



European
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EUROPEAN SOCIAL CHARTER

17th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA

Articles 1, 9, 10, 15, 18, 20, 24 and 25

for the period 01/01/2015 - 31/12/2018

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CYCLE 2020



17TH REPORT OF THE REPUBLIC OF LITHUANIA

FOR THE ACCEPTED PROVISIONS CONCERNING
THEMATIC GROUP “EMPLOYMENT, TRAINING AND EQUAL OPPORTUNITIES”
ARTICLES 1, 9, 10, 15, 18 (Paragraphs 1 and 4), 20, 24 AND 25

Reference period: 1 January 2015 – 31 December 2018

Vilnius
2019

ABBREVIATIONS USED IN THE REPORT

ALMP	active labour market policy
CPC	Criminal Procedure Code of the Republic of Lithuania
CSEC	Criminal Sanctions Enforcement Code of the Republic of Lithuania
DYA	Department of Youth Affairs
ESF	European structural funds
FTE	full-time equivalent
LC	Labour Code of the Republic of Lithuania
LTU	long-term unemployment
MESS	Ministry of Education, Science and Sport of the Republic of Lithuania
MEI	Ministry of Economy and Innovations of the Republic of Lithuania
MMS	minimum monthly salary approved by the Government of the Republic of Lithuania
MOSTA	Research and Higher Education Monitoring and Analysis Centre
MSSL	Ministry of Social Security and Labour of the Republic of Lithuania
NEETs	young people aged 15-29, who are neither in employment nor in education or training
PES	Public Employment Service under the MSSL
PPS	pedagogical-psychological services
SEN	special educational needs
VET	vocational education and training
YEI	Youth Employment Initiative
YG	Youth Guarantee
YJC	Youth Job Centres

ARTICLE 1: THE RIGHT TO WORK

ARTICLE 1, PARAGRAPH 1

Policy of full employment

Please provide details of labour market policy measures specifically designed to support specific groups or communities, such as: young people who have not yet entered the labour market, persons in geographical areas and communities with distinct levels of underemployment (quality) or unemployment (quantity) or experiencing severe or chronic unemployment as well as migrants and refugees;

Please include statistical information on the overall impact of employment policy during the reference period: economic growth indicators, unemployment rates broken down by gender, age and duration, public expenditure on passive and active labour market measures as a share of GDP, number of participants in active measures (training), activation rate participants/unemployed ratio).

Table 1.1.1. Unemployment rate

		Unemployment rate | percentage			
		2015	2016	2017	2018
TOTAL	Total by age groups	9,1	7,9	7,1	6,1
	15–24	16,3	14,5	13,3	11,1
	15–29	12,7	10,4	8,6	7,5
	15–64	9,3	8,1	7,3	6,3
	20–64	9,2	8	7,2	6,3
Male	Total by age groups	10,1	9,1	8,5	6,9
	15–24	16	15,9	14,6	12
	15–29	12,3	11,5	9,7	8,6
	15–64	10,3	9,3	8,8	7,1
	20–64	10,2	9,2	8,7	7
Female	Total by age groups	8,2	6,7	5,7	5,4
	15–24	16,6	12,6	11,7	10,1
	15–29	13,1	9	7,1	6,2
	15–64	8,4	6,8	5,9	5,6
	20–64	8,3	6,8	5,8	5,6

Table 1.1.2. Number of persons who started participating in active labour market policy (hereafter – ALMP)

	2015	2016	2017	2018
Active labour market measures	67242	55381	45501	41008
Vocational training	19133	17195	21422	16633
Recruiting under an apprenticeship contract	...	...	4	362
Internship	...	...	15	780
Recognition of competences acquired through non-formal and informal learning	...	...	0	646
Average annual number of registered unemployed	158153	144864	139615	148242
Average annual number of ALMP participants	17906	14326	11224	9614
Average annual number of participants in vocational training measures	3834	4260	4826	3782
Participants/ unemployed ratio	11,3	9,9	8,0	6,5

The Lithuanian employment policy especially focuses on groups that are perceived as consisting of the most vulnerable persons. This includes persons over 50 years of age who are capable of work, young people under 29 years of age, long-term unemployed, disabled individuals and others. Such target groups of unemployed that are entitled for additional support are listed in the Law on Support for Employment.

Persons receiving additional support in the labour market

1. disabled persons of working age with the assessed 25 per cent capacity for work or grave disability;
2. the unemployed who are disabled persons of working age with the assessed 30 to 40 per cent capacity for work or medium disability;
3. the unemployed who are disabled persons of working age with the assessed 45 to 55 per cent capacity for work or mild disability;
4. unqualified unemployed persons who have not acquired any professional qualifications or their professional qualifications acquired abroad have not been recognised according to the procedure prescribed by law, as well as the unemployed who do not possess any qualifications acquired by a non-formal method that have been recognised according to the procedure prescribed by law;
5. long-term unemployed under 25 years of age who have been unemployed for longer than 6 months, and long-term unemployed older than 25 years of age who have been unemployed for longer than 12 months counting from the date of registration with the local labour exchange;
6. the unemployed older than 50 years of age;
7. persons entitled to additional employment guarantees under the Republic of Lithuania Law on Additional Employment and Social Guarantees to Employees of State Enterprise Ignalina Nuclear Power Plant;
8. the unemployed under 29 years of age;
9. the unemployed who are starting work according to the acquired qualification or competence for the first time;
10. persons who have been granted the **refugee status** or persons who have been granted subsidiary or temporary protection.

Labour market services

- registration of vacant jobs and job seekers;
- information;
- consulting;
- assessment of employment opportunities;
- employment intermediation;
- planning of individual employment activities.

Employment support measures

- active labour market policy measures;
- programmes on increasing employment.

Active labour market policy measures

The measures of **support for learning** shall be as follows¹:

1. vocational training;
2. employment under an apprenticeship employment contract;
3. internship;
4. recognition of competences acquired by non-formal and informal learning.

In 2015-2018 the priority was given to long-term unemployed, unqualified and disabled. Means of European structural funds (hereafter – ESF) and Government were used for implementation of active labour market policy measures, improvement of their coverage, quality and effectiveness.

