



13/12/2016

RAP/RCha/LTU/14(2017)

EUROPEAN SOCIAL CHARTER

14th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF LITHUANIA

- Article 3, 11, 12, 13 and 14 for the period
01/01/2012 - 31/12/2015
- Complementary information on Article 31§2
(Conclusions 2015)

Report registered by the Secretariat on
13 December 2016

CYCLE 2017



REPUBLIC OF LITHUANIA

14TH REPORT OF THE REPUBLIC OF LITHUANIA

FOR THE ACCEPTED PROVISIONS CONCERNING
THE EUROPEAN SOCIAL CHARTER
THEMATIC GROUP “**HEALTH, SOCIAL SECURITY AND SOCIAL PROTECTION**”
ARTICLES **3, 11, 12 (Paragraphs 1, 3 and 4), 13 (Paragraphs 1-3), 14**
AND
THEMATIC GROUP "CHILDREN, FAMILIES, MIGRANTS"
ARTICLE 31 (Paragraph 2)

Reference period: 1 January 2012 – 31 December 2015

Vilnius
2016

ACRONYMS USED IN THE REPORT

CHIF	Compulsory Health Insurance Fund
Committee	An occupational safety and health committee
Department	Department of Supervision of Social Services under the Ministry of Social Security and Labour
Law on Pensions	Law on State Social Insurance Pensions
NHIF	National Health Insurance Fund
MoH	Ministry of Health of the Republic of Lithuania
OiRA	Online Interactive Risk Assessment
ROD	State Register of Occupational Diseases
State Labour Inspectorate	State Labour Inspectorate under the Ministry of Social Security and Labour
SSI	state supported income
SODRA	State Social Insurance Fund Board under the Ministry of Social Security and Labour
THIF's	Territorial health insurance funds

PROVISIONS OF THE EUROPEAN SOCIAL CHARTER (revised)

ARTICLE 3 – THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

ARTICLE 3§1 - Safety and health regulations

General objective of the policy

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee takes note of these particulars. It confirms the existence of a policy whose aim is to pursue and preserve a culture of prevention as regards safety and health at work. It asks that the next report give information on the way in which the policy is regularly reviewed in the light of changing risks. It also requests information as to how the 2007-2012 Community Strategy on health and safety at work³ is taken into account in the Strategy and the Plan.

National legislation is revised according to the new EU legislation and taking into account of practice of implementation of the legislation. In 2012 risks assessment procedures were revised in order to define them clearly and allow employers to prepare documents on risk assessment in their own way. The **Online Interactive Risk Assessment** (hereinafter referred to as the “**OiRA**”) tools are being developed seeking to help small and medium size enterprises to assess the risks in their entities. **State Labour Inspectorate under the Ministry of Social Security and Labour** (hereinafter referred to as the “**State Labour Inspectorate**”) in cooperation with European Agency for Safety and Health at Work takes part in the projects developing OiRA tools. In 2013 OiRA tool for Car repair was published, in 2014 OiRA tools for working in offices and for woodworking sector were published, in 2015 OiRA tool for wholesale and retail sales of non-food products was published.

Taking into account the new system for the classification and labelling of substances and mixtures within the European Union established by Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures legislative provisions for workers, including workers under 18 years old, pregnant workers and workers who have recently given birth or are breastfeeding, protection from chemical substances, carcinogens, mutagens and for use of warning signs were amended.

The Strategy on Health and Safety at Work for 2009-2012 and the Action Plan for Implementation of the Strategy on Health and Safety at Work for 2009–2012 are closely linked with the aims and objectives set in the 2007-2012 Community Strategy on Health and Safety at Work.

Organisation of occupational risk prevention

Responses to the questions and conclusions of the European Committee of Social Rights:

It notes the existence, at enterprise level, of measures for the prevention of occupational risks suited to the nature of the risks, together with measures of information and training for workers. It asks that the next report contain information on the conditions under which employers, particularly small and medium-sized enterprises, discharge these obligations in practice and on the penalties applied by the Labour Inspectorate in practice. It also requests information on measures of prevention, risk evaluation and awareness-raising taken by the public authorities. It asks moreover for information on the Labour Inspectorate’s participation in the development of a culture of health and safety among employers and workers, and on the obligation to share (through practical instructions, preventive measures and advice) the knowledge of occupational risks and prevention acquired in connection with activities of oversight.

The Law amending Articles 1, 2, 11, 12, 13, 18, 19, 22, 25, 27, 29 and 33 of and the annex to the Law on Safety and Health at Work¹ and the Law amending Articles 264, 266 and 274 of the Labour Code² were adopted and entered into force as of 1 July 2012.

Given the amended provisions of the **Law on Safety and Health at Work** and other legislation on occupational safety and health and the application practice of the **Regulations for Assessing Occupational Risks**, the **General Regulations for Assessing Occupational Risks** were amended and entered into force as of 1 November 2012³. 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 for Assessing Occupational Risks review and revise the assessment of or reassess occupational risks subject to the conditions laid down in paragraph 5 of the General Regulations for Assessing Occupational Risks.

With a view to improving working conditions and creating quality jobs, in 2008 the **Ministry of Social Security and Labour** commissioned the following studies: a study of the psychosocial working conditions of medical workers and drafting of recommendations how to improve them; Risks of occupational injuries of the musculoskeletal system and their prevention in furniture-producing enterprises; Developments of the occupational safety and health situation in agriculture; Economic and social losses (repercussions) relating to the failure to observe occupational safety and health requirements in the construction sector; a study of the organisation of training of specialists of occupational safety and health services of enterprises, the quality of training services and work-based learning of occupational safety and health specialists of enterprises; and a study of the training needs and the need for testing (attestation) of knowledge of employers and their authorised representatives in matters of occupational safety and health.

Information about the activities of the **State Labour Inspectorate** is provided under Article 3§3 of this report.

Improvement of occupational safety and health

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee takes note of this information. It observes that the public authorities are involved in scientific and applied research and training on safety and health at work. It asks that the next report contain updated information, supported by concrete examples, on the research work (analysis of sectoral risks; norms defined; recommendations made; publications) and training (certification schemes; training of qualified professionals; training schemes) undertaken during the reference period.

The **Institute of Labour and Social Research** under the Ministry of Social Security and Labour was reorganised into **Lithuanian Centre of Social Research** under the Ministry of Education and Science in 2009.

¹ Law No XI-2045.

² Law No XI-2046.

³ Order No A1-457/V-961 of the Minister for Social Security and Labour of the Republic of Lithuania and of the Minister for Health of the Republic of Lithuania of 25 October 2012 approving the General Regulations for Assessing Occupational Risks.

The Labour Market Training Authority under the Ministry of Social Security and Labour became the **Social Care Authorities Administration Office** under the Ministry of Social Security and Labour in 2010 and since then does not participate in training on safety and health at work.

Training on safety and health at work is provided for employers and employees by training institutions. Training is carried according to the programmes approved by the minister of social security and labour or prepared by training institutions. The Minister of Social Security and Labour has adopted the mandatory programmes on safety and health at work for specialists on safety and health at work, for employers fulfilling the duties of health and safety services at their enterprises, and for persons designated by employers to fulfil duties of health and safety services at the enterprises and also a program for employers, according which the latter have to be attested before starting their activities. Training institutions provide programmes on safety and health at work and training according to those programmes for employees according to the needs of enterprises.

Institute of Hygiene⁴, which is a budgetary institution of the Ministry of Health, investigates the effects of the working environment on health and assesses occupational healthcare technologies.

The Institute of Hygiene consists of three specialised centres, one of which is **Occupational Health Centre**⁵. This centre develops research on the effects of the working environment on health as well as the assessment of occupational healthcare technologies, while also preparing and testing innovative interventions in the occupational healthcare practice.

Main topics of the Centre:

- Psychosocial Occupational Factor Research
- Occupational Health-related Public Health Technology Assessment
- Employee Healthcare Specialists' Activities and Competences
- Health Promotion in the Workplace

It had a number of researches and provided many recommendations concerning preparation of specialists in professional health care.

Consultation with employers' and workers' organisations

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks that the next report contain information on relations between the health and safety committees and the health and safety services in enterprises. It also requests information on the work done by the enterprise-level committee in practice, especially in small and medium-sized enterprises.

Article 13 of the **Law on Safety and Health at Work** sets out that the employer's representative or persons authorised by the employer must inform workers and consult with them on all issues concerning the state of occupational safety and health, the planning of its improvement, organisation, implementation and control of the measures. To that end, safety and health at work committees shall be set up and workers' representatives with specific responsibility for the safety and health of workers shall be appointed. The employer's representative or heads of units shall create conditions for workers and workers' representatives with specific responsibility for the safety and health of workers to take part in discussions concerning safety and health matters.

⁴ <http://www.hi.lt/en/>

⁵ <http://www.hi.lt/en/top-menu/departments/occupational-health-centre.html>.

According to **Law on Safety and Health at Work** an **occupational safety and health committee** (hereinafter referred to as the “**committee**”) shall be set up and its work shall be organised in the following manner:

1) a committee is set up in those undertakings that employ 50 or more workers. If less than 50 workers are employed in an undertaking, the committee may be set up on the initiative of the employer or the workers’ representative, or at the proposal of more than half of the workers of the undertaking. The **General Regulations of Safety and Health at Work Committees** defines the economic activity types in the undertakings of which there is a higher occupational risk and where it is recommended to set up a committee, if there are less than 50 workers employed in the undertaking;

2) a committee is set up if five or more workers are employed on the ship, except a ship navigating exclusively in inland waters, in the territorial sea of the Republic of Lithuania or within the water area of state seaports of the Republic of Lithuania, which engages in commercial activities, except fishing vessels, traditional ships, naval ships, (hereinafter referred to as a “ship”). A ship’s committee shall be set up and its operation shall be organised in accordance with the procedure for setting up a committee and organising its operation laid down in points 3-6 of this paragraph and in paragraphs 3 and 4;

3) a committee shall be formed on a bilateral principle - from an equal number of employer’s representatives appointed by the employer or the person representing the employer (officers of the Administration of the undertaking) and the workers’ representatives with specific responsibility for the safety and health of workers elected in the manner prescribed in paragraph 4 of this Article;

4) the activities of the committee are organised and it is chaired by the committee chairperson -- the employer’s representative or the person authorised by the employer, who is appointed by the said representative. The chairperson shall organise the work of the committee. A workers’ representative with specific responsibility for the safety and health of workers shall be elected Secretary of the committee;

5) the employer shall provide members of the committee with equipment necessary for carrying out their responsibilities as well as with information. At the periodicity provided for in the collective agreement of the undertaking the committee members shall be trained at schools, educational establishments which render services related to training in the field of occupational safety and health in compliance with the **General Regulations of Training and Testing of Knowledge in Safety and Health at Work**, seminars or at the undertaking with the undertaking’s funds. Newly appointed or elected committee members shall be trained at schools, educational establishments which render services related to training in the field of occupational safety and health in compliance with the General Regulations of Training and Testing of Knowledge in Safety and Health at Work. Issues related to the training of committee members shall be solved when concluding collective agreements;

6) for the time spent by a member of the committee performing the tasks related to safety and health at work, which are given to him, or for the time spent training, he must be paid an average salary.

Acting in compliance with the **General Regulations of Safety and Health at Work Committees**, the employer shall draw up regulations of the committee of the undertaking or the committee of the ship. After consultation with the workers’ representatives, the employer’s representative shall approve the said Regulations.

Acting in compliance with the regulations of the committee of the undertaking, the trade union of the undertaking and, if there is no trade union, other workers’ representatives shall, in the meeting of the workers of the undertaking, organise elections of workers’ representatives with specific responsibility for the **safety and health of workers**, followed by elections of members of the

committee from the workers' representatives with specific responsibility for the safety and health of workers. Workers' representatives shall fix a number of a number of undertaking subdivisions and workers whom workers' representatives with specific responsibility for the safety and health of workers represent. If there are more than one workers' representative with specific responsibility for the safety and health of workers in an undertaking, one of them shall be elected senior workers' representative who co-ordinates activities of all workers' representatives with specific responsibility for the safety and health of workers. Not less than one workers' representative with specific responsibility for the safety and health of workers must be in each work shift. On the ship, a workers' representative(s) with specific responsibility for the safety and health of workers and a member(s) of the ship's committee shall be elected in the meeting of the workers of the ship, in compliance with the regulations of the ship's committee.

When establishing the internal control procedure for the safety and health of workers in the enterprise, the employer discusses it with employees, employees' representatives for safety and health and the safety and health at work committee and informs them about the obligations imposed on the heads of units in respect of the internal control of the safety and health of workers and the implementation of relevant measures in the enterprise, in units and at workplaces.

Safety and Health at Work Service in an enterprise provide the Safety and Health at Work Committee with information about the safety and health situation in the enterprise. Safety and health at work specialists participate in the activities of Safety and Health at Work Committee.

ARTICLE 3§2 - Safety and health regulations

Risks covered by the regulations

Responses to the questions and conclusions of the European Committee of Social Rights:

It nevertheless points out that the report must provide full, up-to-date information on changes in the legislation and regulations during the reference period.

Legislative amendments 2012-2015

In order to ensure the implementation of provisions of Council Directive 2010/32/EU of 10 May 2010 implementing the framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU⁶, the **Provisions on the Prevention of Sharp Injuries in the Hospital and Healthcare Sector**⁷ were approved. They came into force on 1 May 2013. The provisions specify requirements for assessment of risk of sharp injuries, information and training of employees, submission of notifications on accidents or incidents related to sharp instruments, response and further actions. According to these provisions, free of charge immunologic prophylaxis with effective vaccine should be offered not only to employers, but also to students who perform activities related to health care.

Law Amending and Supplementing Articles 1, 2, 11, 12, 13, 18, 19, 22, 25, 27, 29, 33 of the **Law on Safety and Health at Work** and the Annex to the Law⁸ and the Law on Amending Articles 264, 266 and 274 of the **Labour Code**⁹ were adopted, they came into force on 1 July 2012.

The Law Amending and Supplementing Articles 1, 2, 11, 12, 13, 18, 19, 22, 25, 27, 29, 33 of the Law on Safety and Health at Work and the Annex to the Law specifies the provisions concerning liability of the employer, more precisely and clearly establishes the employer's duties in ensuring safety and health at work in cases of danger and accidents, sets out more clear conditions and warranties for the workers' representatives with specific responsibility for the safety and health of workers so that they could perform the functions assigned to them, specifies the provision concerning accounting of accidents at work and occupational diseases in enterprises, establishes that workers in charge of organisation of safe work received information on employment of workers, rescinds the obligation of the employers to fill the **Safety and Health at Work Status Card in the Enterprise**.

By the Law Amending Articles 264, 266 and 274 of the Labour Code the obligation to fill the Safety and Health at Work Status Card in the Enterprise and the requirement to include the general duties of workers in ensuring the safety and health of workers in work regulations have been abandoned. As a result of implementation of the above laws, the **Typical Form of the Safety and Health at Work Status Card in the Enterprise** and the procedure for filling thereof¹⁰ was declared null and void.

⁶ OJ 2010 L 134, p. 66

⁷ Order No. A1-157/V-210/V-501 of 16 March 2012 of the Minister of Social Security and Labour and the Minister of Health of the Republic of Lithuania (Official Gazette, *Valstybės žinios*, 2012, No. 34-1679).

⁸ No XI-2045, 2012.

⁹ No XI-2046, 2012.

¹⁰ Order No A1-322/V-696 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 5 July 2012 "On Declaring Order No A1-158/V-611 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 16 October

In the light of the fact that on 1 July 2012 the **State Public Health Service under the Ministry of Health** was reorganised¹¹, the **Regulations on the Investigation and Accounting of Occupational Diseases**¹² and the **Regulations on the Investigation and Accounting of Accidents at Work**¹³ and the **Procedure for Establishment, Setting up of County Territorial and Municipal Occupational Safety and Health Commissions**¹⁴ were amended by assigning performance of the functions of the State Public Health Service under the Ministry of Health to **public health centres**.

As a result of improvement of the regulation of the mandatory testing of knowledge of the employer or authorised person thereof in occupational safety and health, the **Description of the Procedure of the Mandatory Testing of Knowledge of the Employer or Authorised Person Thereof in Occupational Safety and Health** was amended and, in the light of the provisions of the legislation in force, the **List of Employers Who are Exempt From the (Qualification) Testing of Knowledge in Occupational Safety and Health**¹⁵ which came into force on 1 May 2013 was fine-tuned. The Description of the Procedure of the Mandatory Testing of Knowledge of the Employer or Authorised Person Thereof in Occupational Safety and Health sets out that the knowledge of such persons shall be tested by means of a test (in written form) by the **qualification testing commission** set up by the educational establishment the chairman of which shall be an inspector of the State Labour Inspectorate.

In the light of the amended provisions of the Law on Safety and Health at Work and provisions of other legislation governing occupational safety and health, and the application of the **Regulations for Assessing Occupational Risks**, the **General Regulations for Assessing Occupational Risks**¹⁶ were adopted, they came into force on 1 November 2012. The Regulations fine-tune the definitions, the provisions concerning organisation and performance of risk evaluation, establish that upon evaluation of occupational risk, a document of the form chosen by the enterprise shall be filled in. The enterprises which evaluated the occupational risk according to the Regulations for Assessing Occupational Risks shall revise and fine-tune or repeatedly perform evaluation of occupational risk subject to the terms and conditions set out in Paragraph 5 of the General Regulations for Assessing Occupational Risks.

2003 “On the Approval of the Typical Form of the Occupational Safety and Health Status Card in the Enterprise and Procedure for Filling Thereof” Null and Void”.

¹¹ Resolution No 63 of the Government of the Republic of Lithuania of 18 January 2012 “On the Consent to Reorganise the Budgetary Institution State Public Health Service under the Ministry of Health”.

¹² Resolution No 523 of the Government of the Republic of Lithuania of 16 May 2012 “On Amending Resolution No 487 of the Government of the Republic of Lithuania of 28 April 2004 “On the Approval of the Regulations on the Investigation and Accounting of Occupational Diseases”.

¹³ Resolution No 524 of the Government of the Republic of Lithuania of 16 May 2012 “On Amending Resolution No 1118 of the Government of the Republic of Lithuania of 2 September 2004 “On the Approval of the Regulations on the Investigation and Accounting of Accidents at Work”.

¹⁴ Order No A1-192/V-309 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 6 April 2012 “On Amending Order No A1-183/V-687 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 24 November 2003 “On the Approval of the Procedure for Establishment, Setting up of County Territorial and Municipal Occupational Safety and Health Commissions”.

¹⁵ Resolution No 122 of the Government of the Republic of Lithuania of 6 February 2013 “On Amending Resolution No 292 of the Government of the Republic of Lithuania of 21 March 2007 “On the Approval of the Description of the Procedure of the Mandatory Testing of Knowledge of the Employer or Authorised Person Thereof in Occupational Safety and Health and the List of Employers Who are Exempt From the (Qualification) Testing of Knowledge in Occupational Safety and Health”.

¹⁶ Order No A1-457/V-961 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 25 October 2012 “On the Approval of the General Regulations on Assessment of Occupational Risk”.

In pursuance of reconciling the provisions of the Description of the Procedure for Drawing up and Legitimation of the Programmes of Training on Occupational Safety and Health with the provisions of the Law on Vocational Education, the **Description of the Procedure for Drawing up and Legitimation of the Programmes of Training on Occupational Safety and Health**¹⁷ was amended. The programme of training on occupational safety and health approved till 12 January 2013 could be used till 31 December 2013 and the training programmes for foremen of maintenance of potentially dangerous equipment, managers of the work with potentially dangerous equipment and workers working with such equipment – till 31 December 2014. In 2012, 19 training programmes for foremen of maintenance of potentially dangerous equipment, managers of the work with potentially dangerous equipment and workers working with such equipment were updated.

