identify investigation process of the psychosocial risk factors to the changing working conditions and to simplify the provisions in order to help small and medium enterprises to investigate such risks Regulations on investigation of psychosocial occupational risks were changed by the order No. V-153/A1-77 of the Minister of Health and the Minister of Social Security and Labour of 5 February 2019. Also, on 1 May 2019 the Minister of Health adopted the order No. V-590 which relates to improving competencies of workers' mental health and which is directed towards reducing the impact of stress at work to the workers' health.

► A reform was initiated at the beginning of 2017 to modernise the social security system. This reform aims, among other goals, to integrate self-employed persons into the state social security system and include the different groups of platform workers (such as persons working in the bicycle delivery service sector) in the "self-employed persons" category in order to expand their social security coverage and improve their social insurance benefits.

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.

►According to the new Labour Code which came into force on 1st July 2017, pregnant women enjoy protection against dismissal from the day they notify their employer that they are pregnant until the child is four months old.

►Lithuania abolished all forms of corporal punishment in all settings.

►The Committee had previously considered that the legal protection for persons threatened with eviction was not adequate (2011, 2015, 2017). While the Committee reiterates its conclusion of non-conformity on the specific point of prohibition of evictions during the winter period, it now considers that the situation is in conformity with respect to: the obligation to rehouse the persons evicted in case of eviction for reasons of public interest (notably when the dwellings are unfit for habitation and when they are being demolished, reconstructed); and access to legal remedies and compensation in the event of illegal eviction.