Public Public Employment Service under the Ministry of Social Security and Labour implemented the following ESF projects:

1) Project “**Support for long-term unemployed**” with the purpose to help long-term unemployed acquire or improve qualifications, to develop competences, develop technical skills in work environments, and to get integrated or consolidated in the labour market. The Project was implemented in 2014-2018, 15 thousand participated, out of whom 46,3 % acquired qualifications, 67,7 % started to work, including self-employment.

2) Project “**Improvement of unqualified competences**” with the purpose to raise motivation of unqualified unemployed to find job, to help to deal with emotional, personal and communication issues that are obstacles to acquire, improve qualification or to integrate into labour market. The Project was implemented in 2014-2018, 20,5 thousand participated, out of whom 76,3 % started to work, including self-employment.

3) Project “**Support for elderly unemployed**” with the purpose to help unemployed older than 54 years of age to acquire or improve qualifications, to develop competences, missing skills that promote integration into labour market. The Project was implemented in 2015-2018, 14,4 thousand participated, out of whom 6,6 thousand acquired qualifications to work, 7,7 thousand returned to labour market, 0,12 thousand improved her/his mobility.

4) Project “**Assistance for disabled**”. The Project was implemented in 2015-2018, 2,2 thousand participated, out of whom 59 % started to work, including self-employment.

¹ More information: <https://socmin.lrv.lt/en/activities/labour-and-employment/employment-and-labour-market/employment-promotion-policy-and-institutions>

5) Project “**Your future perspectives creation**” with the purpose to help unemployed, including long-term, unqualified and disabled to acquire qualifications, to develop competences, and to integrate into labour market. The Project’s time is 2017-2020, it is foreseen that 23,5 thousand will participate in it.

6) Project “**Take the opportunity**” with the purpose to increase possibilities for the unemployed older than 54 years of age to integrate into labour market. The Project’s time is 2017-2020, it is foreseen that 7,2 thousand will participate in it.

7) Project “**Professional rehabilitation**” with the purpose to increase employment of disabled. The Project’s time is 2017-2020, it is foreseen that 900 will participate in it.

8) Project “**Discover Yourself**” with the purpose to reduce the number of **young people aged 15-29, who are neither in employment nor in education or training** (hereafter – NEETs) by implementing measures of early intervention and activation. The project offered services that focused on the development of motivational, social and labour market skills through engaging NEETs in voluntary activities, various trainings as well as providing them with psychological counselling, skills' assessment and other measures to enhance their motivation for work. The project was implemented in 2015–2018 together with **Department of Youth Affairs** (hereafter – **DYA**). 44,9 thousand participants participated in the activities of primary intervention. 7,4 thousand took part in **DYA** activities and 37,4 thousand participants took part in **Public Public Employment Service** activities: **social, psychological, motivational activities, activation for inactive youth** (7,4 thousand participants), **volunteering** (0,9 thousand inactive youth and 0,8 thousand participants, who were registered in PES), **group activities for unemployed, not ready for labour market** (19,5 thousand participants), **identification of professional skills and personal interests for unemployed, not ready for labour market** (18,7 thousand participants), **introduction to labour market for unemployed not ready for labour market and oriented towards hired labour** (12,6 thousand participants), **introduction to educational system for unemployed not ready for labour market and oriented towards education** (2,8 thousand participants), **informal professional training for unemployed ready for labour market** (1,9 thousand participants), **motivational events** (8,6 thousand participants), **development of additional skills and competences for unemployed ready for labour market** (5,5 thousand participants). 2,7 thousand unemployed, **not ready for labour market, oriented towards self employment, were introduced to self-employment**. 13,4 thousand took part in outgoing seminars for self- evaluation, that were organized for unemployed, not ready for labour market. The project was funded by ESF, Youth Employment Initiative (hereafter – YEI) and state budget (25 mln. EUR).

9) Secondary intervention project “**The New Start**”. The project has been implemented since 2015 and its' implementation has been extended up to 2019. The purpose of the project is to increase possibilities of young unemployed aged 16-29 to integrate into the labour market. Those participants of the project "Discover Yourself", who did not receive unsubsidised job offer, were/are offered participation in the secondary intervention project „The New Start“. Project was/is implemented by **Public Public Employment Service**. During the implementation of the project “The New Start” (2015-2018) 17,3 thousand unique participants started to participate in the activities: **vocational training** (10,8 thousand started to participate, 10,2 thousand successfully completed participation, 4,5 thousand were employed, 8,3 acquired qualification),

support for acquisition of work skills (2,3 thousand started to participate, 2 thousand completed participation, 1,5 thousand were employed), **subsidized employment** (5,2 thousand started to participate, 4,8 thousand successfully completed participation, 3,8 thousand were employed), **support for self-employment** (298 new workplaces were created), **employment under apprenticeship employment contract (111 participants), traineeship** (156 participants). Out of 17,3 thousand, that started participation in the project „The New Start“, 15,4 thousand participants successfully completed the participation in the activities of the Project. 3,1 thousand participants terminated participation. 10,1 thousand (66 percent) were employed after the participation in project activities. Some participants received complex packages of services (participated in more than one measure). The project was/is funded by ESF, YEI and state budget (44 mln. EUR).

Table 1.1.3. Labour Market Policy (LMP) expenditure by type of action, EUROSTAT data

Percentage of gross domestic product (GDP)	2015	2016
Total LMP	0,532	0,518
Total LMP measures	0,25	0,241
Total LMP supports	0,224	0,22
Labour market services	0,057	0,057

The Committee took note that Lithuania started to implement the Youth Guarantee as from 1 January 2014. In 2014, out of 95 000 young people registered, 43% were in employment after four months. However, 41.6% of all Youth Guarantee participants returned to unemployment six months after exiting the Youth Guarantee service phase. The Committee asks to be informed in the next report on the sustainability of this programme.

Youth Guarantee (hereafter – YG) has been implemented in Lithuania since 1 January 2014.