The Law Amending Articles 2, 3, 4, 10, 13, 22, 25, 33, 34 of the Law on Safety and Health at Work and Supplementing the Annex to the Law¹⁸ and the Law Amending Articles 266, 269 and 275 of the Labour Code¹⁹ were adopted and came into effect as of 20 August 2013. The laws implement the provision of **2006 Maritime Labour Convention of the International Labour Organisation**²⁰ with regard to the establishment of a committee on safety and health of seafarers on the board of the ship with five or more seafarers. In the course of the implementation of these laws, the Regulations of the Occupational Safety and Health Commission of the Republic of Lithuania were amended²¹, the General Regulations of the Service on Health and Safety at Work of Enterprise were repealed²² and the General Regulations of the Service on Health and Safety at Work were approved by the Order of the Minister of Social Security and Labour²³.

The Law Amending Articles 2, 4, 42, 43, 44, 45 of the Law on Health and Safety at Work²⁴ and the Law Amending Articles 281 and 282 of the Labour Code were adopted and came into effect on 1 May 2014. The laws revised the concepts in line with Commission Regulation (EU) No. 349/2011, which implements the provisions of Regulation (EC) No. 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work as regards statistics on accidents at work, revised the legal regulation of investigation of accidents at work seeking systematicity and coherency of set concepts and procedures, and thorough investigation and prevention of all accidents causing workers' health injuries, and harmonised the field of application of the law with the provisions of the **Law on Intelligence of the Republic of Lithuania**. In the course of the implementation of the law, the **Regulations of Investigation and Accounting of Accidents at Work**²⁵ and the **Regulations of Investigation and Accounting of**

¹⁷ Order No A1-8 of the Minister of Social Security and Labour of the Republic of Lithuania of 9 January 2013 "On the Approval of the Description of the Procedure for Training Programmes on Occupational Safety and Health".

¹⁸ No. XII-390 of 18 June 2013

¹⁹ No. XII-391 of 18 June 2013

²⁰ The Republic of Lithuania Law on the Ratification of the Maritime Labour Convention No. XII-367.

²¹ Resolution No. 989 of 30 October 2013 of the Government of the Republic of Lithuania "On the Amendment of Resolution No. 13 of 9 January 2002 of the Government of the Republic of Lithuania "On the Approval of the Regulations of the Occupational Safety and Health Commission of the Republic of Lithuania".

²² Extract from the minutes of the sitting of the Occupational Safety and Health Commission of the Republic of Lithuania of 25 July 2013 "On Repealing of the General Provisions of Health and Safety at Work approved in the minutes No. 6-PV5-36 of the sitting of the Occupational Safety and Health Commission of the Republic of Lithuania of 29 October 2003" (Minutes No. 54).

²³ Order No. A1-502 of 9 September 2013 of the Minister of Social Security and Labour of the Republic of Lithuania "On the Approval of the General Provisions of Committees on Safety and Health at Work".

²⁴ No. XII-739 of 23 December 2013.

²⁵ Resolution No. 913 of the Government of the Republic of Lithuania of 3 September 2014 "On Amending Resolution No. 1118 of the Government of the Republic of Lithuania of 2 September 2004 "On Approval of Regulations of Investigation and Accounting of Accidents at Work".

Occupational Diseases²⁶ were amended. The regulations revised the concepts and information provided about accidents at work as a result of which employees incur health damage, accidents on the way to work or from work, investigation and accounting of accidents at work, on the way to or from work, storage of investigation documents, procedure for examining claims relating to investigation and the procedure for investigation, diagnosis, registration and accounting of occupational diseases.

The Procedure of Employment of Persons under 18 Years of Age, their Health Surveillance and Assessment of their Capacity to Perform Specific Work, Working Time, the List of Works Prohibited for them and that of Dangerous, Hazardous Factors²⁷ was amended in order to fully harmonise its provisions with the provisions of the Directive 94/33/EC on the protection of young people at work, provisions of the **1996 European Social Charter (revised)**, provisions of the 2006 Maritime Labour Convention of the International Labour Organisation in order to supplement it with provisions with regard to chemical substances and mixtures, classified in line with Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548EEC and 1999/45/EC, and amending regulation (EC) No. 1907/2006, and with regard to the practice of application of this legal act. The list of easy works allowed for children from 14 to 16 years of age was repealed and the act specifies that children from 14 to 16 years of age may perform easy works in the fields of culture, art, sports, advertising, trade, accommodation and catering, services, information and communication, finance and insurance, administration and services, household and agriculture.

The **Regulations on Protection of Workers from Risks Arising from Exposure to Noise**²⁸ were revised with regard to the practice of the application of these Regulations and amended legal acts. The Regulations specify that first of all, noise should be reduced in the sources of noise, revise the sequence of applicable preventive measures, specify when working places must be marked and access to these places must be restricted, revise provisions with regard to assessment of occupational risk, information provision to workers consulting them.

The **General Regulations of Training and Certifying of Workers on Health and Safety at Work Issues** were amended²⁹, with regard to the practice of application of these regulations and amended legal acts. The concept “**vocational training provider**” is used in the Regulations, formal vocational training is separated from informal vocational training, provisions with regard to the repeated certification are refused, the form of the protocol of the certification commission is not

²⁶ Resolution No. 881 of the Government of the Republic of Lithuania of 3 September 2014 “On Amending Resolution No. 487 of the Government of the Republic of Lithuania of 28 April 2004 “On Approval of Regulations of Investigation and Accounting of Occupational Diseases”.

²⁷ Resolution No. 1264 of 18 December 2013 of the Government of the Republic of Lithuania “On the Amendment of Resolution No. 138 of 29 January 2003 of the Government of the Republic “On the approval of the procedure of employment of persons under 18 years of age, their health surveillance and assessment of their capacity to perform specific work, working time, the list of works prohibited for them and that of dangerous, hazardous factors”.

²⁸ Order No. A1-310/V-640 of 25 June 2013 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania “On the Amendment of Order No. A1-103/V-265 of 15 April 2005 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania “On the Approval of the Regulations on Protection of Workers from Risks Arising from Exposure to Noise”.

²⁹ Order No. A1-724/V-1284 of 31 December 2013 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania “On the Amendment of Order No. A1-287/V-611 of 17 June 2011 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania “On the Approval of the General Regulations of Training and Certifying Workers on Safety and Health at Work Issues”.

established, the form of the issued certificate is revised, the themes of the training programme of a specialist of safety and health at work and economic activities are more clearly specified.

The **Requirements for the Organisation of Safe Work and Equipment of Working Places in Enterprises in the Mineral-Extracting Industries**³⁰ were revised thus ensuring the implementation of provisions of Council Directive 92/91/EEC concerning minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), establishing the obligation to fill in the Enterprise's Health and Safety at Work Sheet and specifying the requirements with regard to the amended legal regulation.

The **Safety Regulations for Workers Potentially at Risk from Explosive Atmospheres** were revised³¹ thus ensuring the implementation of provisions of Directive 1999/92/EC of the European Parliament and the Council on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), by establishing the obligation to complete the Enterprise's Protection From Explosion Document and revising the requirements with regard to the amended legal regulation.

Training programmes in the field of health and safety at work registered in the Register of Study and Training Programmes were upgraded: the training programme of employer, person representing employer, and person authorised by employer, the training programme of a health and safety at work specialist in enterprises of all types of economic activities, the training programme of a health and safety specialist working in enterprises of groups II and III of economic types of activities, the training programme of a health and safety at work specialist working in enterprises of group III of economic fields of activities, the training programme of an employer, the person representing an employer performing the functions of a health and safety at work service in enterprises of all types of economic activities, the training programme of an employer, a person representing an employer performing the functions of the health and safety at work service in enterprises of groups II and III of economic types of activities, the training programme of an employer, a person representing the employer performing the functions of a health and safety at work service in enterprises of group III of economic types of activities, the training programme of a person authorised by the employer and performing the functions of a health and safety at work service in enterprises of all types of economic activities, the training programme of a person authorised by the employer and performing the functions of a health and safety at work service in enterprises of all types of activities and the training programme of a person authorised by the employer and performing the functions of a health and safety at work service in enterprises of group III of economic types of activities.

The **Law Amending Article 39 of Law IX-1672 of Safety and Health at Work**³², which came into effect on 24 July 2014, was adopted in order to improve business environment and functions for supervising operation of economic entities, reduce administrative burden on businesses, in

³⁰ Order No. A1-182/D1-332 of 7 April 2014 of the Minister of Environment of the Republic of Lithuania and the Minister of Social Security and Labour of the Republic of Lithuania "On the Amendment of Order No. A1-104/D1-186 of 12 April 2006 of the Minister of Environment of the Republic of Lithuania and the Minister of Social Security and Labour of the Republic of Lithuania "On the Approval of the requirements for the Organisation of Safe Work and Equipment of Working Places in Enterprises in the Mineral-Extracting Industries".

³¹ Order No. A1-114 of 26 February 2014 of the Minister of Social Security and Labour of the Republic of Lithuania "On the Amendment of Order No. A1-262 of 30 September 2005 of the Minister of Social Security and Labour of the Republic of Lithuania "On the Approval of the Safety Regulations for Workers Potentially at Risk from Explosive Atmospheres".

³² No. XII-1024 of 15 July 2014.

particular for start-ups and small entrepreneurs. The law lays down that the categories of employers who provide information about the status of safety and health at work shall be established by the chief state labour inspector.

The Law Amending Articles 75¹, 98, 268, 287, 288, 293 and Declaring Article 301 as Null and Void of the **Labour Code**³³ and the Law Amending Articles 2 and 26 of Law No. IX-1672 of **Safety and Health at Work**³⁴, which came into effect on 1 January 2015, were adopted to reduce the burden on employers by abandoning the practice of repetitive attestation of the employer (manager or natural person of an enterprise, body, organisation or another organisational structure) on issues of safety and health at work and clarifying that the responsibility for representing the employer on issues of safety and health at work in enterprises, bodies, organisations and other organisational structures lies with their manager. In implementing Article 268 of the Labour Code, the **Description of the Procedure for Mandatory Examination of Knowledge about Safety and Health at Work of Employers or Authorised Persons thereof and the List of Employers Exempt from Examination (Attestation) of Knowledge about Safety and Health at Work**³⁵ were amended. The Programme for Training of Employers and Persons Representing Employers on Issues of Health and Safety at Work³⁶ was approved. According to the Programme, employers and persons representing them will be able to prepare for the examination of knowledge in the area of safety and health at work. On the basis of this Programme, State Labour Inspectorate developed the tests.

In implementing Directive 2014/27/EU of the European Parliament and of the Council³⁷, the **Procedure for Employment of Persons under Eighteen, Medical Check-up and Setting Possibilities to Perform Certain Work, Working Time and the List of Prohibited Work and Health Hazards**³⁸ was amended. The list revised classification of chemical factors in compliance with Regulation (EC) No. 1272/2008 of the European Parliament and of the Council³⁹. The list has come into effect as of 1 June 2015, i.e. the date on which this Regulation has been applied to mixtures.

The **Regulations on Protection of Employees Exposed to Risks of Vibration**⁴⁰ were revised in order to bring them in line with the new legal regulation, to simply the practical application of these

³³ No. XII-1435 of 16 December 2014.

³⁴ No. XII-1437 of 16 December 2014.

³⁵ Resolution No. 315 of the Government of the Republic of Lithuania “On Amendment of Resolution No. 292 of the Government of the Republic of Lithuania “On Approval of the Description of the Procedure for Mandatory Examination of Knowledge about Safety and Health at Work of Employers or Authorised Persons thereof and the List of Employers Exempt from Examination (Attestation) of Knowledge about Safety and Health at Work”.

³⁶ Order No. A1-222 of the Minister of Social Security and Labour of the Republic of Lithuania of 24 April 2015 “On Approval of the Programme for Training of Employers and Persons Representing Employers on Issues of Health and Safety at Work”.

³⁷ Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures (OJ 2014 L 65, p. 1).

³⁸ Resolution No. 1207 of the Government of the Republic of Lithuania of 5 November 2014 “On Amendment of Resolution No. 128 of the Government of the Republic of Lithuania of 29 January 2003 “On Approval of the Procedure for Employment of Persons under Eighteen, Medical Check-up and Setting Possibilities to Perform Certain Work, Working Time and the List of Prohibited Work and Health Hazards”.

³⁹ Regulation (EC) 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directive 67/548/EEC and 1999/45/EC and Regulation (EC) No. 1907/2006 (OJ 2008 L 353, p. 1).

⁴⁰ Order No. A1-343/V-742 of the Minister of Social Security and Labour and the Minister of Health of the Republic of Lithuania of 30 June 2014 “On Amendment of Order No. A1-55/V-91 of the Minister of Social Security and Labour

provisions, revise the concepts and assessment methodology in line with LST ISO 2631-1:2004 and LST EN ISO 5349-1:2004 and the Non-Binding Guide to Good Practice to Implementing Directive 2002/44/EC (Vibrations at Work).

In implementing Directive 2014/27/EU of the European Parliament and of the Council, the following regulations were revised: **Regulations of the Use of Signs of Safety and Health at Work**⁴¹, **Regulations on Protection of Employees from Risks Related to Exposure to Chemical Agents at Work and Regulations on Protection of Employees from Risks Related to Exposure to Carcinogens and Mutagens at Work**⁴² and the **List of Hazardous Working Conditions and Hazards to Pregnant, those who have Recently Given Birth and Breastfeeding Women**. The adopted legal acts have come into effect as of 1 June 2015, i.e. from the date of application of Regulation (EC) No. 1272/2008 of the European Parliament and of the Council to mixtures.

The Law on amendment of Articles 41, 43 and 44 of the **Law No. IX-1672 on Safety and Health at Work**⁴³ and the Law on amendment of Article 6, 9, 11 and 12 of the **Law No. IX-1768 on State Labour Inspectorate**⁴⁴, which came into effect from 1 November 2016, were adopted in order to specify and harmonise the terms used in the Law on State Labour Inspectorate and the Law on Safety and Health at Work and legal regulation of investigation of accidents at work. Implementing the Law on amendment of Articles 6, 9, 11 and 12 of the Law No. IX-1768 on State Labour Inspectorate, the **Regulations of the State Labour Inspectorate** were adjusted⁴⁵, by specifying functions of the State Labour Inspectorate regarding investigation of events at work causing damage to workers' health and of accidents on the way to/from work, registration and storage of documents of investigation of accidents at work and occupational diseases, rights of state labour inspectors when investigating events at work.

The **Regulations of Work with Asbestos**⁴⁶ were amended by specifying references to amended legal acts and completely harmonising the regulations with the Directive 2009/148/EC of the European Parliament of the Council⁴⁷.

In order to implement the Directive 2013/35/EU of the European Parliament and of the Council⁴⁸ and to establish the requirements on the protection of workers from the risks to workers' health and

and the Minister of Health of the Republic of Lithuania of 2 March 2004 "On Approval of Regulations on Protection of Employees Exposed to Risks of Vibration".

⁴¹ Order No. A1-626 of the Minister of Social Security and Labour of the Republic of Lithuania of 8 December 2014 "On Amendment of Order No. 95 of the Minister of Social Security and Labour of the Republic of Lithuania of 24 November 1999 "On Regulations on the Use of Labels of Safety and Health at Work".

⁴² Order No. A1-252/V-559 of the Minister of Social Security and Labour of the Republic of Lithuania of 4 May 2015 "On Amendment of Order No. 97/406 of the Minister of Social Security and Labour and the Minister of Health of the Republic of Lithuania of 4 July 2001 "On Approval of Regulations on Protection of Employees from Risks Related to Exposure to Chemical Agents at Work and Regulations on Protection of Employees from Risks Related to Exposure to Carcinogens and Mutagens at Work".

⁴³ No. XII-1806 of 18 June 2015.

⁴⁴ No. XII-1805 of 18 June 2015.

⁴⁵ Order No. A1-559 of the Minister of Social Security and Labour of the Republic of Lithuania of 30 September 2015 "On Amendment of the Order No. A1-316 of the Minister of Social Security and Labour of the Republic of Lithuania of 12 May 2009 "On Approval of the Regulations of the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour".

⁴⁶ Order No. A1-323/V-716 of the Minister of Social Security and Labour of the Republic of Lithuania and of the Minister of Health of the Republic of Lithuania of 8 June 2015 "On Amendment of the Order No. A1-184/V-546 of the Minister of Social Security and Labour of the Republic of Lithuania and of the Minister of Health of the Republic of Lithuania of 16 July 2004 "On Approval of Regulations of Work with Asbestos".

⁴⁷ Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (codified version; OJ 2009 L 330, p. 28).

safety, which arise or may arise at work due to exposure to electromagnetic fields at work, the **Regulations on Protection of Workers from the Risks Related to Exposure to Electromagnetic Fields**⁴⁹ were approved and came into effect on 1 November 2015.

Establishment, alteration and upkeep of workplaces

Responses to the questions and conclusions of the European Committee of Social Rights:

It nevertheless points out that the report must provide full, up-to-date information on changes in the legislation and regulations during the reference period. It asks for information in the next report on the transposition into domestic law of Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work. It also asks for details on the requirement for employers to assess the occupational risks of workstations and the deadlines for compliance.

Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) – Codification of Directive 89/655/EEC, as amended by Directives 95/63/EC and 2001/45/EC, is transposed by Order No 102 of the Minister for Social Security and Labour of the Republic of Lithuania of 22 December 1999 “**On approving the General Regulations for the Use of Work Equipment**” as last amended by Order No A1-271 of the Minister for Social Security and Labour of the Republic of Lithuania of 17 September 2005 "On Amendment of the Order No. 102 of the Minister for Social Security and Labour of the Republic of Lithuania of 22 December 1999 “On approving the General Regulations for the Use of Work Equipment””.

Each enterprise must assess risks at the workplace, irrespective of the activities performed by the enterprise. Article 260 of the Labour Code sets out that the employer must ensure the safety and health of workers. It is the duty of all employers, irrespective of the activities performed, to create safe and healthy working conditions for employees in all work-related aspects. Implementing this duty of the employer and having regard to Article 25(2) of the Law of the Republic of Lithuania on safety and health at work, the person representing the employer, apart from other preventive measures to ensure safety and health at work, organises or delegates an authorised representative of the employer to organise an assessment of risks at the workplace. This is used as the grounds for assessing (establishing) the actual safety and health situation of workers in enterprises and branches and at individual workplaces.

The assessment of risks at the workplace is organised and performed and its outcomes are registered in accordance with the procedure laid down in the **General Regulations on Assessment of Occupational Risk**⁵⁰. After the risks are identified and a decision concerning the acceptability or non-acceptability of the risks is made, the employer tasks the enterprise’s occupational safety and health service with filling in an identification report on risks at the workplace. If an unacceptable risk is identified, the employer immediately takes action to eliminate the unacceptable risk or

⁴⁸ Directive 2013/35/EU of the European Parliament and of the Council of 26 June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (20th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) and repealing Directive 2004/40/EC (OJ 2013 L 179, p. 1).

⁴⁹ Order No. A1-614 of the Minister of Social Security and Labour of the Republic of Lithuania of 30 October 2015 "On Approval of Regulations on Protection of Workers from Risks Related with Exposure to Electromagnetic Fields".

⁵⁰ Order No A1-457/V-961 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 25 October 2012 “On the Approval of the General Regulations on Assessment of Occupational Risk”.

suspends any works at such workplaces for a period of the implementation of preventive measures to eliminate or reduce the unacceptable risk. If an acceptable risk is identified, preventive measures are undertaken to eliminate or reduce this risk so that the staff would not need to use personal protective equipment. The employer drafts and approves a plan of risk elimination and reduction measures listing, in order of priority, risk factors and measures to eliminate and reduce them as well as employees of the enterprise's administration responsible for the implementation of these measures, the deadline for implementing the measures, the funds allocated to the implementation and the control of the implementation of the risk elimination and reduction measures. The plan of risk elimination and reduction measures is presented to employees, employees' representatives for safety and health, employees' representatives and the enterprise's safety and health at work committee. After the preventive measures planned for are implemented, an evaluation of the efficiency of the measures implemented to reduce risks and, where necessary, the drafting and implementation of additional risk reduction measures are organised.