On 16 December 2013, the Minister of Social Security and Labour has approved **Youth Guarantee Implementation Plan**. The YG Implementation Plan states, that Ministry of Social Security and Labour of the Republic of Lithuania (hereafter – MSSL) supervises and coordinates the implementation of the YG Plan. YG implementing authorities in Lithuania are MSSL, Public Employment Service under the MSSL (hereafter - PES), DYA, Ministry of Education, Science and Sport of the Republic of Lithuania (hereafter - MESS), the Ministry of Economy and Innovations of the Republic of Lithuania (hereafter - MEI) and institutions subordinate to them. It is anticipated, that every half a year institutions, responsible for the implementation of the YG Plan, report to the MSSL on the implementation of the measures provided for in the YG Plan. The main objectives of the plan are early intervention, activation of youth and enhancing youth integration in the labour market.

During 2016-2018 almost 45 thousand of young people participated in the projects "Discover Yourself" (early intervention project) and "The New Start" (secondary intervention Project) that were funded by the YEI and ESF (69.2 million EUR). These projects are the largest social projects for young people, implemented in Lithuania to date, that also seek to change youth behavior and values.

The system, made up of primary and secondary intervention projects, also provides comprehensive, consistent support to young people in a more complex situation, which includes not only basic social and job skills, vocational training, but also integration and retention in the labor market. Measures of early intervention and secondary intervention ensure effective implementation of YG.

The sustainability of YG measures is achieved by preparing new projects on the basis of recommendations, that are presented by internal and external evaluators, and making sure, that there is no significant gap between the old projects and the new ones.

New projects, funded by ESF and state budget, will be implemented as of 2019. For example, primary intervention project **“Enhancing Youth Social Competencies”** and secondary intervention project **“Promoting Youth Employment”** will continue the activities of former YG projects **“Discover Yourself”** and **“The New Start”**. Both projects will be implemented by the PES. Project **“Be enterprising”** is designed to promote entrepreneurship and youth up to age of 29 is one of the target groups.

Youth Job Centres (hereafter – YJC), that are part of Public Employment Service, have strong partnerships with employers, entrepreneurship organisations, local municipalities, labour inspectorates and other service providers (psychologists, legal advisors), universities, entrepreneurs and are a big part of YG in Lithuania. At the moment there are 45 YJC in Lithuania.

The main objective of YJC is to ensure the provision of labour market services for young people and employers seeking to employ them, by applying creative, innovative and effective strategies, methods and tools designed for targeting specifically young people.

In 2015, 118 thousand job seekers received information and counselling services from YJC. 32,6 thousand individual consultations on job vacancies, studies, career choices, etc. were provided. 48 thousand people were consulted by phone, email or internet. 5,8 thousand activities were carried out and attended by 79,8 thousand people in 2015. Further expansion of YJC was performed in 2015. At the end of the year there were 37 YJC in Lithuania.

In 2016, 138,6 thousand job seekers received information and counselling services from YJC. 38,4 thousand individual consultations on job vacancies, studies, career choices, etc. were provided. 55 thousand people were consulted by phone, email or internet. 6,8 thousand activities were carried out and attended by 83,1 thousand people in 2016. At the end of the year there were 46 YJC in Lithuania.

In 2017, 86,7 thousand job seekers received information and counselling services from YJC. 29 thousand individual consultations on job vacancies, studies, career choices, etc. were provided. 27,7 thousand people were consulted by phone, email or internet. 5,3 thousand activities were carried out and attended by 62,2 thousand people in 2017.

In 2018, 79,1 thousand job seekers received information and counselling services from YJC. 24 thousand individual consultations on job vacancies, studies, career choices, etc. were provided. 32,4 thousand people were consulted by phone, email or internet. 4,4 thousand activities were carried out and attended by 42,2 thousand people in 2018. 502 sessions were mobile and attended by 12,7 thousand people in 2018.

Youth Guarantee implementation period from 2015-2018

Table 1.1.4. Entrants refer to the number of young persons entering the Youth Guarantee scheme within the reference period.

Breakdown by gender and age	Total entrants	Status on entry	Previous YG experience			
			None	With previous experience		
		Registered unemployed		Total	Did not take-up an offer	Took-up an offer
2015						
Total aged 15-24	51.840	51.840	35.533	16.307	6.918	9.389
25-29	39.084	39.084	25.224	13.860	5.619	8.241
2016						
Total aged 15-24	46.521	45.391	26.786	19.735	8.873	10.862
25-29	37.667	37.093	17.864	19.803	8.245	11.558
2017						
Total aged 15-24	46.313	43.617	24.641	21.672	11.527	10.145
25-29	37.731	36.138	14.787	22.944	11.007	11.937
2018						
Total aged 15-24	44.036	43.020	23.025	21.011	10.755	10.256
25-29	36.383	35.778	12.878	23.505	10.792	12.713

Table 1.1.5. Situation of young people 6, 12 and 18 months after exiting the YG preparatory phase (2015-2018)

Breakdown by gender, age and duration	Total (all exits)	Breakdown by situation						
		Positive				Negative destinations		Not applicable	Unknown
	Total				Unempl.	Inact.		
	Total	Empl.	Educ.	Apprent.			Trainee.	

6 months after exit									
2015									
Total aged 15-24	57310	28343	919	0	18	6520		0	21510
25-29	41116	21743	574	0	10	5569		0	13220
2016									
Total aged 15-24	52593	24110	3368	0	52	5526	11400	0	8137
25-29	42273	21185	1439	0	25	5600	8374	0	5650
2017									
Total aged 15-24	42031	20022	1910	1	44	3706	12383	0	3965
25-29	42537	21245	1441	3	38	5137	10132	0	4541
2018									
Total aged 15-24	46792	24033	1527	24	53	4978	14437	951	789
25-29	38029	20898	729	13	24	4918	9980	782	685
12 months after exit									
2015									
Total aged 15-24	57310	28006	432	0	15	6430		0	22427
25-29	41116	21572	291	0	7	5712		0	13534
2016									
Total aged 15-24	52593	23420	2565	0	80	5748	11101	0	9679
25-29	42273	20672	963	0	39	5763	8062	0	6774
2017									
Total aged 15-24	42031	19182	1609	8	52	4287	12262	0	4631
25-29	42537	20941	697	3	41	5611	9662	0	5582
2018									
Total aged 15-24	46792	11079	539	8	27	2645	6183	24396	1915
25-29	38029	10398	187	5	10	2689	4544	18415	1781
18 months after exit									
2015									
Total aged 15-24	57310	27834	435	0	9	5397		0	23635

25-29	41116	21630	280	0	5	4978		0	14223
2016									
Total aged 15-24	52593	15520	2335	1	73	5118	9849	0	19697
25-29	42273	12675	895	0	38	5248	7404	0	16013
2017									
Total aged 15-24	42031	16622	1337	17	49	3871	11185	1551	7399
25-29	42537	17343	549	4	21	5118	8969	1262	9271
2018									
Total aged 15-24	46792							46792	0
25-29	38029							38029	0

Table 1.1.6. Situation of young people 6, 12 and 18 months after exiting the YG preparatory phase with an offer of employment (2015-2018)

Breakdown by gender, age and duration	Total (all exits to empl.)	Breakdown by situation							
		Positive				Negative destinations		Not applicable	Unknown
		Total				Unempl.	Inact.		
		Total	Empl.	Educ.	Apprent.			Trainee.	
6 months after exit									
2015									
Total aged 15-24	32806	22611	168	0	8	3912		0	6107
25-29	25104	18154	114	0	6	3337		0	3493
2016									
Total aged 15-24	27895	18825	904	0	35	3150	4359	0	622
25-29	24570	17627	377	0	10	3254	2885	0	417
2017									
Total aged 15-24	19335	12322	662	0	21	1883	3224	0	1223
25-29	21804	16166	301	0	16	2216	2490	0	615
2018									
Total aged 15-24	26660	18213	536	10	10	2818	4262	434	377

25-29	22910	16957	202	3	7	2571	2483	350	337
12 months after exit									
2015									
Total aged 15-24	32806	21478	213	0	8	3523		0	7584
25-29	25104	17360	161	0	5	3262		0	4316
2016									
Total aged 15-24	27895	16885	1044	0	43	3006	4912	0	2005
25-29	24570	16139	450	0	18	3128	3381	0	1454
2017									
Total aged 15-24	19335	11465	641	4	27	1801	3729	0	1668
25-29	21804	14358	316	2	15	2634	2886	0	1593
2018									
Total aged 15-24	26660	7601	272	4	15	1408	2247	13668	1445
25-29	22910	7599	92	4	5	1381	1477	11030	1322
18 months after exit									
2015									
Total aged 15-24	32806	21228	230	0	4	2912		0	8432
25-29	25104	17249	157	0	3	2822		0	4873
2016									
Total aged 15-24	27895	9749	968	0	30	2651	3761	0	10736
25-29	24570	8728	424	0	21	2806	2856	0	9735
2017									
Total aged 15-24	19335	9605	523	10	10	1621	3589	629	3348
25-29	21804	11349	246	4	3	2481	2786	502	4433
2018									
Total aged 15-24	26660							26660	0
25-29	22910							22910	0

Table 1.1.7. Situation of young people 6, 12 and 18 months after exiting the YG preparatory phase with an offer of continued education (2015-2018)

Breakdown by gender, age and duration	Total (all exits to educ.)	Breakdown by situation							
		Positive				Negative destinations		Not applicable	Unknown
		Total				Unempl.	Inact.		
		Total	Empl.	Educ.	Apprent.			Trainee.	
6 months after exit									
2015									
Total aged 15-24	3172	1713	664	0	2	501	283	0	292
25-29	2244	1343	398	0	0	350	157	0	153
2016									
Total aged 15-24	3833	2016	834	0	5	662	283	0	33
25-29	2696	1468	531	0	3	525	157	0	12
2017									
Total aged 15-24	3175	1395	705	0	10	773	289	0	3
25-29	3400	1547	624	0	6	875	245	0	103
2018									
Total aged 15-24	2510	996	400	0	8	561	232	35	278
25-29	2154	922	290	0	6	576	163	21	176
12 months after exit									
2015									
Total aged 15-24	3172	2130	0	0	0	319	694	0	723
25-29	2244	1562	1	0	0	268	449	0	413
2016									
Total aged 15-24	3833	2609	60	0	1	382	694	0	87
25-29	2696	1849	13	0	2	335	449	0	48
2017									
Total aged 15-24	3175	2101	27	0	5	346	685	0	11
25-29	3400	2274	12	0	5	449	544	0	116

2018									
Total aged 15-24	2510	1028	9	0	4	190	362	633	284
25-29	2154	981	7	0	2	193	228	561	182
18 months after exit									
2015									
Total aged 15-24	3172	1866	3	0	2	324		0	977
25-29	2244	1374	0	0	0	282		0	588
2016									
Total aged 15-24	3833	1409	76	0	5	373	665	0	1305
25-29	2696	965	22	0	2	347	397	0	963
2017									
Total aged 15-24	3175	1342	47	0	1	388	610	222	565
25-29	3400	1462	20	0	2	423	496	195	802
2018									
Total aged 15-24	2510							2510	0
25-29	2154							2154	0

Table 1.1.8. Situation of young people 6, 12 and 18 months after exiting the YG preparatory phase with an offer of an apprenticeship (2015-2018)

Breakdown by gender, age and duration	Total (all exits to apprent.)	Breakdown by situation							
		Positive				Negative destinations		Not applicable	Unknown
		Total				Unempl.	Inact.		
		Total	Empl.	Educ.	Apprent.			Trainee.	
6 months after exit									
2015									
Total aged 15-24	-	-	-	-	-	-	-	-	-
25-29	-	-	-	-	-	-	-	-	-
2016									
Total aged 15-24	-	-	-	-	-	-	-	-	-