Protection against hazardous substances and agents

Responses to the questions and conclusions of the European Committee of Social Rights:

It asks for information in the next report on the measures adopted to incorporate into domestic law the exposure limit of 0.1 fibres per cm³ introduced by Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work. It repeats its request for information on the measures taken to make an inventory of all buildings and materials contaminated by asbestos. It also asks for information about the Government's intentions concerning the ratification of ILO Convention No. 162 on Asbestos (1986).

Currently Lithuania doesn't consider the ratification of ILO Convention No. 162 on Asbestos (1986). According to our knowledge, ILO working group is planning to review this Convention in September 2017.

Provisions of the Directive 2009/148/EC of the European Parliament of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work are transposed into the **Regulations of Work with Asbestos** approved by the Order No. A1-184/V-546 of the Minister of Social Security and Labour of the Republic of Lithuania and of the Minister of Health of the Republic of Lithuania of 16 July 2004 and last amended by Order No. A1-323/V-716 of the Minister of Social Security and Labour of the Republic of Lithuania and of the Minister of Health of the Republic of Lithuania of 8 June 2015. Paragraph 11 of the Regulations of Work with Asbestos states, that the employer has to ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm³ as an 8-hour time-weighted average.

During its training and counselling seminars the State Labour Inspectorate disseminates its leaflets on safe work with materials containing asbestos. Information on safety and health requirements to various types of work is published on the website of the State Labour Inspectorate in a separate section entitled 'Careful! Asbestos' (Atsargiai asbestos!⁵¹). This section lists the legislation regulating work with asbestos, its summary versions and commentaries as well as other publications, e.g.:

1. Removal of asbestos cement roofing;
2. Works to remove heat insulation of pipes;
3. Employer's duties;
4. Information on asbestos to workers;

⁵¹ http://www.vdi.lt/Tekstai/Tekstai1.aspx?Tekstai_ID=56

5. Practical good practice handbook ‘Prevention or mitigation of asbestos hazards at work’;
6. Practical good practice handbook. Summary for employers;
7. Practical good practice handbook. Summary for employees.

There was a separate publication of a practical good practice handbook ‘Prevention or mitigation of asbestos hazards at work involving (or potentially involving) asbestos. For employers, employees and labour inspectors’. There are also leaflets and flyers published about asbestos-related risks and the safety and health of workers working with materials containing asbestos that are disseminated to employers and workers at advisory seminars organised by the State Labour Inspectorate.

Responses to the questions and conclusions of the European Committee of Social Rights:

The report does not include any information about the levels of prevention and protection against ionising radiation.

In 2012 Lithuania ratified ILO Convention concerning the Protection of Workers against Ionising Radiations No 115.

The **Radiation Protection Centre** is the institution which co-ordinates the activities of executive and other bodies of public administration and local government in the field of radiation protection, exercising state supervision and control of radiation protection, monitoring and expert examination of public exposure.

The main objectives of the Radiation Protection Centre:

- to protect members of public and radiation workers against hazardous impact of ionizing radiation,
- to co-ordinate the activities of executive and other bodies of public administration and local government in the sphere of radiation protection,
- to organise and conduct supervision and control of radiation protection, evaluation and expertise of exposure of members of public and radiation workers,
- to guarantee radiation protection of members of public and workers.

The Radiation Protection Centre was established on January 1, 1997 by the Order of the Minister of Health. It is the self-sufficient budget funded institution which acts according to the Constitution of Lithuanian Republic, laws of Health System, Institutions of Health Care, Radiation Protection, Nuclear Energy and other legal documents, statute of the Radiation Protection Centre. The Radiation Protection Centre is organized under the Ministry of Health⁵².

The **monitoring of occupational exposure** is one of the radiation protection measure which helps to optimize the exposure of radiation workers and limit the received doses. The aim of occupational exposure monitoring is the assessment of the internal and external exposure doses of radiation workers. According to these assessments is created safe working conditions and determined whether used radiation protection measures are effective.

Occupational exposure monitoring requirements are regulated by the following legislation of Lithuania:

1. Law on radiation protection (adopted on 1 April 1999);
2. Hygiene Standard HN 73:2001 „Basic Standard of Radiation Protection“ adopted by the Order

⁵² <http://www.rsc.lt/index.php/pageid/418>

No. 663 on 21 December 2001 by the Minister of Health Care;
3. Hygiene Standard HN 112:2001 „Requirements for monitoring of internal exposure“ adopted by the Order No. 389 on 17 July 2001 by the Minister of Health Care;
4. The Rules of Monitoring of Workers Exposure and Workplaces adopted by Order No. 63 on 22 November 2007 by Director of Radiation Protection Centre.

If the licensee can not by himself assess the exposure of their workers and perform workplace monitoring, such investigations can perform the laboratory, which should be approved by the order of Ministry of Health Care.

The Radiation Protection Centre performs investigation and assessment of internal and external exposure of the workers.

In the Radiation Protection Centre the external dose measurements are performed by thermoluminescent dosimetry method. This method is accredited by Lithuanian National Accreditation Bureau according to the ISO/IEC 17025 standard since 2005.

Measurement of external doses are performed by the RADOS thermoluminescent dosimetry system. Measuring dose range is from 0,05 mSv to 10 Sv. Registered gamma radiation energy is from 10 keV to 1500 keV. The reports of the external radiation dose are presented without the natural background value. Expanded uncertainty of measurement is up to 25 percent.

The personal dose equivalents $H_p(10)$, $H_p(0,07)$ and $H_p(3)$ are measured with the individual thermoluminescent dosimeters. $H_p(10)$ is used for assessment of the whole body dose, $H_p(0,07)$ – for the equivalent dose of skin and extremities, $H_p(3)$ – for the equivalent dose of eye lens. Conservatively assumed that the measured $H_p(10)$ is equal to effective dose. When higher dose is recorded, the calculation of the effective dose is performed.

The internal exposure monitoring is performed by measurement of gamma radionuclide activities in the whole human body or in different parts of the body or in the biological or physical samples, which were sampled in the workplace. According to these results of measurement is estimated the committed effective dose or the equivalent dose.

The direct measurement methods are used for detection of penetrating radiation in the human body or in different parts of the body (thyroid, lung). For direct measurements of internal exposure are used the whole body counter with Ge(Li) detector and thyroid counter with Na(I) detector at the RPC. Using direct methods are performed internal exposure measurements of nuclear medicine workers, who use the open radioactive sources during their work.

The internal exposure doses are assessed according to the measured activities. For the assessment are used the IMBA and MONDAL software packages. The more detailed information about occupational exposure monitoring is set in [annual reports](#) of Radiation Protection Centre.

Information about the inspections is provided in this report under Article 3§3.

Temporary workers

Responses to the questions and conclusions of the European Committee of Social Rights:

It asks for information in the next report on the protection provided for workers employed on a temporary or fixed-term basis other than through a temporary work agency. It also asks for examples of the practical arrangements for temporary workers to be provided with information and training when recruited or when changing employment. The Committee would alert the Government to the fact that if this information is not provided in the next report, it will not have the information it requires to establish that the situation in Lithuania is in conformity with Article 3§2 of the Charter.

Safe and healthy working conditions shall be ensured for every worker regardless of the nature of business of an undertaking, the type of employment contract, number of workers, profitability of the undertaking, workstation, working environment, work type, the duration of the working day (shift), the worker's citizenship, race, nationality, sex, sexual orientation, age, social background, political views or religious beliefs. The guarantees of safety and health at work, provided by the law shall also apply to public servants of State and municipal institutions and agencies (**Law on Safety and Health at Work**, Article 3.1). All provisions of Law on Safety and Health at Work and other legislation on safety and health at work are applied to workers employed on a temporary or fixed-term basis.

In accordance with Article 270(1) of the Labour Code of the Republic of Lithuania, the employer may not demand that a worker starts work in the enterprise if the worker is not instructed in matters of work safety, irrespective of the economic activity performed by the enterprise. Workers receive such guidance in the cases listed in Article 25(6) of the Law on Safety and Health at Work and in other cases when the employer's representative or the person authorised by the employer deems it necessary in order to protect workers from injuries or occupational diseases. Such instructions are drawn up in accordance with the provisions of the Labour Code, the Law on Safety and Health at Work, other regulatory legislation in the area of occupational safety and health (rules, regulations, norms, Lithuanian standards and technical regulations), technical documents on working and safety measures and technical processes, the results of assessment of risks at the workplace, analytical data on violations of occupational safety and health requirements, accidents at work, incidents, emergencies and occupational diseases, psychophysiological aspects of safe work organisation established in the enterprise, proposals of workers' representatives for safety and health, instructions of control authorities and other information (documents) available. The procedure for instructing workers in an enterprise is laid down by the person representing the employer.

Local regulatory legislation (including occupational safety and health instructions) in the area of occupational safety and health in enterprises is drafted by the employer or the person representing the employer (Article 264(2)(4) of the Labour Code). Moreover, Article 27(1) of the Law on Safety and Health at Work stipulates that the employer's representative shall establish the procedure for instructing and training of workers in an enterprise. Where a worker has insufficient professional skills or knowledge obtained during training to be able to work in safety and avoid harm to his health, the employer's representative or the person authorised by the employer shall organise the training of the worker at the workplace, in the enterprise or educational institutions providing training in accordance with the General Regulations for the training and attestation in the area of the safety and health of workers.

The Procedure for drafting occupational safety and health instructions and for instructing workers transferred for temporary work from another enterprise at the employers' agreement was approved by Order No V-240 by the Chief State Labour Inspector of the Republic of Lithuania on 10 August 2012.

Other types of workers

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee takes note of this information. It asks for the next report to include examples of the way in which the protection granted by the legislation and regulations is implemented in practice with regard to self-employed workers, for example in the forestry sector. The Committee would alert the Government to the fact that if this information is not provided in the next report, it will not have the information it requires to establish that the situation in Lithuania is in conformity with Article 3§2 of the Charter.

Provisions of the **Labour Code** and the **Law on Occupational Safety and Occupational Health** are applied to every employer, i.e. every undertaking, institution, organisation or other body (hereinafter referred to as the undertaking). An employer can be any natural person. The Civil Code regulates active and passive capacity of an employer (a natural person). Employers (natural persons) can perform labour rights and duties themselves. The following persons are considered as self-employed: owners of sole proprietorships, general partners of general partnerships and general partners of limited partnerships, persons engaged in individual activities in the meaning defined by the Law on Income Tax. Self-employed persons perform their rights and duties themselves in line with the aforementioned laws and regulations.

Safe and healthy working conditions shall be ensured for every worker, regardless of the undertaking's nature of business, the type of employment contract, number of workers, profitability of the undertaking, workstation, working environment, type of work, the duration of the working day (shift), the worker's citizenship, race, nationality, sex, sexual orientation, age, social background, political views or religious beliefs. (Law on Safety and Health at Work, Article 3, Paragraph 1).

Pursuant to the provisions of the Labour Code (Article 228) and the Law on Safety and Health at Work (Article 33), the duty of every worker is to comply with the requirements of occupational safety and health regulations. Said legislation set forth duties for both employers and workers, irrespective of their personal status.

The Labour Code or the Law on Safety and Health at Work do not single out or refer to self-employed persons. In other words, the concept 'self-employed person' is not used in these laws. However, this concept is used in the **General Regulations on Setting-up Workplaces in Construction Sites**, approved by Order No. A1-22/D1-34 of the Minister of Social Security and Labour and the Minister of Environment of 15 January 200, the **Provisions on the Prevention of Sharp Injuries in the Hospital and Healthcare Sector** approved by Order No. A1-157/V-210/V-501 of 16 March 2012 of the Minister of Social Security and Labour and the Minister of Health of the Republic of Lithuania. A self-employed person, in the course of his or her work, shall bear responsibilities of both an employer and a worker. Self-employed persons must comply with the Labour Code, the Law on Occupational Safety and Health and other regulations.

The Law on Safety and Health at Work Article 30 stipulates that two or more employers who operating in the same workstation or workstations shall organise the work in such a way that safety and health at work is ensured for all workers despite the fact for which employer is a worker works. In order to protect workers from accidents at work and occupational diseases, employers shall cooperate and coordinate actions in the implementation of provisions of the legal acts concerning safety and health at work and shall inform each other, representatives of workers, employers' representatives for safety and health at work as well as workers about possible dangers and risk factors; where necessary the employers shall draw up the arrangements for coordinating cooperation and actions.

The Law on Safety and Health at Work, Article 5, Paragraph 2, stipulates that the Minister of Health shall approve health care regulations (hygiene norms), i.e. establish safety and health requirements for separate activities or exposure of workers to separate factors. These hygiene norms are mandatory to both legal and natural persons, irrespective of their status.

Furthermore, the **Rules on Occupational Safety and Health** have been developed with regard to performance of specific work and use of working equipment, which are also applied both to natural and legal persons, irrespective of their status.

Consultation with employers' and workers' organisations

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks for information in the next report on relations between health and safety committees and health and safety services in companies. It also asks for information on the activity of company committees in the implementation of legislation and regulations relating specifically to hazards, particularly in small and medium-sized enterprises.

Safety and health at work committees has to be set up in an enterprise that employs 50 or more workers. If an enterprise employs less than 50 workers, the above mentioned committee may be set up on the initiative of the employer or the workers' representative, or at the proposal of more than half of the workers of the undertaking. **Safety and health at work service** in an enterprise provide the Safety and health at work committee with information about the safety and health situation in the enterprise. Safety and health at work specialists participate in the activities of Safety and health at work committee.

Safety and health at work committee:

- analyses causes and circumstances of accidents at work and occupational diseases and proposes preventive measures to employer;
- discusses health and safety situation in an enterprise or a ship, results of risks assessment, preventive measures that are implemented in an enterprise or a ship, and submits proposals to employer;
- listens to the information presented by worker safety and health representative on the situation of keeping to the legislative requirements in an enterprise or a ship and the control of this;
- listens to the information presented by representative of Safety and health at work service on the working conditions of young workers, pregnant workers and workers who have recently given birth or are breastfeeding, and disabled persons;
- discusses and submits proposals to the employer on training and instructing of workers;
- discusses organizing of health checks of the workers, submits proposals to the employer on preventing measures for health improvement of the workers;
- discusses and submits proposals to the employer on provision of workers with sanitary facilities and provision of personal protective equipment.
- prepare proposals on how to improve safety and health at the working places;
- submits proposals to the employer on local safety and health regulations;
- examines other safety and health questions.

Committee adopts decisions on the discussed matters which are advisory and which the Chairman of the Committee presents to the employer (if he is not chairman of the committee).

ARTICLE 3§3 - Enforcement of safety and health regulations

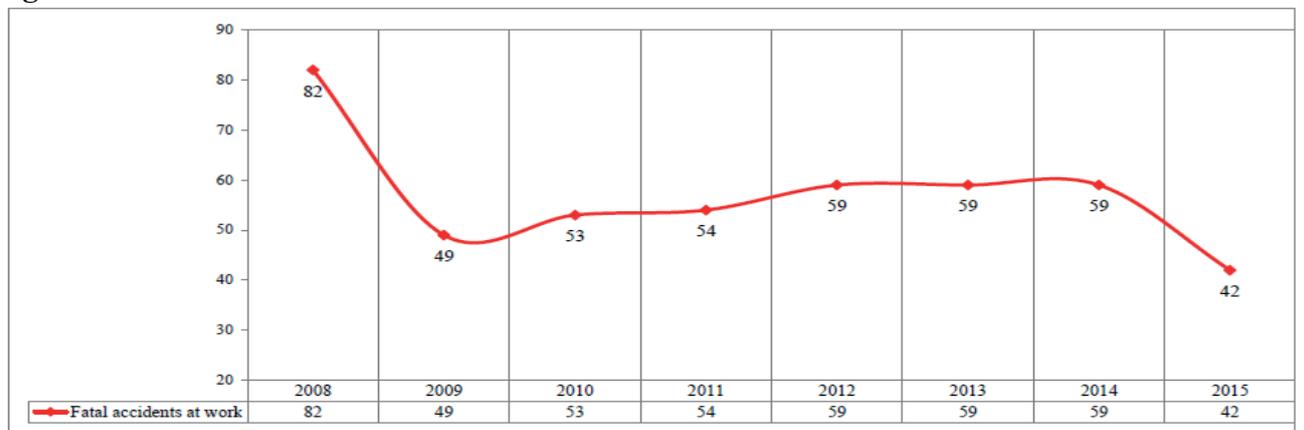
Occupational accidents and diseases

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee takes note of this information. It recalls that satisfactory application of the Charter cannot be ensured solely by the operation of legislation if this is not effectively applied and rigorously supervised,² and that the frequency of occupational accidents and their evolution are key³ aspects of monitoring the effective observance of the right enshrined in Article 3§3 of the Charter. The Committee therefore concludes that the incidence rate for fatal accidents, which is consistently twice as high as the average rate in the EU-27, is too high for this right to be secured. It asks that the next report explain the discrepancy between figures on fatal accidents given in the report (81 in 2008 and 50 in 2010) and those published by EUROSTAT (48 in 2008 and 35 in 2010). With regard to the incidence rate for occupational accidents, which is excessively low compared to the average rate observed in the EU-27, it also asks for detailed information on obligations to declare occupational accidents and the measures designed to combat the possible under-reporting of such accidents in practice. It also asks that the next report contain statistics on fatal occupational diseases.

Recognising that the incidence rate of the fatal accidents at work, which is consistently twice as high as the average rate in the EU-27, is too high for the right to be secured it should be noted that the number of fatal accidents at work in 2008 – 2015 year period decreased significantly. During the reference period, the number of fatal accidents at work declined from 82 in 2008 to 42 cases in 2015.

Figure 3.3.1



Incidence rate of fatal accidents at work in 2008 – 2015 year period decreased from 6.3 in 2008 to 3.5 in 2015.

Figure 3.3.2



In 2009, the beginning of the recession period, numbers and incidence rate of fatal accidents fell by about 40 percent compared with 2008. Accidents at work decrease in 2009 was influenced by economic (reduced employment, labour productivity, a relatively increased personnel action control) and psychological (decreased activity, slowed down the pace of work resulting from the fear of losing job) factors.

During the time period from 2009 to 2012 the said economic and psychological factors degraded and the staff with long unemployment history, lost professional and/or safety at work skills returned to the labour market. These factors resulted an increase of the number of the accidents at work.

2013-2014-year period could be qualified as a period of the stabilization: the number of fatal accidents at work and incidence rate indicators stabilized. In 2015 the number and incidence rate of the fatal accidents at work again showed a downward trend.