25-29	-	-	-	-	-	-	-	-	-
2017									
Total aged 15-24	-	-	-	-	-	-	-	-	-
25-29	2	1	-	1	-	-	-	-	-
2018									
Total aged 15-24	78	33	1	12	0	9	14	9	0
25-29	57	33	0	7	0	7	7	3	0
12 months after exit									
2015									
Total aged 15-24	-	-	-	-	-	-	-	-	-
25-29	-	-	-	-	-	-	-	-	-
2016									
Total aged 15-24	-	-	-	-	-	-	-	-	-
25-29	-	-	-	-	-	-	-	-	-
2017									
Total aged 15-24	-	-	-	-	-	-	-	-	-
25-29	2	2	-	-	-	-	-	-	-
2018									
Total aged 15-24	78	9	1	0	0	0	4	63	1
25-29	57	4	0	0	0	1	3	49	0
18 months after exit									
2015									
Total aged 15-24	-	-	-	-	-	-	-	-	-
25-29	-	-	-	-	-	-	-	-	-
2016									
Total aged 15-24	-	-	-	-	-	-	-	-	-
25-29	-	-	-	-	-	-	-	-	-
2017									
Total aged 15-24	-	-	-	-	-	-	-	-	-
25-29	2	-	-	-	-	-	-	1	1
2018									

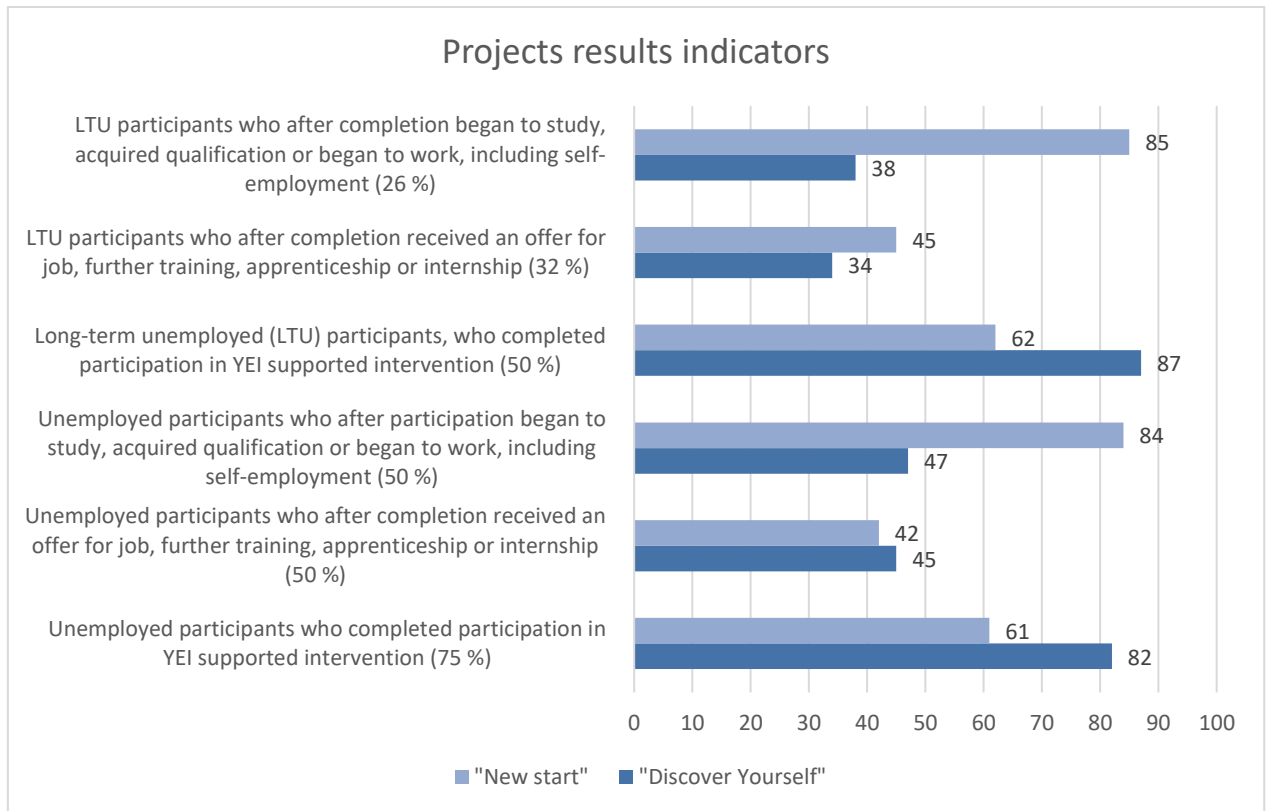
Total aged 15-24	78							78	0
25-29	57							57	0

Table 1.1.9. Situation of young people 6, 12 and 18 months after exiting the YG preparatory phase with an offer of a traineeship (2015-2018)

Breakdown by gender, age and duration	Total (all exits to trainee.)	Breakdown by situation							
		Positive				Negative destinations		Not applicable	Unknown
		Total				Unempl.	Inact.		
		Total	Empl.	Educ.	Apprent.			Trainee.	
6 months after exit									
2015									
Total aged 15-24	346	195	4	0	3	69		0	75
25-29	217	123	2	0	2	45		0	45
2016									
Total aged 15-24	172	102	11	0	2	31	14	0	12
25-29	103	68	5	0	0	18	2	0	10
2017									
Total aged 15-24	91	51	9	0	0	11	20	0	0
25-29	92	57	10	0	0	13	12	0	0
2018									
Total aged 15-24	168	67	1	0	2	62	22	4	10
25-29	155	61	4	0	4	63	15	6	2
12 months after exit									
2015									
Total aged 15-24	346	196	5	0	1	43		0	101
25-29	217	132	2	0	0	29		0	54
2016									
Total aged 15-24	172	98	16	0	0	17	18	0	23
25-29	103	72	5	0	0	7	6	0	13
2017									

Total aged 15-24	91	48	6	0	0	18	19	0	0
25-29	92	64	6	0	1	9	12	0	0
2018									
Total aged 15-24	168	42	1	0	0	16	15	81	13
25-29	155	29	2	0	0	18	8	93	5
18 months after exit									
2015									
Total aged 15-24	346	216	1	0	1	33		0	95
25-29	217	143	2	0	0	20		0	52
2016									
Total aged 15-24	172	49	13	0	0	17	12	0	81
25-29	103	39	3	0	0	11	6	0	44
2017									
Total aged 15-24	91	51	6	0	0	15	17	2	0
25-29	92	61	5	0	0	11	12	3	0
2018									
Total aged 15-24	168							168	0
25-29	155							155	0

**Table 1.1.10. Indicators progress planned in Projects (“New starts”, “Discover Yourself”)
agreements (2015-2018)**



The Committee repeats its request that information is to be provided on targeting and monitoring of the labour market programmes.

The legal basis of the Lithuanian employment policy is **the Law on Support for Employment**. It provides among other things the functions of the institutions (agencies) implementing the employment support policy and defines the active labour market policy measures.

The Lithuanian employment policy especially focuses on groups that are perceived as consisting of the most vulnerable persons. This includes persons over 50 years of age who are capable of work, young people under 29 years of age, long-term unemployed, disabled individuals and others. Such target groups of unemployed that are entitled for additional support are listed in the Law on Support for Employment.

Public Employment Service is an executive agency under the Ministry of Social Security and Labour, i.e. directly subordinate and accountable to the Ministry. Public Employment Service is responsible for the provision of labour market services to jobseekers and employers and the implementation of active labour market policy measures. Registration at Public Employment Service is one of the prerequisites to be eligible for unemployment and social benefits. However, State Social Insurance Fund Board is responsible for the calculation and disbursement of these benefits.

The main objectives of Public Employment Service are:

- Ensure the provision of personalized and easy to access labour market services, increase the efficiency of the active labour market policy measures;

- Prevent and reduce unemployment by stimulating jobseekers' sustainable employment;
- Strengthen employment mediation activity, directed to the matching of labour supply and demand, and thus actively promote social cohesion;
- Target public activation efforts to the most vulnerable groups, such as long-term unemployed, elderly people, low-qualified and people with disabilities;
- Ensure the implementation of Youth Guarantee Initiative by increasing youth employment through measures directed to reduce youth unemployment;
- Develop partnership between social and labour market partners in order to promote employment;
- Conduct labour market monitoring, evaluate the labour market situation and forecast its developments in order to define labour market needs;
- Ensure and modernise activities of the territorial labour exchanges.

The Ministry of Social Security and Labour sets the annual employment policy objectives, within the Annual Action Plan, allocates funds for the attainment of the objectives and controls the use of the funds. The Ministry of Social Security together with the Director of Public Employment Service in the Annual Action Plan sets objectives annually. Social partners can make recommendations. Afterwards, Public Employment Service is responsible for the implementation of these objectives and for the management of allocated funds. The translation of objectives into targets, strategies and processes mainly lies within the competence of Public Employment Service. For more information and labour market statistics, visit website of [Public Employment Service](#).

ARTICLE 1, PARAGRAPH 2

Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

Please provide updated information on legislation prohibiting all forms of discrimination in employment in particular on grounds of gender (if not accepted Article 20/Article 1 AP), race, ethnic origin, sexual orientation, religion, age political opinion, disability (if not accepted Article 15§2), including information on remedies.

As of 1 July 2017 the new Labour Code of the Republic of Lithuania has been in force. The updated provisions regarding non-discrimination in employment are the following:

Article 26. Gender Equality of Employees and Non-Discrimination on Other Grounds

1. The employer must implement the principles of gender equality and non-discrimination on other grounds. This means that in an employer's relations with employees, any direct or indirect discrimination, harassment, sexual harassment or instruction to discriminate on the grounds of gender, race, nationality, language, origin, social status, age, sexual orientation, disability, ethnic affiliation, political affiliation, religion, faith, convictions or views, except for cases concerning a person's professed religion, faith or convictions for those working in religious communities, societies or centres, provided that the requirement for the employee regarding his or her professed religion, faith or convictions, in view of the ethos of the religious community, society or centre, is normal, lawful and justifiable, or intention to have a child/children, or due to circumstances unrelated to the employees' professional qualities or on other grounds established by laws, shall be prohibited.

2. In implementing the principles of gender equality and non-discrimination on other grounds, the employer, irrespective of gender, race, nationality, language, origin, social status, age, sexual orientation, disability, ethnic affiliation, political affiliation, religion, faith, convictions or views, except for cases concerning a person's professed religion, faith or convictions for those working in religious communities, societies or centres, provided that the requirement for the employee regarding his or her professed religion, faith or convictions, in view of the ethos of the religious community, society or centre, is normal, lawful and justifiable, or intention to have a child/children, or due to circumstances unrelated to the employees' professional qualities or on other grounds established by laws, must:

- 1) apply equal selection criteria and conditions when hiring employees;
- 2) create equal working conditions and opportunities to improve qualification, pursue professional development, retrain and acquire practical work experience, and also provide equal benefits;
- 3) use equal work evaluation criteria and equal criteria for dismissal from work;
- 4) pay the same remuneration for the same work or work of the same value;
- 5) take measures to ensure that at the workplace, the employee does not experience harassment or sexual harassment and no instructions are given to discriminate, and also that the employee is not subject to persecution and is protected from hostile treatment or adverse consequences if he or she files a complaint concerning discrimination or is involved in a case concerning discrimination;
- 6) take appropriate measures for conditions to be created for people with disabilities to get a job, work, pursue a career or learn, including the adequate adaptation of premises, provided that the duties of the employer are not disproportionately burdened by said measures.

3. The specifics of the implementation of the principles of gender equality and non-discrimination on other grounds may be established by other laws and other labour law provisions.

4. In settling cases on pay discrimination, compensation for work shall be deemed as remuneration or any other pay, including pay in cash or in kind, which the employee receives for his or her work from the employer, either directly or indirectly.

5. In settling cases on gender equality and non-discrimination on other grounds related to labour relations, it shall be the duty of the employer to prove that there was no discrimination if the employee specifies circumstances from which it may be presumed that the employee experienced discrimination.

6. An employer who has an average number of employees of more than 50 must adopt and publish, in the ways that are accustomed at the workplace, the measures for implementation of the principles for the supervision of the implementation and enforcement of the equal opportunities policies.

Please indicate any specific measures taken to counteract discrimination in employment of migrants and refugees.

Please indicate what measures have been taken to assess the prevalence of the problem of exploitation of vulnerability, forced labour, modern slavery? Does legislation exist to deal with the phenomenon of exploitation of vulnerability, forced labour, modern slavery and does it make provision for the identification and protection of victims, enable prosecution of exploiters, or otherwise provide reporting requirements for businesses to detail actions taken to investigate their supply chains for forced labour, due diligence in public procurement to guarantee funds are not inadvertently supporting modern slavery? Are there regular inspections of sectors such agriculture, construction, hospitality, manufacturing and domestic work, which are particularly affected by labour exploitation?