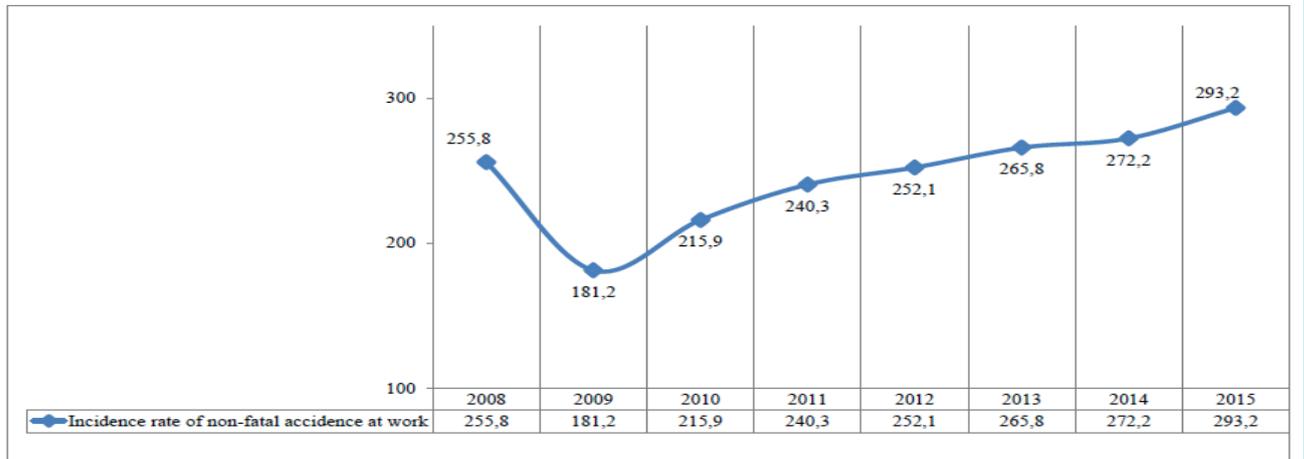
Accidents at work statistic shows that accidents in Lithuania usually occur in the enterprises of the construction, manufacturing, forestry and agricultural economic activities (in these sectors occur average about 80 percent of all fatal accidents at work), workers falling from height (about 30 per cent of all fatal accidents at work). State Labour Inspectorate is planning its activities in the light of the above mentioned statistics. State Labour Inspectorate is focused to reduce the number of occupational safety and health violations, particularly while employers are organizing works at height, and during reference period was carry on an active supervision of the construction companies. Regularly, before the start of the season works, State Labour Inspectorate is organizing seminars to forestry workers (both employers and employees), informing them of the risk factors in the workplace and a binding legislative requirements. At the same format seminars for agricultural employers and employees are organized. These State Labour Inspectorate actions are important for improving the safety culture awareness in the mentioned economic activity sectors.

However, State Labour Inspectorate explicitly recognizes that 2015 indicators of the fatal accidents at work are not satisfactory, so State Labour Inspectorate actively takes part in the development of the **National Occupational Safety and Health 2017-2020 Strategic Action Plan** and has already submitted a whole series of proposals to introduce new measures of “soft” and “hard” enforcement, non-traditional ways of monitoring and to increase the effectiveness of the sanctions.

Recognizing that the incidence rate for the occupational accidents in the Republic of Lithuania is excessively low compared to the average rate in the EU-27, it should be noted that incidence rate of non-fatal accidents at work is permanently increasing (from 181,2 in 2009 to 293,2 in 2015) and the ratio of a non-fatal accidents and fatal accidents, is increasing too (in 2008 it was about 41, 2009 -

43, 2010 - 45, 2011 – 50, 2012 – 50, 2013 – 53, 2014 – 55, 2015 - 84). All these indicators give grounds to confirm that the situation is constantly improving.

Figure 3.3.3



In Lithuania non-fatal accidents at work are divided into severe and minor accidents at work. The Law on Safety and Health at Work of the Republic of Lithuania provides that State Labour Inspectorate investigates all fatal and severe (those, which personal health care physician in accordance with procedures, approved by Health minister, assigned as a severe) accidents at work. Minor accidents at work (those what are not considered to be severe) are investigated by the employer confirmed bipartite commission composed from workers' representative with specific responsibility for the safety and health and the employer's representative.

It also should be noted that the legislation (The Law on Safety and Health at Work of the Republic of Lithuania, Regulations on investigation and registration of accidents at work) obligate the employer to declare State Labour Inspectorate about the accident at work. Social benefits for the days lost due to the accident at work to the employee are paid when the accident is investigated and the accident investigation documents are submitted to State Labour Inspectorate and the *Social Insurance Fund Board local office*. ***Thus report about occupational accidents is directly related to the right of the injured person to claim social benefits for the days lost due to the accident at work.***

The main source of information on accidents at work is the forms concerning the investigation of minor accidents at work, which should be submitted to the State Labour Inspectorate by the employers. In accordance with above mentioned statutory provisions, State Labour Inspectorate investigates average about 7-8% of all accidents at work, but *all forms of minor accidents at work are checked by the state labour inspectors*. If the inspector finds violations of the investigation procedure issues requirement to the employer to investigate accident at work again or alternatively investigates the accident personally.

It should be also noted that the number of complaints and inquiries, related to the accidents at work evasion, submitted to State Labour Inspectorate, is very low - up to 1 % (calculating from all accidents at work).

Because of all above mentioned State Labour Inspectorate has no grounds to state that the low incidence rate of occupational accidents in Lithuania directly leads to or is caused by the possible under-reporting of occupational accidents.

Interpreting the discrepancy between figures on fatal accidents at work, should be noted that in according to the European Commission Regulation No. 349/2011, State Labour Inspectorate transmits to the Commission (Eurostat) microdata on persons who had an accident in the course of work during the reference period and the associated metadata. The reference period shall be the calendar year in which the accidents are notified to the competent national authorities. The reference period of the statistics on the accidents at work which State Labour Inspectorate records and disseminates on national level is the year in which these accidents at work occurred. It should be also noted that some of the accidents, particularly traffic accidents which occur abroad, are investigated longer than 18 months (this is the reporting period for reference year to Eurostat) and information about these accidents is not included in the microdata which is submitted to Eurostat (but it is estimated in the State Labour Inspectorate records and in the disseminated statements). Moreover, accidents at work statistics recorded by State Labour Inspectorate include all non-fatal accidents at work (not just accidents at work resulting in more than three days of absence from work).

It should be also noted that State Labour Inspectorate submits to Eurostat not just microdata on accidents at work, but metadata too. In Lithuania in 2008 total number of fatal accidents at work in all NACE-rev2 branches were 82 while in 2010 – 53 fatal accidents at work. However, in order to assess the situation in the same way in different countries Eurostat in addition to general indicators asks, for special rates. For example, in metadata template specified by the EUROSTAT member states should submit information about total number of fatal accidents at work in the 13 common branches (A, C, D, E, F, G, I, J, K, L, M, N), NACE-rev2 (1) (3) (including NACE D but excluding NACE H) and number of traffic accidents. In 2008, number of fatal accidents at work in the 13 common branches in Lithuania was 48, with traffic accidents in these branches - 0 (48 - 0 = 48). 2010 number of fatal accidents at work in the 13 common branches was 36, with traffic accidents in these branches - 1 (36 - 1 = 35). In calculating incidence rates of the fatal accidents at work these figures are taken. **Because of these differences discrepancy can occur in statistics data of fatal and non-fatal accidents accidents at work provided by State Labour Inspectorate and Eurostat.**

Interpreting the number of **criminal convictions**, it should be noted that in the event of a fatal or serious accident at work parallel investigation, what is carried out by State Labour Inspectorate, preliminary investigation starts to determine whether there has been a criminal offense provided in the Article 176 of the Criminal Code of the Republic of Lithuania. This investigation is carried out by the investigating authorities (the police), led by the prosecutor. When investigation carried out by State Labour Inspectorate is completed, State Labour Inspectorate submits accident at work investigation documents to the prosecutor's office. The prosecutor estimated the pre-trial investigation and State Labour Inspectorate collected material and decides whether to institute criminal proceedings or to discontinue an investigation. State Labour Inspectorate does not influence the prosecutor's decision. The prosecutor's office which decides to terminate an investigation because there has been no a criminal offense, inform State Labour Inspectorate and State Labour Inspectorate inspector decides whether to bring guilty persons to administrative responsibility.

In reply to the Committee's request for statistics data on fatal **occupational diseases** State Labour Inspectorate informs that it was one fatal occupational disease (malaria) in Lithuania registered to aircraft mechanic in 2015.

State Register of Occupational Diseases (hereinafter referred to as the "ROD") is established at the Occupational Medicine Centre at Institute of Hygiene. The main objectives of the ROD are

collection of data on occupational diseases, analysis and dissemination of statistical information as well as research promotion in the field of occupational health. According to the ROD data, the number of reported cases of occupational diseases was 393 in 2012, 413 in 2013, 474 in 2014 and 437 in 2015. During the reference period, the incidence rate for such diseases was 30.8 in 2012, 31.9 in 2013, 35.9 in 2014 and 32.7 in 2015. The main diagnoses was noise induced hearing loss, diseases of the musculoskeletal system and diseases of the nervous system caused by whole body vibration, the handling of heavy loads and repetitive work in Manufacturing, Construction, Transport and Agriculture sectors.

Interpreting the number of business enterprises monitored by State Labour Inspectorate it should be noted that State Labour Inspectorate has created enterprises risk assessment methodology and has implemented enterprises risk assessment model in 2010 - 2012. Currently State Labour Inspectorate monitoring visits to enterprises are planned and carried out in accordance with the above mentioned instruments. Using these instruments, the enterprises risk profile for danger accidents at work occur is assessed in the complex measuring 60 risk criteria. So currently State Labour Inspectorate inspects enterprises with the major risk for accidents at work occur.

Activities of the Labour Inspectorate

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks that the next report contain information concerning the number of RSC staff responsible for monitoring occupational health and safety, the powers assigned to RSC inspectors, and the existence of any further responsibilities with regard to the inspection of occupational health and safety. In order to gauge the effectiveness of the Labour Inspectorate and the deterrent nature of the penalties imposed, it also asks for information concerning the measures taken to increase monitoring visits to small and medium-size business enterprises, the manner in which less serious occupational accidents are reported and investigated, the results of the policy of prevention, information and advice, and the number of criminal convictions as a result of criminal proceedings.

The Lithuanian Republic State Labour Inspectorate under the Ministry of Social Security and Labour this year has carried-out an activity oriented towards providing help to entities by giving out consultations and informing them on the questions of labour law and the safety and health of the employees. Special attention has been given to the activity of small, medium and first year acting entities. This year, there has been an increase of State Labour Inspectorate seminars and consultations on the safety and health of the employees and labour law. For example, if in 2014 there were 371 various consultation-educational events, then in 2015 there was 520 consultation-educational events, including consultation in companies, i.e. 1.4 times higher. Moreover, in the year of 2016, one of the State Labour Inspectorate priorities of activity is the education and consultation of small, medium and first year acting entities.

When organizing and conducting consultation and education activity, the risk of economic activity and the danger of the carried-out works of the entities are evaluated. Small, medium and first year acting entities take priority, as well as the consultation and education of the riskiest entities. For example, in the 2016 activity plan of the State Labour Inspectorate, which was approved on 21 April 2016, it is envisaged that consultation events for the riskiest construction, forestry, logging and woodworking economic activities of entities in 2016 must take-up no less than 50% of the scheduled events for employers, employees and organizations representing them.

The inspections of microenterprises (no more than 9 employees inclusively) consisted of 54% and small (no more than 49 employees) – 29.7% of all inspections carried-out by the State Labour

Inspectorate in the year of 2015. In the year of 2015, out of all entities acting in Lithuania those with 9 employees comprised more than 80%, approx. 18% of the country's employees were working there. However, in order to implement the priority of employers, employees and their representatives consultation and briefing, the State Labour Inspectorate in its activity allocates more than 44% of its worktime resources to the activity of consultation, briefing and public education. Practically in more than half cases after the inspections of micro and small entities, the recommendations are prepared and handed-over to the employers regarding the elimination of established discrepancies in the safety and health of the employees and statutes of labour law requirements. In those recommendations, attention is emphasised to the formation of the safety and health of the employees and labour law policy in the company, the complex tackling of these questions, rational use of human and financial resources at hand. Means of impact (demands to eliminate the discrepancies and administrative penalties) are applied only in extreme cases when it is not possible to achieve the purposes of the entities supervision with other measures (by consulting or educating the entity).

For the consultation on the questions of the safety and health of the employees and labour law for the riskiest economic activities and the most dangerous work that entities take-up, including micro and small ones, the check-lists are prepared and published on the State Labour Inspectorate website (www.vdi.lt) in the topic "Activity" (*lith. "Veikla"*), "Supervision of economic entities" (*lith. "Ūkio subjektų priežiūra"*) (e.g., The check-list on the inspection of safe work in the garages, the check-list on the carrying-out of the safe woodworking, the check-list on work carrying-out in wells, reservoirs and in other closed spaces, and other check-lists). The primary aspects of labour law and the safety and health of the employees are included in these check-lists. Thus, the entities, including micro and small ones, can themselves check the situation in the company, notice, evaluate and correct the shortfalls in order to lessen the risk of accidents at work and occupational diseases.

The State Labour Inspectorate also prepares methodical recommendations for the safe fulfilment of the riskiest economic activities and the most dangerous work, which are published on the State Labour Inspectorate website in the topic "Methodical recommendations" (*lith. "Metodinės rekomendacijos"*) (e.g., Safe transportation and storage of acetylene cylinders; Safety means when mounting the structure's constructions; Risk evaluation at the construction sites and so on. In total, there is almost 150 various methodical recommendations, guides and so on.). The entities, which take-on the riskiest economic activities, on the State Labour Inspectorate website's topic "Information based on economic activities" (*lith. "Informacija pagal ekonomines veiklas"*) may find relevant information directed solely at them.

The size of the entities, the riskiness of their carried-out activity and the dangerousness of work are also being evaluated by implementing in Lithuania a new means of occupational risk evaluation called "OiRA". All of the Lithuanian companies have the same one major requirement – occupational risk in the workplace needs to be evaluated and, if it is necessary, means should be employed in order to eliminate or lessen the dangers. If the workplaces have only a couple of tables, stools and a computer, it is evident, that it needs to be noticed on time that the stool is broken, the lamp is blown-out and the fallen table top can injure one's leg. The health and life of a person must be taken care-off in a company of any size.

Recently, in all of the European Union there is a spread of electronical the safety and health of the employees status evaluation. Furthermore, on-line interactive practical means, which help micro companies to evaluate their own safety at the workplace and to conduct the evaluation of occupational risk, are being created. The first pilot mean, which has been created for the companies carrying-out the repairs of automobiles, the State Labour Inspectorate has created for Lithuania in the year of 2014. A link to it is on the State Labour Inspectorate website (www.vdi.lt). This on-line

interactive mean was created based on the **European Agency's for Safety and Health at Work** (EU-OSHA) advocated means of interactive occupational risk evaluation "OiRA". Currently, based on "OiRA" in Lithuania there has been created an occupational risk evaluation mean in order to evaluate a safe carrying-out of work in office, woodworking sector, retail and wholesale of non-food stuff. In addition, there are plans to expand the areas and to create for Lithuania a means of occupational risk evaluation regarding the safe fulfilment of works in tailor shops, loggings, the cleaning of premises and in the area of education – schools.

With the funds of the European Union, in the year of 2013, the State Labour Inspectorate implemented a project to create the Electronic Services System for Employers (ESSE). A possibility was made for economic entities to electronically fill-out and submit a declaration regarding the safety status of the employees and the workplace conformity to the requirements of the safety and health of the employees normative statutes of law (hereinafter called "the safety and health of the employees status declaration"), thus, saving their time and resources. Later, it can be corrected according to their needs, depending on the changes in the company – as many times as the economic entity thinks it is purposeful.

The basis for data submission – the check-lists published on the State Labour Inspectorate website, according to which the inspectors from State Labour Inspectorate inspect the companies. The electronic declaration of the the safety and health of the employees status provided a possibility for the employers themselves to one more time carefully and diligently evaluate the status of the safety and health of the employees and labour law in their company. By answering the questions provided in the electronic the safety and health of the employees status declaration, they can check the situation in the company, evaluate and correct the noticed shortfalls, thus, avoiding accidents at work and occupational diseases. Because of them, the financial losses (from monetary to non-monetary compensation of damages to one-time or periodic insurance pay-outs) of the entities and the country are marginally greater than the costs of prevention of the safety and health of the employees.

The filling-out of the declaration of the the safety and health of the employees status does not require specific knowledge. The entity does not experience additional costs – it only receives a tool with the help of which it can easier and purposefully plan and organize its work by implementing the means of the safety and health of the employees in the company. The area of the safety and health of the employees is fine-tuned in more than 500 statutes of law; thus, there are many requirements. However, out of these requirements of 500 statutes of law, in the declaration of the the safety and health of the employees status there has been picked 40 most important aspects (questions). These questions are the most minimum threshold, which indicates what must be done in order to ensure a safe and harmless for the health of the employees work conditions. The Labour Code of the Republic of Lithuania and the Law on Employee Safety and Health of the Republic of Lithuania does not provide exceptions or reservations for the safety and health of the employees in respect of the ownership, legal form or type, activity and the number of employed employees of the economic entity. Having regard to various activities of economic entities, there is a possibility to answer in the declaration of the the safety and health of the employees status the unimportant questions to the economic entity by indicating "N/R" (Not relevant) (*lith. "Nėra/Neaktualu"*).

The main purpose of the State Labour Inspectorate is to help concentrate the attention of the entities into the most important, riskiest the safety and health of the employees area questions in the company, encourage correcting and eliminating the current shortfalls. First, the company fills-out the declaration not for State Labour Inspectorate, but for itself. The purpose of the State Labour Inspectorate is not to apply the sanctions, but to monitor, help, consult and to strive for a common

result – the enhancement of the the safety and health of the employees prevention culture, the lessening of accidents and occupational diseases.

In addition, those entities wishing to receive methodical help on the questions of the implementation of the statutes of law, which regulate the employee safety, health and work relations, especially during the first year of their activity, have a possibility to call an inspector from the State Labour Inspectorate to visit the company for a consultation. In order to get a consultation in a company, a free form request is submitted in writing or via e-mail to the head of the territorial State Labour Inspectorate office, by indicating the purposes, scope of the consultation and unclear questions. Sanctions are not applied for the established discrepancies during these kinds of consultations when the economic entity is being thoroughly consulted on all relevant questions.

The **Radiation Protection Centre** (*lith. Radiacinės saugos centras (RSC)*) is the institution which co-ordinates the activities of executive and other bodies of public administration and local government in the field of radiation protection, exercising state supervision and control of radiation protection, monitoring and expert examination of public exposure. Currently 52 persons work in this Centre.

The aim of the **inspection** is to ensure that legal and natural person applies all necessary measures to protect people and the environment from the harmful effects of ionizing radiation.

Tasks of inspections are:

- to organize and perform the inspections of legal or natural person, enterprises, conducting activities with sources of ionizing radiation, and to estimate how they follow the requirements laid down in the legal documents on radiation protection;
- to apply sanctions to legal and natural persons who have committed breaches;
- to carry out other measures to ensure adequate implementation of the radiation protection and physical safety requirements.

Inspections could be planned and unplanned:

- planned inspections are performed according the State radiation protections supervision annual plan and the Regulation of State Radiation Protection Supervision;
- unplanned inspections could be performed by the order of the director, deputy director or heads of divisions of radiation protection supervision and control of Radiation Protection Centre.

Inspections are divided into target and complex inspections:

- target inspections are carried out to evaluate separate activities with the ionizing radiation sources (x-ray diagnostics, nuclear medicine, industry radiography etc.), elimination of previous inspections breaches or activities which do not require RPC licence although it is possible to detect orphan sources;
- complex inspections are carried out to evaluate all activities with sources of ionizing radiation of legal or natural persons.

According Regulations of State Radiation Protection Supervision, 657 inspections (644 entities) were performed in 2015. The average duration of the inspection - 1 h 54 min.

Table 3.3.4 Distribution of inspections in 2015 according to activity area

No.	Activity area	Number of entities	Inspected entities				Number of entities with violations found	
			Total number	Number of inspection		Type of inspection		
				Total	With radiological measurements	Planned		Unplanned
1.	Medicine	1288	445	456	232	265	191	113
2.	Veterinary	25	10	10	6	5	5	2
3.	Science and education	12	8	9	8	4	5	2
4.	Industry	66	37	37	21	25	13	13
5.	Other activity area	181	141	142	104	105	36	31
6.	Combined activities	18	3	3	3	3		1
Total:		1590	644	657	374	407	250	162

Target inspections are carried out annually to implement the annual Radiation Protection Centre work plan aiming to assess how radiation protection requirements are implemented in a specific area (ensuring physical security of sources, occupational exposure, etc.).