The Measures taken so far to assess the prevalence of the problem of exploitation of vulnerability, forced labour, modern slavery:

The National Rapporteur position was set up in Lithuania in 31 March 2017. One of the duties of the National Rapporteur is collecting statistical data and other relevant information on human trafficking. For this purpose, an electronic data collection system has been set up, capable of receiving and processing information from relevant state and non-state actors and allowing disaggregation by sex, age, form of exploitation, country of origin and/or destination. On the basis of this collected data, the National Rapporteur regularly reports to the Lithuanian Government, as well as to EU Anti-Trafficking coordinator, on situation about human trafficking in Lithuania.

The Legislation to deal with the problem of exploitation of vulnerability, forced labour, modern slavery:

1. On 7 May 2015 the Parliament of Lithuania adopted Public Security Development Programme for 2015-2025, also on 13 April 2016 an interinstitutional action plan was approved by the Resolution of the Lithuanian Government, intended for the implementation of the aforementioned programme. One of the essential aims of the Action plan is to develop effective fight against human trafficking. Therefore, this Action plan foresees:

1) to implement common police and criminal police prevention actions against human trafficking, as well as to take part in the initiatives of EU and international law enforcement agencies to combat human trafficking;

2) to organise trainings on human trafficking for law enforcement officers;

3) to organise social support for victims of human trafficking;

4) to strengthen tools on prevention of human trafficking, prosecution, victim protection and support.

2. On 17 December 2015, an order No. I-327/IV-1015/A1-758 of the Attorney General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Social Security and Labor of the Republic of Lithuania "On the Recommendations for the Identification of Victims of Trafficking, Pre-Trial Investigation and Interinstitutional Co-operation" was adopted. By this order, the recommendations were approved for the identification of victims of trafficking in human beings, pre-trial investigation and inter-institutional co-operation. The main aims of these recommendations are to ensure unanimous criterion for determining the cases that fall under the definition of human trafficking, to improve the quality of the means of pre-trial investigation, to ensure that pre-trial investigation would be accomplished in the shortest possible terms, also to coordinate interinstitutional co-operation in providing assistance to the victims of human trafficking.

3. On 17 December 2015, the Lithuanian Parliament adopted amendments to the Criminal Procedure Code (hereinafter – CPC), its Annex and the Supplement to the Code with a view to implementing Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. These amendments were accompanied by the adoption of secondary legislation, in particular the recommendations on assessing the special needs of victims in criminal proceedings, approved by the Prosecutor General on 29 February 2016.

4. On 11 August 2016 the Lithuanian Government Resolution No. 785 'On Coordination of Human Trafficking in Lithuania' was adopted (amended in 2018). It ensures the human trafficking coordination to be fully implemented on multidisciplinary and interinstitutional level.

5. On 29 August 2016 the Minister of the Interior approved a National Action Plan against Trafficking in Human Beings for 2017-2019. Its main objectives are strengthening the coordination of action against trafficking in human beings; improving prevention; strengthening support to victims and persons at risk of becoming victims of trafficking; and capacity building of front-line staff. The National Action Plan includes activities to be implemented both at national and local level and defines the responsible bodies, the timeframe and financial resources for each objective. The activities are to be implemented in partnership between the State authorities, municipal bodies and specialised NGOs. The Ministry of the Interior envisages annual evaluations of the implementation of the activities under the National Action Plan.

The Inspections, organized to deal with the problem of exploitation of vulnerability, forced labour, modern slavery and their results:

Lithuania annually organizes and conducts international operations aimed at identifying victims of human trafficking who are exploited for the purposes of forced labor, slavery or slavery-like conditions. These measures are carried out by police officers together with the responsible specialists of the State Labor Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labor.

In 2016, the preventive measures were organized, with an aim to evaluate the activities of companies which operate in Lithuania and which provide Public Employment Service in foreign countries. The purpose was to determine whether the persons were being employed legally in foreign countries and under what conditions. A thorough inspection was applied to the established bodies and companies

which fell into the category of those suspected to might have executed the activities of human trafficking (in forms of illegal, forced work or slavery). A total number of the inspected: 301 persons, 66 vehicles and 163 established bodies / companies.

In 2017, 314 persons, 118 personal documents and 59 economic entities were inspected in Lithuania again, during the implementation of the aforementioned measures. During the four-day measures, 27 administrative offenses were recorded in the areas of illegal work, also - breaches of safety at work rules, breaches of the Republic of Lithuania Law on Guarantees for Posted Workers, breaches of commercial or economic practices, the occasions of prostitution and the occasions of being drunk or on psychotropic / psychoactive substances at work.

In 2018, during the weekly police raid, the officials inspected 137 entities operating in the construction sites, catering and services sectors, which mostly employ third-country nationals. During the inspections, officials communicated with the working staff from the third countries: Ukraine, China, Belarus, Uzbekistan and India. Officials introduced these people to the most common forms of exploitation and informed them of their rights and access for help. During this preventive measure, the unauthorized and illegally employed persons, also irregularities in the posting of persons and possible tax evasion linked to the evasion of employment relationships were identified.

In 2019, during the 5-day police raid, more than 200 operators in the construction, agricultural and other sectors that were under suspicion to be affected by trafficking in human beings have been inspected. A pre-trial investigation has been initiated due to the fraudulent accounting under Article 222 (1) of the Criminal Code of the Republic of Lithuania, also 48 administrative misconducts, mainly related to commercial or economic offenses (25 cases) and illegal employment (18 cases), were identified.

Please provide information on any measures taken to protect workers in the “gig economy” or “platform economy whose employment is very often precarious, against exploitation.

Information is provided below, answering the questions concerning “**Domestic work**”.

The Committee reiterates its request that the next report provide information on the cases of discrimination in employment brought before the courts and the Equal Opportunities Ombudsperson. It asks in particular detailed information on the sanctions applied against the employers and on the amount of compensation received by victims of discrimination in employment.