Despite all the measures applied to ensure implementation of radiation protection requirements, the number of objects where breaches were found is not decreasing, in 2015, 162 legal persons had breaches during performing activities with the sources of ionizing radiation. The most common ones are the following:

- the workers did not attend training course in the field of radiation protection in time;
- untimely reported on the changes of the conditions of the license for activities with the sources of ionizing radiation;
- data about ionizing radiation sources is not provided in time to the State Register of Sources of Ionizing Radiation and Occupational Exposure;
- dose rate measurements at working places, quality control tests and quality control measurements of the individual protection measures are not performed in time;

Most of the breaches were eliminated during the inspection or within a specified period of time and did not cause a threat to others. However, 21 administrative sanctions were applied in 2015.

Information about the **monitoring of occupational exposure** is provided in this report under Article 3§2.

ARTICLE 3§4 - Occupational health services

Occupational Health Centre of Institute of Hygiene develops research on the effects of the working environment on health as well as the assessment of occupational healthcare technologies, while also preparing and testing innovative interventions in the occupational healthcare practice.

Educational activity is conducted, informational events and qualification improvement for company occupational health, employee safety and health specialists, doctors conducting preventive employee health check-ups, and public health office specialists are organised. In 2011-2012 the study “Company employees’ safety and health service preventive efficiency assessment” showed that Lithuanian company employee safety and health services lack human resources in order to run employee healthcare functions efficiently. In an aim to adopt the best practices, international organisations as well as countries in the Baltic sea region and Scandinavia are cooperated with.

Enterprise occupational safety and health service preventive efficiency assessment (2011-2012)⁵³.

The assessment of periodic employee health examination and occupational disease determination (2011-2012)⁵⁴.

⁵³ <http://www.hi.lt/uploads/pdf/en/implemented/76%20En.pdf>

⁵⁴ <http://www.hi.lt/uploads/pdf/en/implemented/72%20En.pdf>

ARTICLE 11 – THE RIGHT TO PROTECTION OF HEALTH

ARTICLE 11§1 - Removal of the causes of ill-health

Right to the highest possible standard of health

Life expectancy at birth in 2015 (average for both sexes) was 74.47 (the EU–28 average in 2014 was 80.9). Over 2012–2015, life expectancy at birth for men increased by 0.75, that for women – by 0.18 years. In 2015, life expectancy at birth for men was 69.14 years, for women – 79.63 years.

The crude death rate (the number of deaths per 1000 population) fluctuated from 13.7 in 2012 to 14.4 in 2015 (the EU–28 average in 2015 was 10.3).

In 2015, the number of infant deaths per 1000 live births stood at 4.2 (in 2012, 3.9). The EU–28 average in 2014 was 3.7 infant deaths per 1000 live births.

Right of access to health care

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee notes from another source¹ that informal payments, as a negative indicator of service accessibility, are prevalent in Lithuania where it is still used as a common patient practice. The Committee invites the Government to submit comments on this matter.

Measures to cut informal payments are part of the **National Anticorruption Plan**, as well as Anticorruption Measures plans of the Ministry of Health of the Republic of Lithuania (hereinafter referred to as the “MoH”) and the National Health Insurance Fund (hereinafter referred to as the “NHIF”).

In addition the MoH and the NHIF has launched several awareness raising campaigns. The campaigns focused on: 1) giving a comprehensive view of healthcare financing and preventing informal payment for services that are being financed from the Compulsory Health Insurance Fund (hereinafter referred to as the “CHIF”), and 2) reporting any cases of corruption. Explanations of healthcare financing framework included examples of cost of healthcare services paid from the CHIF (especially focusing on high cost, e. g. hospital care, expensive medical tests, etc.). Preventive measures included encouraging population to report cases of informal payments (corruption) directly to the MoH or relevant institutions, as well as reminding legal consequences for giving any informal payment (bribe, gift, gratuity or commission).

According to the Law on Health Insurance, the NHIF and the territorial health insurance funds (hereinafter referred to as the “THIF’s”) are entitled to provide the control and surveillance of the contracted healthcare institutions. They control the quantity and quality of healthcare services covered from the CHIF and compliance of the provided health care services with the set of requirements, the legality of prescribing and dispensing of medicines and medical supplies as well as activities of health care institutions and pharmacies related thereto.

The main activities, related to the detection of illegal payments for the health care services in 2012-2015 were:

- Introduction of new automatic control functions into the NHIF’s IT system in 2015. For example, healthcare institutions are not able to enter the data of incentive services, which don’t match legal rules.

- Increasing the number of THIFs prevention measures.
- All patients have possibility to get information about the actual payments from the CHIF for their treatment.

During the period from 2012 till 2015 the THIFs performed 6298 control procedures related to the detection of potentially illegal and unreasonable extra payments for health care services. The information about surveillance /control results is publicly available on the THIFs webpages.

NHIF and THIF carry out surveys measuring the corruption level in the Compulsory Health Insurance System (how respondents perceive corruption of NHIF and THIF, what their experience related to administrative services provided by the NHIF and THIF, anonymous opinion of controlled healthcare facilities on corruption of THIF inspectors). According to the survey, performed in 2014 November, Corruption Perception Index was 9,46: survey revealed that the majority of respondents believed that the NHIF and THIF aren't corrupted institution.

Responses to the questions and conclusions of the European Committee of Social Rights:

In view of the negative evaluation of health care services by patients in Lithuania as shown by the survey mentioned above, the Committee asks if any measures are being taken to improve the content and scope of public health care services provided, with a view to meeting the needs and expectations of the population.

In order to meet population needs and expectations and improve the healthcare financing system as well as the volume and content of healthcare services following measures have been introduced in 2012-2016:

- Introduced **Diagnosis-Related-Groups** system for the payment of acute in-patient services;
- Strengthened **primary healthcare** (extended competence of family doctors giving them the opportunity to prescribe and evaluate more laboratory tests, introduced new incentive services). The incentive services are paid according to the FFS method. The aim of them is to achieve the higher quality level of the services and improve their availability as well as to encourage family doctors to achieve better performance results, intensify the provision of the services and to carry out preventive activities. The number of incentive services has increased gradually.
- Developed **cost-effective services**: introduced new consultations as well as expanded spectrum of consultations which involve research and therapeutic actions, introduced out-patient surgery and day-care services, updated list of conditions for day-surgery services.
- the country-wide colon cancer early diagnosis program has been introduced and launched from 1 July 2014.
- Expanded new-born screening (introduced screening for galactosaemia and congenital kidney hyperplasia (Adrenogenital syndrome)).

The order of the Minister of Health determines that the **primary healthcare providers** have to ensure that:

- in urgent cases the care shall be provided during the same day;
- in case of exacerbation of chronic disease the care shall be provided within 5 calendar days.

In order to improve the availability for health care services and to improve quality of waiting lists monitoring system as well as to ensure proper information of the patients about health care services and waiting times the NHIF approved the order on registration and monitoring of healthcare waiting lists in 2014.

The NHIF collects data from the THIFs and healthcare providers, prepares reports and uses those data for the analytical, planning purposes. The healthcare providers calculate the waiting time (in days) for the particular service from the day when the patient turned to the institution for the provision of the service till the day of the service provision/admission to the hospital.

The THIFs monitor the waiting lists for such elective services:

- PHC services;
- Specialised out-patient services (consultations);
- Day care services;
- In- patient and day-surgery services;
- Expensive examinations and procedures.

The information about the waiting lists is published on the web pages of the THIFs:

<http://www.vilniaustlk.lt/index.php?id=49>

<http://www.ktlk.lt/gyventojams/eiles/>

During 2012-2015 100 new medicines were introduced into the List of Reimbursed Medicines for patients suffering from severe diseases. In 2015, 11,5 million prescriptions of reimbursed medicines were prescribed. This is 4.3 % more than in 2010. Although the number of prescriptions increased, the costs for patients and the state decreased.

With the aim of improving the availability of initial ambulatory personal health care services (covered from the list of criteria of personal health care services of the Compulsory Health Insurance Fund Budget, approved by 23 April 2014 resolution of the Government of the Republic of Lithuania) to residents, it has been established that in the event of emergency medical care the initial ambulatory personal health care services must be provided on the date when a patient has contacted a health care institution, and in the event of scheduled medical care – within 5 calendar days from the date when the patient has registered in the health care institution.

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks that the next report on Article 11 contain information on the availability of rehabilitation facilities for drug addicts, the range of facilities and treatments as well as whether supply matches demand under Article 11.

In order to provide complex and continuous personal health care services for people with mental and behavioural disorders (including those with addiction illnesses), the Minister of Health of the Republic of Lithuania by his 21 August 2012 order has approved the **description of the procedure for providing psychosocial rehabilitation services for persons with mental disorders**. The order came in effect on 1 January 2014, together with the update of basic prices of the services. Since 1 July 2015, these services have been covered from the Compulsory Health Insurance Fund. Outpatient and inpatient psychosocial rehabilitation services are provided. The psychosocial rehabilitation services can be provided by the following institutions: mental health centres, inpatient mental health facilities, daytime inpatient facilities, day care centres, psychosocial rehabilitation centres. The purpose of the psychosocial rehabilitation services is to help individuals with chronic and severe mental illnesses to develop emotional, social and cognitive skills so that a person could live, learn and work in a community with as little help from specialists as possible.

Responses to the questions and conclusions of the European Committee of Social Rights:

In this respect, the Committee refers to its question on this matter in the General Introduction. (The Committee asks States Parties whether legal gender recognition for transgender persons requires (in law or in practice) that they undergo sterilisation or any other invasive medical treatment which could impair their health or physical integrity.)

Regarding the gender change registration the Ministry of Justice of the Republic of Lithuania, in cooperation with the Ministry of Health of the Republic of Lithuania and other specialists, has prepared a bill for the change in the Civil Code of the Republic of Lithuania which establishes the right to a gender change registration. The bill has been submitted to the Government of the Republic of Lithuania and discussions on this issue continue.

ARTICLE 11§2 - Advisory and educational facilities

Reference period: 01.01.2012 – 31.12.2015

Education and awareness rising

Ministry of Education has recently developed and implemented a few programs in order to promote health and prevent diseases. In 2012, the **Health Education Framework Programme** were launched. In 2016, the project of **Health and Sexual Education and Preparation for Family Framework Program** were prepared. Other example of promotion of health through education system is **Learning to Swim Program** that helps taught pupils to swim. In 2016, more than 4200 pupils were taught to swim due to **Learning to Swim Program**.

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks what proportion of schools have obtained recognition as health promoting schools under such a procedure.

The number of schools that have obtained the recognition as health promoting school is growing steadily. In 2015, there were 403 health promoting schools, in 2016 the number of schools rises to 429. 14,2 percent of pupils are involved in non-formal education activities. The majority of them (33,8 percent) participate in activities related with sport. In 2015 the non-formal education voucher had been established nationally, that is why the number of pupils involved into sport activities through non-formal education is expected to increase.

More information was provided in the 12th report of the Republic of Lithuania.

Counselling and screening

Responses to the questions and conclusions of the European Committee of Social Rights:

In respect of counselling and screening for the population at large, the report fails to provide once again any information on this matter. The Committee recalls that pursuant to this provision there should be screening, preferably systematic, for the diseases which constitute the principal cause of death. Preventive screening must play an effective role in improving the population's state of health. The Committee therefore asks again what mass screening programmes are available in the country. In the meantime, it considers that it has not been established that prevention through screening is used as a contribution to the health of the population.

Examination of residents in order to identify potential diseases as soon as possible is carried out according to the **Procedure for the Prevention and Control of No communicable Diseases**, approved by 31 May 2000 order of the Minister of Health of the Republic of Lithuania. In August 2015 this procedure was resumed. The procedure establishes the amount and frequency of examining (by carrying out objective visual examinations, instrumental and laboratory tests) the health of different-age individuals (up to 18 years, 19–40 years, 41–65 years, over 65 years old) when carrying out the prevention and control of no communicable diseases. The examination is carried out by a family doctor and nurse, the services are covered from the Compulsory Health Insurance Fund.

There were 5 adult-prevention programmes implemented in Lithuania (all funded from the Compulsory Health Insurance Fund):

- **Programme for Funding the Prevention of Cervical Malignancies**, approved by 30 June 2004 order of the Minister of Health of the Republic of Lithuania. The programme has been in place since 2004. Target population – women of 25–60 years old.
- **Programme for Funding the Selective Mammographic Examination for Breast Cancer**, approved by 23 September 2005 order of the Minister of Health of the Republic of Lithuania. The programme has been in place since 2005. Target population – women of 50–69 years old.
- **Programme for Funding the Early Detection of Prostate Cancer**, approved by 14 December 2005 order of the Minister of Health of the Republic of Lithuania. The programme has been in place since 2006. Target population – men of 50–75 years old (and those of 45 years and more, if parents or siblings had prostate cancer).
- **Programme for Funding the Early Detection of Colorectal Cancer**, approved by 23 June 2009 order of the Minister of Health of the Republic of Lithuania. The programme began in 2009 in two counties, gradually expanding its area. Since 1 July 2014 the programme has been pursued in the whole country. Target population – residents of 50–75 years old.
- **Programme for Funding the Selection and Prevention of Individuals that Fall Under the High-Risk Group of Cardiovascular Diseases**, approved by 25 November 2005 order of the Minister of Health of the Republic of Lithuania. The programme has been in place since 2005. Target population – men of 40–55 years old and women of 50–65 years old.
- **Preventive Programme for Fixing Kids' Molars with Sealant Substances**, approved by 16 September 2005 order of the Minister of Health of the Republic of Lithuania. The programme has been in place since 2005. Target population – children of 6–14 years old. The programme is funded from the Compulsory Health Insurance Fund.

More information was provided in the 12th report of the Republic of Lithuania.

ARTICLE 11 &3 - Prevention of diseases and accidents

Tobacco, alcohol and drugs

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks to be kept informed on measures taken to prevent drug addiction, as well as trends in drug consumption.

The majority of schools have a **Preventive Action Coordination Group** in order to prevent alcohol and drug addiction among pupils. The prevalence of illegal drugs usage among pupils is decreasing. In 2015, only 18 percent of pupils tried canapés at least once in a lifetime (comparing to 22,4 percent in 2011 (according to The European School Survey Project on Alcohol and Other Drugs, wave 2011 and 2015)). There is a positive trend about alcohol consumption among pupils. There are less drinking cases, the age then pupils try first alcohol is getting higher, spirit drinks are used less frequently among pupils. Tabaco usage among pupils declines noticeably. In 2015, 65 percent of pupils smoked at least once in a lifetime comparing with 79 percent in 2011.

Immunisation and epidemiological monitoring

Responses to the questions and conclusions of the European Committee of Social Rights:

The report indicates that the vaccination rate for the major childhood diseases is at least 93%. In its previous conclusion the Committee noted the detailed information on epidemiological monitoring (Conclusions 2009). The Committee asks the next report to provide updated information on this matter. (The report confirms that for the major childhood diseases the vaccination coverage rate is at least 95%.)

In 2015 the vaccination rate for the major communicable diseases was not less than 93 percent nationally.

ARTICLE 12 – THE RIGHT TO SOCIAL SECURITY

ARTICLE 12 §1 - Existence of a social security system

Reference period: 01.01.2012 – 31.12.2015

Risks covered, financing of benefits and personal coverage

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks the next report to provide information about the personal coverage for every branch, for the reference period. More specifically, it wishes to know:

- *the percentage of persons insured for healthcare out of the total population;*
- *the percentage of persons insured against unemployment, sickness, old-age and maternity risks, out of the total active population.*

In 2014 the percentage of persons insured for healthcare out of the total population was 96,13%.

Table 12.1.1 The percentage of persons insured against unemployment

Year	the percentage of persons insured against unemployment
2012	16,1
2013	21,1
2014	23,6
2015	28,2

Table 12.1.2

	2012	2013	2014	2015
Unemployment	87%	89%	91%	92%
Sickness	83%	85%	86%	88%
Old-age	89%	91%	92%	95%
Maternity	83%	85%	86%	88%
Labour force (thousands)	1472,5	1465,2	1477,0	1468,9

Adequacy of the benefits

Unemployment benefit

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee observes that the minimum amount of unemployment benefit is the same as state supported income and amounted to €101 in 2010 and 2011. The Committee understands that persons who are not eligible for the variable component of unemployment benefit receive this amount to replace their previous income. The Committee holds that the level of this benefit is inadequate as it falls below 40% of the Eurostat median equivalised income.

In 2015 unemployment Insurance Benefit cannot be less than the State Supported Income (€102), but cannot exceed € 302.

In June 2016, the Parliament of the Republic of Lithuania adopted amendments to the Law on Unemployment Social Insurance which comes into force on January 1, 2017.

The main amendments to the Law on Unemployment Social Insurance:

1. to apply a term of only 12 months of unemployment social insurance record during the recent 24 months prior to registration in the territorial labour exchange, instead of 18 months during the recent 36 months as required currently. **This amendment is expected to expand the coverage of persons receiving unemployment social insurance benefits by 12%** (such a portion of the unemployed have the insurance record of 12 to 18 months).

2. to adjust the formula for the calculation of the unemployment social insurance benefit. Since the unemployment social insurance benefit replaces the lost salary/wages, it is partially associated with the minimum monthly wage (MMW) rather than with the amount of the current year's insured income. The fixed part of the unemployment social insurance benefit is equal to 30% of the MMW. The variable part of the unemployment social insurance benefit is calculated so that the unemployed would be encouraged to find a new job as soon as possible: during the first 2 months, payment amounts to 50% of the average monthly insured income of the unemployed, and then it is decreased to 40% and 30%. However, the unemployment social insurance benefit may not be greater than 75% of the country's average wage. **According to the amendment the maximum amount of the unemployment social insurance benefit is forecast to increase by 48%.**

Responses to the questions and conclusions of the European Committee of Social Rights:

In its previous conclusion the Committee asked whether decisions not to grant or to terminate the payment of unemployment insurance benefit could be appealed. It further asked for clarifications regarding the procedure used for determining health suitability in respect of particular jobs.

The Committee recalls that the adequacy of unemployment benefit is, inter alia, also established by considering whether there is a reasonable initial period during which an unemployed person may refuse a job or a training offer not matching his/her previous skills, without losing his/her unemployment benefits. The Committee asks whether the legislation defines such initial period and if yes, how long it is.

Unemployment insurance benefit payments are terminated if, within the unemployment insurance benefit period, the person refused the offer of work, corresponding to the professional skills and health condition. Unemployed have the right to appeal the decision of territorial divisions of the State Social Insurance Fund Board not to grant or to terminate the payment of unemployment insurance benefit to the Fund's Board, which is a mandatory pre-litigation out of court authority. Fund Board decision can be appealed to court.

Unemployed his/her health suitability/discrepancy in respect of proposed work confirm presenting to the territorial labour exchange a statement issued by medical commission.

The main purpose of the amendments to the Law on Unemployment Social Insurance is to boost motivation of people of working age to integrate into the labour market as soon as possible and to reduce a risk of losing his/her previous skills. Unemployment social insurance benefit is paid for 6 months and appropriate reduction of amount of benefit is carried out every 2 months. Thus, a person is provided with protection in case of unemployment within 6 months – the reasonable period of time to integrate into the labour market and not to lose acquired skills.

Sickness benefit

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee considers that the minimum level of sickness benefit is inadequate as it falls below 40% of the Eurostat median equivalised income.

We would like to confirm that sickness benefit must not be lower than 25% of the insured income of the year (in 2015 the insured income of the year – €339). The minimum level of sickness benefit is guaranteed to employees whose have part-time job or do not have insured income over the three consecutive calendar months before the calendar month preceding the month during which the temporary incapacity for work was established at all. Taking into account a person who earns 338 Eur per month (as 50% of the median equivalised income stood at €169 in 2010) in case of temporary incapacity for work he will receive the sickness benefit of 212,54 Eur per month.

Old-age benefit

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee notes that these amounts are close (€93 and €101) and none of them comply with the requirement of this provision – they both fall below 40% of the Eurostat median equivalised income. The Committee therefore, considers that the minimum level of old-age benefit is inadequate. It asks the next report to provide information about the level of old-age pension paid to a person having fulfilled 15 qualifying years and having earned the minimum wage.

The Committee notes that contrary to the argument of the Government that the basic pension is not the minimum amount of pension as it is just one of the three elements making up the pension benefit, it appears that since 2008, the level of basic pension level alone has been higher than the level of pension benefit including additional elements. The Committee understands that this is due to the declining level of the average wage as well as the reduced level of insured income. The Committee asks whether this understanding is correct.

Yes, the level of pension benefit depends on the level of person's average wage and the level of insured income, but also important factor is the record of pension insurance (the calculation of the record of pension insurance depends on person's gained wage and the minimum wage approved by Government. 12 minimum wage earned per year is equal to 1 year of pension insurance record). For persons with less than obligatory record of pension insurance, but more than minima record of pension insurance (15-29 years of insurance), the basic part of pension is calculated proportionally according obtained pension insurance record (basic part of pension = basic pension*110%*obtained record of pension insurance /obligatory record of pension insurance). Therefore, if person did not obtain obligatory record of pension insurance and his/her average wage was low, the calculated pension benefit may be lower than the basic pension. The pension benefit for persons, who obtained the obligatory record of pension insurance, will be higher than the basic pension.

Changes in the state social insurance pension system

From 1 January 2012, payment of old age, work incapacity (disability) and widow's/widower's and orphan's pensions, which had been temporarily reduced in 2010–2011 in accordance with the Provisional Law of the Republic of Lithuania on the Recalculation and Payment of Social Benefits, was restored to the full amount, i.e. they were returned to the level of December 2009. Taking this into account, in January 2012, the average amount of old-age pension increased by around 9 per cent compared to January 2011.

Table 12.1.3 The average amount of state social insurance pension, EUR

State social insurance pension	2012	2013	2014	2015
Old-age for persons with minimum	140.6	140.7	140.5	142.4

pension insurance record				
Old-age for persons with obligatory pension insurance record	243.8	246.4	249.4	254.3
Prie-retirement	181.1	179.0	176.7	176.5
Disability	210.8	210.6	210.3	213.0
Work incapacity	167.5	166.7	167.2	169.6
Survivor's	22.2	22.1	22.2	22.5
Orphan's	88.8	89.5	90.1	92.0

Amendments to the Law on State Social Insurance Pensions (hereinafter referred to as the “Law on Pensions”) regarding the gradual postpone of the retirement age took effect as of 1 January 2012. Every calendar year, the retirement age is increased by 4 months per year for women and 2 months per year for men, until it reaches 65 years in 2026. Therefore, in 2012, the retirement age for women is 60 years and 4 months, and 62 years and 8 months for men. With the increasing retirement age, every calendar year, the old age pension is granted to those persons, who have reached the established age for the old age pension in the respective year.

The amendments to the Law on Pensions which came into force on 1 January 2013 provide a different pension calculation method for the persons who retire for the first time and the ones who worked after granting the pension and request for granting the pension anew. A person is provided with a possibility to choose that the additional part of the pension was calculated with regard to the insured income received since 1 January 1994 and the whole length of pension insurance record acquired at any time. On the other hand, if a person requests so, additional part of pension may be calculated with regard to the income received till 1994.

Calculations according Committee request to provide information about the level of old age pension paid to a person having fulfilled 15 qualifying years and having earned the minimum wage:

Data of 1 January 2012 till 31 July 2012

Basic pension 104.3 EUR (360 LTL)

Insured income 431 EUR (1488 LTL)

Minimum wage 231.7 EUR (800 LTL)

Amount of the pension for the minimum qualifying period of person, who received the minimum wage: $P = 104.3 * 110\% * 15/30 + 0.005 * 15 * 231.7 / 431 * 431 = 74.74$ EUR

Data of 1 august 2012 till 31 December 2012

Basic pension 104.3 EUR (360 LTL)

Insured income 431 EUR (1488 LTL)

Minimum wage 246.2 EUR (850 EUR)

Amount of the pension for the minimum qualifying period of person, who received the minimum wage: $P = 104.3 * 110\% * 15/30 + 0.005 * 15 * 246.2 / 431 * 431 = 75.83$ EUR

Data of 1 January 2013 till 30 September 2014

Basic pension 104.3 EUR (360 EUR)

Insured income 431 EUR (1488 EUR)

Minimum wage 283.6 EUR (1000 LTL)

Amount of the pension for the minimum qualifying period of person, who received the minimum wage: $P = 104.3 * 110\% * 15/30 + 0.005 * 15 * 283.6 / 431 * 431 = 78.64$ EUR

Data of 1 October 2014 till 31 December 2014

Basic pension 104.3 EUR (360 LTL)

Insured income 431 EUR (1488 LTL)

Minimum wage 299.8 EUR (1035 LTL)

Amount of the pension for the minimum qualifying period of person, who received the minimum wage: $P = 104.3 * 110\% * 15/30 + 0.005 * 15 * 299.8 / 431 * 431 = 79.85$ EUR

Data of 1 January 2015 till 30 June 2015

Basic pension 105 EUR

Insured income 431 EUR

Minimum wage 300 EUR

Amount of the pension for the minimum qualifying period of person, who received the minimum wage: $P = 105 * 110\% * 15/30 + 0.005 * 15 * 300 / 431 * 431 = 80.25$ EUR

Note: From 1 January 2015 the euro became the official currency in Lithuania and all the basic amounts were calculated in euro and rounded to a whole number (convenient to use).

Data of 1 July 2015

Basic pension 108 EUR

Insured income 434 EUR

Minimum wage 325 EUR

Amount of the pension for the minimum qualifying period of person, who received the minimum wage: $P = 108 * 110\% * 15/30 + 0.005 * 15 * 325 / 434 * 434 = 83.78$ EUR

Data of 1 January 2016 till 30 June 2016

Basic pension 112 EUR

Insured income 445 EUR

Minimum wage 350 EUR

Amount of the pension for the minimum qualifying period of person, who received the average wage: $P = 112 * 110\% * 15/30 + 0.005 * 15 * 350 / 445 * 445 = 87.85$ EUR

Data of 1 July 2016

Basic pension 112 EUR

Insured income 445 EUR

Minimum wage 380 EUR

Amount of the pension for the minimum qualifying period of person, who received the minimum wage: $P = 112 * 110\% * 15/30 + 0.005 * 15 * 380 / 445 * 445 = 90.1$ EUR

Calculations according Committee request to provide information about the level of old age pension paid to a person having fulfilled 15 qualifying years and having earned the average wage:

Data of 1 January 2012 till 31 December 2012

Basic pension 104.3 EUR (360 LTL)

Insured income 431 EUR (1488 LTL)

Average wage 615.1 EUR

Amount of the pension for the minimum qualifying period of person, who received the average wage: $P = 104.3 * 110\% * 15/30 + 0.005 * 15 * 615.1 / 431 * 431 = 103.5$ EUR

Data of 1 January 2013 till 31 December 2013

Basic pension 104.3 EUR (360 EUR)

Insured income 431 EUR (1488 EUR)

Average wage 646.3 EUR

Amount of the pension for the minimum qualifying period of person, who received the average wage: $P = 104.3 * 110\% * 15/30 + 0.005 * 15 * 646.3 / 431 * 431 = 105.84$ EUR

Data of 1 January 2014 till 31 December 2014

Basic pension 104.3 EUR (360 LTL)

Insured income 431 EUR (1488 LTL)

Average wage 677.4 EUR

Amount of the pension for the minimum qualifying period of person, who received the average wage: $P = 104.3 * 110\% * 15/30 + 0.005 * 15 * 677.4 / 431 * 431 = 108.17$ EUR

Data of 1 January 2015 till 30 June 2015

Basic pension 105 EUR

Insured income 431 EUR

Average wage 714.1 EUR

Amount of the pension for the minimum qualifying period of person, who received the average wage: $P = 105 * 110\% * 15/30 + 0.005 * 15 * 714.1 / 431 * 431 = 111.31$ EUR

Note: From 1 January 2015 the euro became the official currency in Lithuania and all the basic amounts were calculated in euro and rounded to a whole number (convenient to use).

Data of 1 July 2015 till 31 December 2015

Basic pension 108 EUR

Insured income 434 EUR

Average wage 714.1 EUR

Amount of the pension for the minimum qualifying period of person, who received the average wage: $P = 108 * 110\% * 15/30 + 0.005 * 15 * 714.1 / 434 * 434 = 112.96$ EUR

Data of 1 January 2016

Basic pension 112 EUR

Insured income 445 EUR

Average wage 771.9 EUR (II quarter data)

Amount of the pension for the minimum qualifying period of person, who received the average wage: $P = 112 * 110\% * 15/30 + 0.005 * 15 * 771.9 / 445 * 445 = 119.49$ EUR

Table 12.1.4 The amount of state social assistance pension, EUR

State social assistance pension	2012	2013	2014	2015 (from July)
	94,5	94,5	94,5	97,2

ARTICLE 12§3 - Development of the social security system

Old-age and disability benefits

Responses to the questions and conclusions of the European Committee of Social Rights:

In the instant case, unlike in the Greek case, the Committee observes that the Government has conducted research and consulted with social partners. Moreover, the 'compensation concept' was adopted in 2010, according to which lost income of the beneficiaries resulting from the reduced state social insurance old age will be compensated through the mechanism of proportional compensation of lost income. The Committee wishes to be informed about these developments.

The compensation of in 2010-2011 reduced state social insurance pensions

On 15 May 2014, the Parliament of Republic of Lithuania adopted the **Law on Compensation of State Social Insurance Old-Age and Lost Capacity for Work (Disability) Pensions** which laid down compensation of old-age and lost capacity for work (disability) pensions with regard to smaller amounts of the current insured income applied in 2010–2011. The calculated amounts of compensation (unpaid amounts) are paid in instalments: 20 per cent of the compensated amount was paid in the last quarter of 2014, and 40 per cent of the compensated amount in 2015 and 2016 (by making 10 per cent of the compensation during the last month of each quarter). Compensated amounts are paid to beneficiaries of pensions that received smaller old-age and lost capacity for work (disability) pensions in 2010–2011 as well as to heirs to the assets of beneficiaries of pensions who diseased after the Law has come into effect (22 May 2014). In accordance with the procedure established by the Law on Compensation, in 2014–2015, the compensable amounts were paid to around 500 thousand beneficiaries of pensions (around EUR 99 million).

Moreover, on 30 June 2015, the Seimas of the Republic of Lithuania adopted the **Law on Compensation of State Social Insurance Old-Age Pensions and State Pensions Reduced by Taking into Account Available Insured Income**. The law stipulates that from the year 2016, compensation of old-age pensions that were reduced by taking into account available (at that time received) insured income in 2010-2011 will begin. The calculated amounts of compensation (unpaid amounts) are going to be paid in instalments. The law lays down 33 per cent of the compensation will be paid during the last month of the second quarter of 2016 and the remaining 33 per cent and 34 per cent of the compensation will be paid during the last month of the first quarter of 2017 and 2018 accordingly. The law also stipulates that if the calculated amount of compensation is less than EUR 100, it will be paid as a whole amount in 2016. It is planned that compensation of old-age pensions will require around EUR 120.6 million, and they will be received by around 84.4 thousand beneficiaries of old-age pensions.

The increase of state social insurance pensions

From 1 January 2012, payment of old age, work incapacity (disability) and widow's/widower's and orphan's pensions, which had been temporarily reduced in 2010–2011 in accordance with the Provisional Law of the Republic of Lithuania on the Recalculation and Payment of Social Benefits, was restored to the full amount, i.e. they were returned to the level of December 2009.

The immediate priorities provided for in the Programme of the 16th Government for 2012–2016 include the reduction of SODRA debt and, as the economy recovers, a consistent increase in pensions and other social benefits. The economic situation changed only in 2014, when monetary revenue for pension social insurance was greater than expenditure for state social insurance pensions. As a result, the state social insurance pensions were increased from 1 July 2015. The

basic pension was increased from EUR 105 to EUR 108 and the insured income of the current year was increased from EUR 431 to EUR 434. The average old-age pension, having the obligatory record of pension insurance, amounted to EUR 256.8 (increased by around 2 per cent).

Changes in pension accumulation in II pillar pension funds

The pension accumulation system has been effective since 2004 and during 2012–2015 there were some major changes concerning accumulative pension contribution rate and source of financing. The accumulative pension contribution rate was 1.5 per cent in 2012 and 2.5 per cent in 2013. However, such a low accumulative pension contribution rate is not sufficient for participants to accumulate more significant amounts for their future pensions even over a long period of participation in accumulation. Therefore, at the end of 2012, amendments to the **Law on Reform of the Pension System** were adopted⁵⁵ and it was established that the cumulative pension contribution shall consist of a portion of the state social pension insurance contribution, supplementary pension contribution paid from the funds of the participant, and supplementary pension contribution paid from the funds of the state budget for the participant. The new procedure for the funding of the pension accumulation system has been in effect since 2014 and applies to all participants who signed their pension accumulation agreements after 1 January 2013. The portion of the state social pension insurance contribution and supplementary pension contribution paid from the funds of the participant shall be calculated as the percentage of the income of the participant established in the Law on Reform of the Pension System. The supplementary pension contribution paid from the funds of the state budget for the participant (otherwise referred to as the incentive contribution) amounts to the percentage of the gross average monthly wage of workers in the country’s economy for four quarters of the year before last year published by the Lithuanian Department of Statistics.

Table 12.3.1 Table. Cumulative pension contribution rate

Year	State social pension insurance contribution	Supplementary pension contribution paid from the funds of the participant	Supplementary pension contribution paid from the funds of the state budget
2014–2015	2%	1%	1%
2016–2019	2%	2%	2%
From 2020	3.5%	2%	2%

Sickness benefit

As of 1 January 2015, sickness allowances paid from the State Social Insurance Fund budget resources were increased by approximately one third as a result of the **Law on Sickness and Maternity Social Insurance** being amended.⁵⁶ According to Article 14(2) of this law, which was in effect until 31 December 2014, the sickness allowance covered by the State Social Insurance Fund budget for the third to seventh day of sick leave was payable in the amount of 40 per cent of the beneficiary’s compensatory salary, and 80 per cent from the eighth day of sick leave. Given the fact that the Constitutional Court of the Republic of Lithuania has pointed out more than once that if the state’s economic and financial situation has fundamentally deteriorated, a temporary reduction of pensions, wages or legally established payments is justifiable only while a certain extreme situation exists; this can only be done temporarily, while the state’s economic and financial situation is grave. Once the grave economic and financial situation is over, the previously established amounts of pensions, wages or legally established payments must be reinstated; therefore, sickness allowances

⁵⁵ Law No. XI-2418 Amending Articles 1, 2, 3, 4, 7, and 8 of the Law of the Republic of Lithuania on Reform of the Pension System.

⁵⁶ Law of the Republic of Lithuania on Amendment of Article 14 of Law No. IX-110 on Sickness and Maternity Social Insurance.

were increased from the beginning of 2015, i.e. from 40 per cent to 80 per cent of the beneficiary's compensatory salary.

In an effort to eliminate obstacles for students and graduates under the age of 26 to become employed as well as to ensure social security for these individuals after graduation in cases where they do not have the required period of employment to qualify for sickness and maternity social insurance, the decision was made to abandon, as of 1 January 2015, the legal requirement to become insured within three months of completing studies, and to link the right of these individuals to receive the aforementioned sickness and maternity social insurance benefits with the insurable event (sick leave or maternity, paternity or maternity (paternity) leave) if said took place within six months of graduation (in the case of illness) or 12 months (in the case of maternity, paternity or maternity (paternity) leave).⁵⁷ According the legal regulation that was valid until 31 December 2014, the right of insured persons under the age of 26 to receive sickness, maternity, paternity or maternity (paternity) social insurance allowances who did not have the required period of employment due to their studies was linked to the condition that they become insured (employed) within three months of graduating, so those who became employed earlier or later were not entitled to the aforementioned benefits if they did not have the required period of employment to qualify for sickness and maternity social insurance.

⁵⁷ Law of the Republic of Lithuania on Amendment of Articles 8, 16, 181 and 19 of Law No. IX-110 on Sickness and Maternity Social Insurance.

ARTICLE 12§4 - Social security of persons moving between States

Equality of treatment and retention of accrued benefits (Article 12§4)

Right to equal treatment

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asked whether such agreements existed with the following countries: Albania, Armenia, Georgia, Serbia and the Russian Federation, or whether they were planned and on what timescale. Since the report does not answer the question, the Committee recalls that States Parties can comply with their obligations not only through bilateral or multilateral agreements, but also through unilateral measures. The Committee asks therefore again that the next report indicate whether the Government plans to conclude agreements with States Parties with which there are no such agreements or unilateral measures and, if so, when.

Lithuania has analysed the need of other bilateral agreements. Bilateral agreements have been established with countries with which Lithuania has the highest migration flows and the biggest interest of the people. Lithuania has the bilateral agreement with Russian Federation (since 1999) on pensions, with Ukraine on social security since 2001. However there were no applications regarding Albania, Serbia or other States Parties. During the reference period an agreement of the Republic of Lithuania and Republic of Moldova on social security came into effect (on 4 October 2015).

In 2016 Lithuania sent a Note by diplomatic channels to Georgia for the initiation of the bilateral agreement on social security. In 2016 summer we received a reply, that Georgia will be ready to start negotiations after changes in pension system in Georgia.

Additionally, it is foreseen to initiate negotiation on bilateral agreement on social security with Armenia in 2017.

Responses to the questions and conclusions of the European Committee of Social Rights:

In general, the Committee asks how equal treatment between nationals and nationals of all other States Parties is ensured in respect of social security rights for all social security branches.

In general Lithuania ensures equal treatment between nationals and nationals of other States Parties in respect of state social insurance rights (more information is provided below). Those rights are ensured not only through the conclusion of bilateral or multilateral agreements, but through unilateral measures as well. There is no discrimination related with nationality in respect of state social insurance.

Changes in Law on Pensions regarding the citizens of third countries

On 11 August 2012, amendments to the **Law on Pensions** came into force. The amendments ensure equal application of conditions in payment of state social insurance pensions both to the citizens of the Republic of Lithuania residing abroad and the citizens of third countries residing in a third country who paid the compulsory state pension insurance contributions to the State Social Insurance Fund budget for the established period. For example, if a citizen of third country residing in a third country attains the retirement age, established in Lithuanian law, and has the minimum required record of pension insurance in Lithuania (15 years), he/she has the right to get an old pension paid by State Social Insurance Fund Board under the Ministry of Social Security and Labour (hereinafter referred to as the “SODRA”).

From 1 January 2014, the amendments to the Law on Pensions came into effect regarding the regulation of the entitlement to the state social insurance widows and orphans pensions for citizens of third countries. If citizens of third country acquire the right to widows or orphans pensions when residing in a third country, pensions will be awarded to them, same as to citizens of the Republic of Lithuania residing in third countries, only if the deceased had gained minimum insurance record during employment in Lithuania.

Right to retain accrued benefits

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee points out that it concluded, in its previous conclusion (Conclusions 2009), that the retention of accrued benefits related to work accidents, occupational disease, sickness or maternity for persons moving to a State Party which is not covered by EU regulations or not bound by an agreement with Lithuania is not guaranteed. It notes that the representative of Lithuania to the Governmental Committee (see Governmental Committee, Report concerning Conclusions 2009, Doc. T-SG(2011)1 final, §209) provided written information according to which, according to Lithuanian legislation and interests, there was no other better option than bilateral agreement. Yet, it notes that no new agreement has been adopted in Lithuania on this matter.

Lithuania confirms that situation is changed during the reference period. According to new legislation the retention of accrued benefits related to accidents at work, occupational disease, sickness or maternity for persons moving to a State Party which is not covered by EU regulations or not bound by an agreement with Lithuania is guaranteed.

Clause 107 of the **Regulations on Social Insurance Benefits Related to Accidents at Work and Occupational Diseases** has been amended by Resolution of the Government of the Republic of Lithuania No 1346 of 23 December 2015:

a. The wording of Clause 107 that was valid in the period from 01/01/2013 until 31/12/2015 was as follows: ‘107. The periodic compensation for lost capacity for work and the periodic insurance benefit in the event of death of the insured person shall be payable for previous month. These benefits shall be transferred, according to a procedure prescribed by the State Social Insurance Fund Board, to a personal account of a person entitled to the benefit in a credit institution in the territory of the Republic of Lithuania no later than by the 20th date of the month, or, if the entitled person has no account in a credit institution, the benefits shall be paid according to a procedure prescribed by the Republic of Lithuania Law on Public Procurement in payment institution selected by the State Social Insurance Fund Board (or a branch of such institution).’

b. The wording of the current version is as follows: ‘107. The periodic compensation for lost capacity for work and the periodic insurance benefit in the event of death of the insured person shall be payable for previous month. These benefits shall be transferred, according to a procedure prescribed by the State Social Insurance Fund Board, to a personal account of a person entitled to the benefit in a credit or payment institution no later than by the 20th date of the month, or, if the entitled person has no account in a credit or payment institution, the benefits shall be paid according to a procedure prescribed by the Republic of Lithuania Law on Public Procurement in payment institution selected by the State Social Insurance Fund Board (or a branch of such institution).’

The new Clause 111 of the Regulations on Social Insurance Benefits Related to Accidents at Work and Occupational Diseases states that the benefits are transferred to a personal account of the person entitled to the benefit, opened in a credit or payment institution or, if the entitled person has no account in a credit or payment institution, the benefits are paid according to a procedure prescribed

by the Republic of Lithuania Law on Public Procurement in payment institution selected by the State Social Insurance Fund Board (or a branch of such institution).

Clause 61 of the Regulations Regulations for Sickness and Maternity Social Insurance Benefits approved by the Government of the Republic of Lithuania has been amended by Resolution of the Government of the Republic of Lithuania No 1548 of 19 December 2012. The new Clause 61 states that sickness, vocational rehabilitation, maternity, paternity or childcare benefits (no later than 15 working days after receiving all necessary documentation) are transferred to a personal account of the person entitled to the benefit, opened in a credit or payment institution or, if the entitled person has no account in a credit or payment institution, the benefits are paid to entitled person chosen payment institution according to a procedure prescribed by the Republic of Lithuania Law on Public Procurement in payment institution selected by the State Social Insurance Fund Board.

To sum up, retention of accrued benefits related to accidents at work, occupational disease, sickness or maternity is guaranteed to nationals of all other States Parties.

Right to maintenance of accruing rights (Article 12§4b)

Responses to the questions and conclusions of the European Committee of Social Rights:

As Lithuania has not ratified this convention, it cannot rely on it to show that it has taken sufficient steps to guarantee the maintenance of accruing rights. Furthermore, despite the Committee's repeated requests, the report does not state if and how the right to accumulate insurance and employment periods is secured for nationals of States Parties not covered by EU regulations and not bound by a bilateral agreement with Lithuania. The Committee therefore reiterates its conclusion that it has not been established that Lithuania has taken sufficient measures to guarantee the maintenance of accruing rights.

According to Article 11 of the **Law on Social Insurance of Accidents at Work and Occupational Diseases**, the insured person who loses his/her capacity for work in full or in part due to an insured event will be paid under this Law, from the social insurance funds allocated for accidents at work. It is important to note, that there is no requirement for employee to have social insurance record for accidents at work and occupational diseases. Accident at work means an event at work/act of service, including traffic accidents, when performing occupational functions or staying in the workstation, entailing the damage to worker's health and loss of capacity for work at *least for one day* or resulting in worker's death, and investigated in accordance with the established procedure and deemed to be an occupational accident. Due to this Lithuania ensures equal treatment between nationals and nationals of other States Parties in respect of maintaining accrued social insurance rights.

Insured persons under 26 years of age who have not obtained the **sickness social insurance** record by the onset of temporary incapacity for work shall also be entitled to sickness benefit if this was due to the fact that during the periods specified, they were enrolled in a general education programme, a vocational training programme, or a full-time study programme at an institution of higher education, and the temporary incapacity for work began within six months of completing the general education programme, vocational training programme, or full-time study programme at an institution of higher education and attaining the corresponding level of education (according to the document attesting said achievements in education and/or qualification). Other employees are entitled to receive sickness benefit if they had, prior to the onset of temporary incapacity for work, a

sickness social insurance record of at least three months over the past 12 months or at least six months over the past 24 months.

In this case, Lithuania has taken sufficient steps to guarantee the maintenance of accruing rights for nationals of States Parties not covered by EU regulations and not bound by a bilateral agreement with Lithuania. We would like to confirm that there is no discrimination on nationality basis.

Third-country national, who is working and residing in Lithuania as a holder of Single permit or as a holder of EU Blue Card enjoys equal treatment as regards payment of **unemployment benefit**. According to the Law on Unemployment Social Insurance of the Republic of Lithuania, persons shall be entitled to the unemployment insurance benefit if the unemployment insurance record is not shorter than 18 months during the last 36 months (new regulation (see Art 12 §1) from 2017 01 01 - at least 12 months during the last 24 months).

Nationals of other States Parties are treated equally as citizens of the Republic of Lithuania because all of them must comply with the same requirements stated by the Republic of Lithuania **Law on Benefits to Children**. The Law does not contain provisions stipulating that family benefits may be reduced due to the reason that a recipient is an alien or a stateless person. Taking into consideration that cash social assistance, including family benefits, is a non-contributory cash benefits, i.e. it does not depend on amount of paid taxes, the requirement for aliens to hold a permit of a long-term resident of the Republic of Lithuania to reside in the European Community is adequate.

Furthermore, seeking to transpose the provisions of directives of the European Parliament and of the Council, list of beneficiaries is expanded.

The Law on Benefits to Children shall apply to the permanent resident of the Republic of Lithuania and other persons whose information about the place of residence in the Republic of Lithuania (in the case of persons without the place of residence – the information about the municipality in which they are resident) are entered in the Residents' Register of the Republic of Lithuania:

- 1) citizens of the Republic of Lithuania;
- 2) aliens holding a permit of a long-term resident of the Republic of Lithuania to reside in the European Community;
- 3) aliens residing in the Republic of Lithuania who are appointed as guardians (foster carers) of a child, being a citizen of the Republic of Lithuania, and to children being aliens who are placed under guardianship (foster care) in the Republic of Lithuania or the execution of whose guardianship (foster care) is taken over by a competent authority of the Republic of Lithuania;
- 4) aliens with temporary permit to reside in the Republic of Lithuania for the purposes of highly qualified employment;
- 5) aliens with temporary permit to reside and work in the Republic of Lithuania and who are in employment or who have been employed for a minimum period of six months and who are registered as unemployed except nationals who have been admitted for the purpose of study (*since 2014*);
- 6) person subject to this Law in accordance with the European Union social security coordination regulations;
- 7) citizens of a member state of the European Union or a member state of the European Free Trade Association in the European Economic Area or their family members who has been issued the documents granting or confirming the right of residence in the Republic of Lithuania and who live in the Republic of Lithuania not less than three months. Requirement to live not less three months in the Republic of Lithuania is not applied for citizens of a member state of the European Union or a member state of the European Free Trade Association in the European Economic Area or their family members (*since 1 October 2016*).

In addition, in order to transpose the provisions of directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra- corporate transfer, a draft amendment to the Law on Benefits to Children has been prepared and the list of family benefits recipients will be expanded.

It should be noted that provision of support from the funds designated for integration of aliens is regulated by the Order No. A1-438 of 3 July 2009 of Minister of Social Security and Labour of Republic of Lithuania. The new regulation of the provision of state assistance from the funds designated for integration of aliens is set in the Resolution No 998 of 5 October 2016 of the Government of the Republic of Lithuania “On the Procedure for the State Assistance to the Integration of the Asylum Seekers “.

ARTICLE 13 – THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE

ARTICLE 13§1 -Adequate assistance for every person in need

Types of benefits and eligibility criteria

Seeking accurateness and efficiency of cash social assistance provided as well as a more rational use of the state budget funds, reorganisation of the cash social assistance system commenced in 2012. Its purpose was to boost motivation of people of working age to integrate in the labour market, reduce long-term dependency on social assistance, the risk of poverty trap as well as possibilities of abuse of cash social assistance.

The amendments to the **Law on Cash Social Assistance for Poor Residents**, which became effective as of 1 January 2012, established a legal basis to provide cash social assistance for poor residents through two models: by fulfilling a state function (assigned by the state to municipalities) and by fulfilling an independent municipal function in five pilot municipalities.

On 2 December 2014, continuing the reorganisation of the cash social assistance system commenced in 2012, the Law Amending the Republic of Lithuania Law on Cash Social Assistance for Poor Residents was adopted. Pursuant to the Law, municipalities provide cash social assistance for poor residents (both social benefits and compensations) as of 1 January 2015 by fulfilling their independent municipal function financed from the municipal budget funds.

After the amendments of the abovementioned law became effective, all municipalities provide cash social assistance for poor residents under equal conditions, renouncing the grounds to grant, not to grant, reduce, etc. social benefits and compensations in accordance with the procedure established by municipal councils. This discretion has been allowed for municipalities only in those situations when social assistance is granted in other non-established cases (a lump-sum benefit is granted, the housing debt is paid, etc.).

While promoting motivation of cash social assistance beneficiaries of working age, who are capable of work, to integrate in the labour market, reducing the risk of illegal work and long-term dependency of poor residents on social assistance as well as the possibilities of abuse of this assistance, the following measures have been implemented with regard to reorganisation of the cash social assistance system:

1. a model on granting cash social assistance based on the *principle of economies of scale* (related to the number of family members) has been established;

2. *granting of an additional part of social benefit* to long-term beneficiaries of social assistance who find employment has been established;

3. municipalities have been conferred the right to *grant social benefits* also in cases when a person's (family's) *income exceeds the amount of state supported income* (the limit of earned income has been increased from 20 per cent to 50 per cent of state supported income (EUR 51) as of 2015);

4. *a proportionate reduction of the amount of a social benefit* has been laid down with regard to unemployed long-term beneficiaries of social benefits of working age, who are capable of work (except for cases of unemployment due to objective reasons);

5. *the limits of discretion of municipal administrations have been expanded* in order to create conditions to receive assistance when a person is mostly in need of it.

Interinstitutional cooperation has improved during reorganisation. Seeking to integrate beneficiaries of social benefits in the labour market, the possibilities of information systems have been expanded

in order to ensure cooperation between territorial labour exchange offices and municipalities. Municipalities have been actively cooperating with the territorial offices of the State Tax Inspectorate and the State Labour Inspectorate as well as other institutions in order to prevent abuse of assistance by those who have illegal income, illegal employment, sell smuggled goods, etc.

Local community members have become actively involved in the process of provision of cash social assistance.

Having regard to monitoring of the implementation of the Law on Cash Social Assistance for Poor Residents and in implementing the recommendation of the Council of the European Union for Lithuania of 13 May 2015 regarding the National Reform Programme 2015 of Lithuania together with the Council opinion regarding the Stability Programme of Lithuania for 2015, which recommend increasing the scope and adequacy of unemployment benefits and cash social assistance and create better conditions for job-seekers to become employed, the amendments to the abovementioned law came into force on 30 September 2016. This amendment aims to improve legal regulation of cash social assistance for poor residents related to the application of the scheme of proportionate reduction of a social benefit and granting of an additional part of social benefit when a person finds employment.

Level of benefits

Responses to the questions and conclusions of the European Committee of Social Rights:

In the light of the above data, the Committee notes that the combined level of basic and supplementary benefits available to a single person – including elderly people – with no other resources corresponds to 38.5% of the median equivalised income, calculated on the basis of Eurostat data, and is accordingly not compatible with the poverty threshold.

Implementation of the provisions of the Republic of Lithuania Law on Cash Social Assistance for Poor Residents (Official Gazette Valstybės žinios, 2011, No. 155-7353) involves application of the common scheme of cash social assistance on the basis of income and property evaluation.

Poor residents receive *social benefits* in order to ensure minimum funds to meet their basic physiological needs (food and clothing expenses) as well as *compensations for heating and hot and cold water expenses* (hereinafter referred to as “compensations”) as partial reimbursement for dwelling maintenance.

In pursuance of accurateness and efficiency of provided cash social assistance as well as a more rational use of the state budget funds, reform of the cash social assistance system was commenced on 1 January 2012 (Law No. XI-1772 of 1 December 2011 Amending the Law on Cash Social Assistance for Poor Families and Single Residents (Official Gazette Valstybės žinios, 2011, No. 155-7353).

Its purpose was to seek greater accuracy and efficiency of provided cash social assistance ensuring cash social assistance for persons who are most in need of it, to boost motivation of people of working age to integrate into the labour market, to reduce long-term dependency on social assistance, the risk of poverty trap and possibilities of abuse of cash social assistance.

In order to ensure more adequate cash social assistance provided *for single people* a model of granting cash social assistance based on the principle of economies of scale has been established.

Subject to the evaluation of distribution of general expenses of the family, *social benefit* is granted with regard to the number of family members, i.e. the amount of a social benefit:

- for the *first family member*, also in cases when social benefit is granted for single people and only for children, is the 100% difference between State Support Income (hereinafter referred to as “SSI”) and family’s income;
- for the *second family member* – the 80% difference between SSI and family’s income;
- for the *third and subsequent family members* – the 70% difference between SSI and family’s income.

In conclusion, amount of social benefit for single person has increased because previously it was equal to the 90% (since 1 January 2012 – 100%) difference between SSI and person’s income.

The *amount of compensated norms* of useful floor space, hot and drinking water have been also adjusted accordingly. The compensated norm of useful floor space *for a single resident* has been *increased* from 38 to 50 square meters; differentiated amounts of compensated norms of useful floor space, hot and drinking water have been set for every subsequent family member or a cohabitant.

In addition, a family or single resident shall be *additionally granted social benefit* the amount of which is equal to 50 % of the average amount of the social benefit paid during the last 12 months (since 30 September 2016 – 50 % of the average amount of the social benefit paid during the last 6 month) prior to employment for each month, even when they leave social assistance and get employment. Additionally social benefit will be paid for six months even if a family has no right to get social benefit after employment. In 2015 11.2 per cent of social benefit recipients registered at Labour Exchange were additionally granted social benefit after employment (in 2014 – 5.3 per cent).

Administrations of municipalities following an assessment of individual living conditions have been conferred the right: to grant social benefit and compensations for heating and drinking and hot water expenses on an exceptional basis; to grant social benefits when persons meet the requirements set out in the law, but their income exceeds SSI by not more than 50 per cent; compensate for a larger share of heating expenses than established in the law, but not exceeding 10 per cent of the difference between the income of cohabitants or a single resident and SSI for cohabitants or a single resident and etc. In 2015 3.4 thous. persons were granted cash social assistance on an exceptional basis (in 2014 – 2.2 thous. persons). In 2015 expenditure on cash social assistance on an exceptional basis – EUR 1.5 million (in 2014 – EUR 0.4 million).

Seeking to create the conditions for receiving assistance when a person is in great need and to reduce social exclusion, municipal administrations have been granted even more rights in the process of providing cash social assistance for poor residents. Administrations of municipalities have been conferred the discretion to grant social assistance in other cases than those established in the Law (a lump-sum benefits is granted, the housing debt is paid, etc.). In 2015 160 thous. persons (in 2014 – 188.4 thous. persons) were granted social assistance in other cases, expenditure on such social assistance – EUR 2.16 million (in 2014 – EUR 1.8 million).

Table 12.4.1 Beneficiaries of cash social assistance in 2012–2015 (persons, thous.)

Item No.	Types of benefits	2012	2013	2014	2015
1.	Social benefit	221.9	190.0	140.1	110.7
2.	Compensations for heating of a dwelling, hot and drinking water expenses	198.8	204.9	188.5	144.6

Data of the Ministry of Social Security and Labour

Table 12.4.2 Expenses of cash social assistance in 2012–2015 (EUR million)

Item No.	Types of benefits	2012	2013	2014	2015
1.	Social benefit	173.6	147.2	103.8	77.3
2.	Compensations for heating of a dwelling, hot and drinking water expenses	49.1	44.1	31.3	20.9

Data of the Ministry of Social Security and Labour

Cash social assistance rates depend on one of the social security benefits indicators, i.e. *Government of the Republic of Lithuania approved State Supported Income* (since 2015 – EUR 102). In order to increase the adequacy of cash social assistance, the size of State Supported Income, which as well establishes the person’s right to assistance, should be increased. But it should be noted that the state guaranteed social assistance benefit is provided according to the social and economical conditions as well as state financial capabilities. Social assistance benefit also has to be coordinated with other social security benefits as to avoid the demotivation of the unemployed persons in joining the labour market. When the minimal monthly wage, average wage, and applied tax exceptions are taken into consideration.

Right of appeal and legal aid

During implementation of monitoring of cash social assistance and in order to analyse the necessity of the binding dispute concerning cash social assistance out-of-court proceedings for municipal administrations, administrations of municipalities submitted data about complaints to Commission of administrative disputes and (or) to administrative Court.

Table 12.4.3 Number of complaints for the decisions of municipal administration in 2012–2015

The number of complaints (claims) submitted to the municipal administration	The number of complaints (claims) submitted to Commission of administrative disputes for the decision of the municipal administration	The number of complaints (claims) satisfied (satisfied in part) by Commission of administrative disputes	The number of appeals (requests) submitted to the Court for the decision of the municipal administration	The number of appeals (requests) satisfied (satisfied in part) by the Court	The essence of municipal administration/ Commission of administrative disputes/ Court appeals (requests)
1243	110	20	101	18	On the grant of cash social assistance / reduction of social benefit; On the reduction of compensation; On valuation of property; On the general consist of living persons; On participation in social useful activity

Data of the Ministry of Social Security and Labour

Personal scope

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee recalls that, in accordance with the Appendix to the Charter, nationals of other Parties, who are legally resident in the territory of another Party and lack adequate resources must enjoy an individual right to appropriate assistance on an equal footing with nationals. This implies that entitlement to assistance benefits, including income guarantees, is not confined in law or in practice to nationals or to certain categories of foreigners and that additional conditions such as length of residence, or conditions which are harder for foreigners to meet may not be imposed on them. While noting the ongoing efforts to extend coverage, and understanding that municipalities can decide, on a case-by-case basis, to grant assistance to foreigners not complying with the legal length of residence condition, the Committee notes that the report does not allow to establish that, in practice, foreigners who are legally resident for less than five years and lack adequate resources are effectively entitled to assistance. Accordingly, it confirms its previous finding of non conformity on this ground.

According to the **Law on Cash Social Assistance for Poor Residents** (Official Gazette Valstybės žinios, 2011, No. 155-7353), cash social assistance shall be granted ensuring the *equality* of poor residents *without regard to* gender, race, *nationality*, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

Nationals of other States Parties are treated equally as citizens of the Republic of Lithuania because all of them must comply with the same requirements stated by the Law. Taking into consideration that social benefit and compensations for dwelling heat, hot and drinking water is a non-contributory cash benefits, i.e. it does not depend on amount of paid taxes, the requirement for aliens to hold a permit of a long-term resident of the Republic of Lithuania to reside in the European Community is adequate.

Seeking to transpose the provisions of directives of the European Parliament and of the Council, list of beneficiaries is expanded.

Law on Cash Social Assistance for Poor Residents (Official Gazette Valstybės žinios, 2011, No. 155-7353) is applied to the permanent residents and other persons whose information about the place of residence in the Republic of Lithuania (in the case of persons without the place of residence – the information about the municipality in which they are resident) are entered in the Residents' Register of the Republic of Lithuania:

- 1) citizens of the Republic of Lithuania;
- 2) aliens holding a permit of a long-term resident of the Republic of Lithuania to reside in the European Community;
- 3) citizens of a Member State of the European Union and their family members who are issued in the manner prescribed by legal acts the documents confirming their right to reside in the Republic of Lithuania and who have been residing in the Republic of Lithuania for not less than three months. Family members of a citizen of a Member State of the European Union shall mean the person's spouse or the person with whom a registered partnership has been contracted, his direct descendants who are under the age of 21 or are dependants, including direct descendants of the spouse or person with whom the registered partnership has been contracted, who are under the age of 21 or those who are dependants, the dependent direct relatives in the ascending line of a citizen of a Member State of the European Union, of the spouse or of the person with whom the person has contracted a registered partnership (*since 2012*);
- 4) aliens who have been granted subsidiary protection or temporary protection in the Republic of Lithuania, with the exception of those who during the integration period receive support from the funds designated for integration (*since 2012*);

5) citizens of a member state of the European Union or a member state of the European Free Trade Association in the European Economic Area or their family members who has been issued the documents granting or confirming the right of residence in the Republic of Lithuania and who live in the Republic of Lithuania not less than three months. Requirement to live not less three months in the Republic of Lithuania is not applied for citizens of a member state of the European Union or a member state of the European Free Trade Association in the European Economic Area or their family members (*since 30 September 2016*).

However, it should be noted that, in accordance with the existing legal regulation, persons who are temporarily residing in the Republic of Lithuania and don't have right to get cash social assistance accordance to the law are not left without any support. Municipal administrations have the right to allocate cash social assistance from their budgetary resources to persons lawfully residing in the Republic of Lithuania.

In addition, granting of social assistance to pupils is not subject to the status of permanent or temporary residence of the family in Lithuania.

It should be noted that provision of support from the funds designated for integration of aliens is regulated by the Order No. A1-438 of 3 July 2009 of Minister of Social Security and Labour of Republic of Lithuania. The new regulation of the provision of state assistance from the funds designated for integration of aliens is set in the Resolution No 998 of 5 October 2016 of the Government of the Republic of Lithuania “**On the Procedure for the State Assistance to the Integration of the Asylum Seekers**“.

ARTICLE 13§2 - Non-discrimination in the exercise of social and political rights

According to the Law on Cash Social Assistance for Poor Residents, cash social assistance shall be granted ensuring the *equality* of poor residents *without regard to* gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

ARTICLE 13§3 - Prevention, abolition or alleviation of need

The state is obliged to guarantee that every person receives assistance from respective public services that he needs to avoid, eliminate or mitigate deprivation. Efficiently implemented cash social assistance measures are aimed at consolidating families, encouraging their abilities to independently solve social problems, and strengthening community relations.

According to the **Law on Cash Social Assistance for Poor Residents**, cash social assistance shall be granted ensuring the *equality* of poor residents *without regard to* gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

ARTICLE 14 – THE RIGHT TO BENEFIT FROM SOCIAL WELFARE SERVICES

ARTICLE 14§1 - Promotion or provision of social services

Organisation of the social services

Responses to the questions and conclusions of the European Committee of Social Rights:

In the absence of any new information in the report, the Committee asks for an up-to-date description of the organisation of social services in the next report.

According to the **Law on Social Services**, municipalities are in charge of the ensuring of provision of social services to residents of its territory by planning and organizing social services (by assessing and analysing residents' needs, forecasting and determining the scope of the provision and types of social services, assessing and establishing the need for financing of social services). The administration of every municipality must have a division which plans, administers social services and controls quality of some social services. In order to determine the scope of provision and types of social services in line with residents' needs, municipalities annually draw up and approve a plan of social services. Plans of social services are drawn up in compliance with the methodology of planning of social services as approved by the Government.

The Ministry of Social Security and Labour analyses and assesses the condition of social services in the country and submit proposals to municipalities on the planning and organization of social services. As well Ministry establishes, reorganizes and liquidates social care establishments, which are not needed in every municipality.

Quality of services and effective and equal access

According to the **Law on Social Services**, the municipalities are responsible for the supervision of common social services and social attendance services. The Law also states that the Department of Supervision of Social Services under the Ministry of Social Security and Labour (hereinafter referred to as the "Department") assesses, monitors and controls the quality of social services (provides methodological assistance on the application of social care norms, provides methodological assistance regarding control of the quality of social services of general interest and social attendance, form a general practice of application of social care norms and the requirements set forth for social services of general interest and social attendance; assesses the quality of social care, issues licenses to provide social care, suspends and cancels them, monitors and controls compliance with the conditions of licensing activities, controls the establishment of a person's (family's) need for the social services financed from special targeted subsidies of the state budget to municipal budgets, granting and provision thereof as well as assessment of the person's (family's) financial possibilities to pay for these services).

From 2015 onwards, only licensed establishments are entitled to provide social care. Licensing of social care institutions and assessing the quality of social care falls within the responsibility of the Department. The assessment of social care is made in compliance with the rules on the licensing of social care establishments and **Social care norms**. Social care norms set out the specific requirements for social care quality. The main specific requirements for social care quality are:

- quantitative: for personnel composition (description of what personnel is needed according group of clients, minimum requirement for number of personnel according to number of clients and etc.); accommodation adjustment (description of accommodation (size, number

- and etc.) based on client group and number of clients, hygiene requirements, other adjustment of accommodation (elevators, layout, adjustment for disabled and etc.);
- qualitative: for allocating and planning services; making agreements with clients or their representatives; making and review individual social care plans; making emotionally safe, stresses and etc. environment; providing services which enable, motivate and encourage clients, keep their social relations and etc. It is necessary to stress out that client privacy is one of most important issue in the social care norms and organizations are obliged to fulfil the right to privacy of a person. The Department is obliged to organize and implement supervisory procedures in place to ensure that mentioned conditions are complied with in practice. The supervisory procedures in place are organized before licensed establishments and after the licenses are issued.

The Ministry in year 2011-2015 implemented the program “**Development of Infrastructure of Institutional Services**” of Priority 2 “**Quality and Accessibility of Public Services: Health Care, Education and Social Infrastructure**”. The aim of this measure is to ensure safe environment and high quality of community-base services provided to elderly persons, the disabled, children and persons at social risk by modernizing current infrastructure and establishing new small care homes (group homes for disabled), day care centres, crises centres and etc. In the course of project implementation, support content current as well as newly establishing centres constructed, reconstructed and repaired as well as provided with necessary equipment and furniture. Funding for program was about 159 million EUR.

During the period 2014-2020 **Action Plan for Development and Modernization of Social Services infrastructure** will be implemented. The main aim of the action plan is to achieve better access to services in all regions of the country. Expected Results - improved conditions of existing social service institutions, established new social service institutions in the municipalities where it is lacked, encouraged development of community-based social services infrastructure. Funding for action plan is about 20 million EUR.

In order to ensure persons with mental disabilities right to community-based services according to their individual needs in Lithuania the care system reform is carried out with focus on de-institutionalization. **The Action Plan of the Transition from Institutional Care to the Provision of Services in a Family and Community for the Disabled and Children Deprived of Parental Care 2014–2020** was adopted in 2014. In the period 2014–2020, the Action Plan aims to envisage consistent and coordinated actions that promote the creation of the system for transition from institutional social care to community-based services for disabled persons (including children and youth), with mental and/or psychic disability, children deprived of parental care, including babies, as well as families, and assistance to the family, guardians (foster parents).

The Action Plan envisages the following aims:

- to ensure harmonious environment and conditions for all children to be raised in their families, and to children deprived of parental care to be raised in the families of foster or adoptive parents or in social families and to receive assistance in the community;
- to create the conditions for disabled adults and their families (guardians, foster parents) to be provided with individual community services that meet their needs;
- to promote the change of value attitudes in society, forming a positive society’s attitude towards reorganization of the system and to ensure publicity of ongoing processes.

In 2012 the Minister of Social Security and Labour approved **Integrated Assistance Development Program**. The main goals of the Program are as follows to ensure the accessibility (to expand

social care services and include nurse care services) and variety of services of integrated help at home for elderly, disabled adults and children and for family members by consulting and to involve informal carers (volunteers, neighbours and other) into process. From the middle of 2013 the pilot projects started in 21 municipalities. During the program implementation period (2013–2015), integral assistance was provided to over 1500 disabled and elderly people; consultations were provided to about 1400 family members. Funding for program (2013-2015) was about 5.8 million EUR.

In period 2014-2020 the implementation of projects will include all municipalities. A total of EUR 16.4 million are planned to be allocated for the implementation of the new action plan from the European Union funds.

In 2012, The Minister of Social Security and Labour approved the **Program of Competence Trainings for the Employees of Social Services Establishments**. The Program enhanced the quality of employees providing services and their ability to adopt theoretical knowledge into daily work in social establishments, identify the need of trainings. More that for 4 thousand employees of social services establishments participated in the trainings.

According to the information of the Department of Statistics in Lithuania in 2015 social services were provided by almost 11 thousand workers.

ARTICLE 14§2 - Public participation in the establishment and maintenance of social services

Responses to the questions and conclusions of the European Committee of Social Rights:

The report indicates that the State awards grants to voluntary organisations. The Committee asks for details on this subject, including the amount of these grants.

The **National Progress Programme 2014-2020** approved by Resolution No 1482 of the Government of the Republic of Lithuania of 28 November 2012 (Official Gazette) No 144-7430, 2012) anticipates that in 2020 15 percent of all public services in municipalities should be provided by local communities and non-governmental organizations.

Main services being provided through non-governmental organizations are as follows: social rehabilitation for disabled, day care centres (from 2002), specialized assistance centres (provides assistance to victims of violence).

Number of volunteers working for the social services increased to 4627 in 2015.

In accordance to the **Law on Volunteering**, volunteering-related expenses are subject to reimbursement.

State financial assistance is granted to youth voluntary organisations and the amount of these grants was equal to 270590 EUR for the period of 2013-2015.

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee notes that the report does not answer its request for information on the involvement of civil society in areas of welfare policy which affect the social welfare services.

Emphasizing public participation, it is important to draw attention to the fact, that in 2014, while implementing the provisions of the **Law on Development of Non-governmental Organizations**, the Ministry of Social Security and Labour approved the **Council of Non-governmental Organizations**. The Council of Non-governmental Organizations is advisory body seeking to ensure participation of the non-governmental organizations while implementing policy of the development of non-governmental organizations. It consists of representatives from ten state institutions and ten non-governmental organizations; the term of office of the members of the Council is two years.

According to the **Law on Social Services** issues of the management, granting and provision of social services must be settled in co-operation with recipients of social services and/or representatives thereof and the organizations defending the interests and rights of social groups of people.

The Ministry is constantly encouraging public participation of a society, community into planning and providing help and services for those in need. For instance Ministry according to the **Action Plan of the Transition from Institutional Care to the Provision of Services in a Family and Community for the Disabled and Children Deprived of Parental Care 2014–2020**, in year 2014 approved the group of experts whose monitor and evaluate the implementation of de-institutionalization process. Delegated experts from non-governmental organizations constitute about 40 percent of all experts in the group.

Further more, in the mentioned **Integrated Assistance Development Program**, one of the aims is to involve informal carers (volunteers, neighbours and other) into process of providing integrated assistance. Volunteers, neighbours and other persons are responsible for informal help, which is very important and needed in a process of formal care.

Also it is important to mention, that till year 2011 the Minister of Social Security and Labour approved **Lithuanian Social Work Board**, which has an advisory function on social work issues. Lithuanian social work board consists of municipalities' representatives, social workers, teachers from higher education schools for social work, social services institutions and etc. Almost half of board members are from public or non-governmental organizations.

ARTICLE 31 – THE RIGHT TO HOUSING

ARTICLE 31§2 - Reduction of homelessness

Information required on Conclusions 2015

Reference period: 01.01.2010 – 31.12.2015

Preventing homelessness

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee notes from the information provided to the Governmental Committee (Report concerning Conclusions 2011) that in order to prevent homelessness, municipal authorities have established social housing rental terms and conditions and registered people in need of accommodation. In this regard, it notes that, for the period 2005-2011, the Municipal Social Housing Fund increased by 3,000 dwellings and 6,800 families had access to social housing. However, the said report underlined that due to the financial crisis public investment in the development of social housing fell sharply from 2008 onwards and that, correlatively, the demand for social housing increased. In view of this situation, it indicates that a draft law, under preparation, provides for the reimbursement of the rent to persons entitled to social housing. The Committee asks the next report to provide information on this law.

On 9 October 2014, the Seimas of the Republic of Lithuania adopted the **Law on State Support for the Acquisition or Rental of Housing** which became effective on 1 January 2015. This Law provides for the following forms of support for individuals and families entitled to support for the acquisition or rental of housing:

- support for the acquisition of housing, which is provided through subsidising part of the housing loan, covering the housing loan interest (10 or 20 percent). Provision of support for the acquisition of housing aims at ensuring that families and individuals who meet the requirements set out in legislation (whose income and property do not exceed the maximum amounts of income and property established in the Law) could acquire a dwelling in the market by themselves;

- support for the rental of housing, which is provided through renting social housing to small property and low-income families and individuals or payment of a compensation for part of housing rental or lease payment. Provision of state support for the rental of housing aims at ensuring that small property and low-income individuals who have no dwelling or not suitable dwelling according to the Law and no possibility to acquire own dwelling could rent housing.

Having evaluated insufficient financial resources to develop social housing stock in municipalities and seeking to increase accessibility and efficiency of provided support for the rental of housing, the Law provides the following:

- the new form of provision of support for the rental of housing – compensation for part of housing rental or lease payment – establishing that families and individuals entitled to social housing and renting housing from natural or legal persons under market conditions shall become entitled to a compensation for part of rental or lease payments. Compensation for part of rental payment will not only increase the possibilities for providing families and individuals with housing, but also create a possibility to rent a dwelling meeting their needs;

- the obligation to individuals and families to declare their property and income every year. The annual amounts of evaluated income and property of individuals and families are associated with the state supported income amount;

– a possibility for individuals and families who rent social housing to continue renting the same housing for market prices after they are deprived of the right to social housing due to higher income or bigger property;

– a possibility to reduce the number of families and individuals who are evicted from the dwellings rented from municipalities by force and create conditions for more rational management and use of municipal housing and disposal thereof. Individuals and families are deprived of the right to support for the rental of housing only in those cases when their declared property or income exceeds the income or property amounts established in the Law by more than 20 per cent;

– individuals and families may use a subsidy for paying part of the housing loan partially compensated by the state for the down-payment of the housing loan partially compensated by the state (or part thereof).

– according to the statistical data presented by Statistics Lithuania regarding the consumer price index which was 111.9 in December 2013, as compared with October 2008 (the amounts of evaluated income and property have been established), the amounts of evaluated individuals' and family's income and property established in the Law have been increased by 11.9 per cent, and the above amounts have been related to state supported income. This means that after the SSI amount changes, the annual amounts of evaluated individuals' and family's income and property, used to determine an individual's or family's right to acquire or rent housing, will change.

In 2014 municipal social housing were rented to 1,165 families and in 2015 to 500 families.

Responses to the questions and conclusions of the European Committee of Social Rights:

It consequently asked what structures are in place to avoid that during these 5 years [and after] these persons become homeless. The report provides no information in this respect. The Committee therefore considers that the situation is not in conformity with the Charter on the ground that 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.

At the moment there is no possibilities to give accurate information about homelessness because of changes at the legal regulation related with the declaration of residence.

Measures taken to remedy the situation of homelessness:

– the new form of provision of support for the rental of housing – compensation for part of housing rental or lease payment;

– the analysis of housing rental market data showed that the amount of a compensation for part of rental or lease payment per person is insufficient; therefore, the conversion coefficient of the basic amount of compensation for part of rental or lease payment (Klrv) has been increased from 1 to 1.6 as of 1 November 2015;

– individuals and families are deprived of the right to support for the rental of social housing only in those cases when their declared property or income exceeds the income or property amounts established in the Law by more than 20 per cent. This remedy is reducing the number of families and individuals who are evicted from the social housing by force;

– a possibility for individuals and families who rent social housing to continue renting the same housing for market prices after they are deprived of the right to social housing due to higher income;

– individuals and families may choose the bank or credit institution selected to grant housing loans partially compensated by the state, because a bigger number of banks or credit institutions, selected for the period of three years, will be able to grant housing loans partially compensated by the state banks or other credit institutions that grant housing loans partially compensated by the state shall be paid an administration fee, which cannot exceed EUR 30 per year

for one granted housing loan partially compensated by the state, for the performance of obligations set out in the agreements regarding the granting of compensated housing loans (subsidy financing) concluded with the Ministry of Social Security and Labour. The aim is to encourage more banks or other credit institutions to participate in the selection procedure regarding the granting of these loans;

– individuals and families may use a subsidy for paying part of the housing loan partially compensated by the state for the down-payment of the housing loan partially compensated by the state (or part thereof).

Forced eviction

In 2011 a lot of amendments were adopted. According to the amended Article 659 of the Code of Civil Procedure, when evicting someone from their dwelling, a term for satisfying the judgment of no shorter than 30 days and no longer than 45 days shall be set (previously it was 15 and 30 days respectively).

Person shall be informed about eviction not later than 5 working days before (previously it was 5 days), Article 769 of the Code of Civil Procedure. If there is no alternative accommodation and there are children evicted - the state institution of child rights protection shall be informed not later than 30 days before eviction (previously it was 5 days).

Code of Civil Procedure does not prescribe obligation to adopt measures to re-house or financially assist the persons concerned, but the persons can receive social assistance.

whether there is an obligation to consult the parties affected in order to find alternative solutions to eviction

According to the Article 592 of the Code of Civil Procedure, a bailiff shall perform execution actions on business days not earlier than from 6 a.m. and not later than until 10 p. m. It shall be allowed to enforce judgments during night time or on days off only in urgent cases when the failure to enforce the judgment immediately may make the enforcement thereof more difficult or completely impossible.

There is no prohibition to carry out evictions during winter, but persons can ask to postpone or stop the eviction if person concerned is ill or due to other important circumstances (Article 284 and 627).

There is accessibility to legal aid.

Paragraph 1 of Article 11 of the **Law on State-Guaranteed Legal Aid** stipulates that all nationals of the Republic of Lithuania, nationals of other European Union Member States as well as other natural persons lawfully residing in the Republic of Lithuania and other European Union Member States and other persons specified in international treaties of the Republic of Lithuania shall be eligible for primary legal aid.

Pursuant to paragraph 2 of the said article, the following persons shall be eligible for secondary legal aid: nationals of the Republic of Lithuania, nationals of other European Union Member States as well as other natural persons lawfully residing in the Republic of Lithuania and other European Union Member States whose property and annual income do not exceed the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under this Law (the same condition as applied to nationals); nationals of the Republic of Lithuania, nationals of other European Union Member States as well as other natural persons lawfully

residing in the Republic of Lithuania and other European Union Member States who are eligible for secondary legal aid regardless of their property and income; other persons specified in international treaties of the Republic of Lithuania.

There is compensation in case of illegal eviction.

Right to shelter

In 2014-2015 there were 25 shelters with a capacity of 1,235 places (2015 - capacity of 1,247), which welcomed 2,601 persons in 2014, and 2,487 persons in 2015.