Table 1.2.1. The investigations of discrimination in employment carried by the Office of the Equal Opportunities Ombudsperson

race, nationality, language, origin, social status, age, sexual orientation, disability, ethnic affiliation, political affiliation, religion, faith, convictions or views

	2015	2016	2017	2018	In total
Gender	55	46	33	46	180
Race, nationality, language, ethnic affiliation, nationality	2	10	2	6	20
Social status	4	4	7	4	19
Religion, faith, convictions, views	17	1	1	5	24
Age	29	33	19	22	103
Disability	6	7	9	8	30
Sexual orientation	0	0	0	0	0

In total²:	109	87	71	85	352
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Table 1.2.2. Decisions taken by the Office of the Equal Opportunities Ombudsperson in the cases where violations were found

	2016	2017	2018	In total
To refer the investigation material to a pre-trial investigation institution or the prosecutor	1	0	5	6
To address an appropriate person and make a proposal to discontinue the actions (inactions) violating equal rights	5 ³	3	2	12
To address an appropriate person or institution and make a proposal to amend or repeal an administrative act or decision (or part of it) violating equal rights		2	0	
To initiate administrative proceedings	0	0	0	0
To issue a warning for the committed violation	42	18	14	74
	48	23	21	92

In practice employers take seriously warnings made by the Office of the Equal Opportunities Ombudsperson and take measures to remedy the situation, therefore it is effective measure to fight discrimination at work.

The Committee asked previously whether foreign nationals were denied access to certain types of jobs (Conclusions 2004, 2008 and 2012). In its Conclusions 2008, the Committee noted that there was a restriction based on the degree of knowledge of Lithuanian and it was not stated whether certain categories of employment were barred to foreigners even if they had an excellent knowledge of Lithuanian. The Committee therefore asked again whether certain categories of job are reserved for Lithuanian nationals whatever their extent of knowledge of the language and if so, which ones.

The restriction is applied to civil servants and state officials: these persons should hold citizenship of the Republic of Lithuania and be proficient in the Lithuanian language, according to the Law on Civil Service of the Republic of Lithuania. The requirement of citizenship is not applicable to employees who are working in the state or municipal institutions under the labour contracts.

In its Conclusions 2012, the Committee noted that occupations in the security and public orders sectors such as the police are reserved for Lithuanian nationals, and it asked for further examples of occupations reserved for nationals or EU citizens. The report does not provide any information on this point. The Committee repeats its question whether there are other occupations or posts in the public service which are reserved nationals. The Committee points out that if the information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter on this point.

The restriction applies to the statutory officers of the internal service (police officers, state border guards, firefighters, Financial Crime Investigation Service officers, VIP Security Department officers, Public Security Service officers, Lithuanian Customs officers, the Prison Department and

² Total number of investigations may differ from total number of investigations by grounds as there were cases of multiple discrimination, in 2016 m. there were 19 such cases, 2017 – 8, 2018 – 10.

³ Iki 2016 m. gruodžio 31 d. galiojusio Moterų ir vyrų lygių galimybių įstatymo Nr. VIII-947 24 straipsnio 1 dalies 2 punktą perkeltant jį į nuo 2017 m. sausio 1 d. įsigaliojusį naujos redakcijos Lygių galimybių įstatymą Nr. IX-1826 buvo išskirtas į du punktus – 29 straipsnio 2 dalies 2 punktą ir 29 straipsnio 2 dalies 3 punktą.

subordinate penal institutions officers): they should hold citizenship of the Republic of Lithuania and be proficient in Lithuanian language, as it is established in the Statute of the Internal Service of the Republic of Lithuania.

There is restriction for judges, prosecutors, statutory officers, attorneys and notaries, they can not perform their duties if they have disorders of adult personality and behaviour according to international classification of diseases 10th revision (F60-F69).

Work of prisoners

The Committee therefore repeats its request for relevant information in the next report on the matters raised in the Statement of Interpretation on Article 1§2, in which it stated that “prisoners’ working conditions must be properly regulated, particularly if they are working, directly or indirectly, for employers other than the prison service. In accordance with the principle of non-discrimination, this framework, which may be carried out by means of laws, regulations or agreements (particularly where companies act as subcontractors in prison workshops), must concern pay, hours and other working conditions and social protection (in the sphere of employment injury, unemployment, health care and old age pensions” (Conclusions 2012).

Employment of sentenced prisoners placed in penitentiary establishments is organized in accordance with the provisions of the Criminal Sanctions Enforcement Code of the Republic of Lithuania (hereafter – CSEC) and the Labour Code of the Republic of Lithuania (hereafter – LC).

Article 125.4 of the CSEC sets forth that sentenced prisoners are usually employed in the penitentiary establishments and state enterprises at the penitentiary establishments.

Sentenced prisoners employed in the penitentiary establishments and state enterprises at the penitentiary establishments have no employment contract concluded; the procedure of remuneration or bonuses is set forth by the Resolution No. 228 of the Government of the Republic of Lithuania of 13 February 2002 on the Approval of the Remuneration Procedure for Pre-Trial Detainees and Sentenced Prisoners.

Sentenced prisoners employed by the outside companies other than penitentiary establishments and state enterprises at the penitentiary establishments shall conclude an employment contract with an employer as established in Article 21 of LC; legal employment relations (remuneration, working hours, other working conditions and social security) shall be regulated by LC and other legislation. The provisions of the Standard Procedure on Employment of Sentenced Prisoners approved by the Order No. V-514 of the Director General of the Prison Department under the Ministry of Justice of the Republic of Lithuania on Approval of Standard Procedure on Employment of Sentenced Prisoners of 26 November 2018 contains the above-mentioned provisions.

Domestic work

The report states that Article 116 of the Labour Code concerning contracts for domestic employees has been declared invalid. The Draft Labour Code proposes expansion of the range of types of employment contracts. The Committee considers that this information does not answer the questions put in the General Introduction to Conclusions 2012, in which it drew attention to the existence of forced labour in the domestic environment and in family businesses, and particularly the need for information on the laws enacted to combat this type of forced labour and on the steps taken to apply such provisions and monitor their application. Consequently, the Committee repeats its request for relevant information in the next report on the issues raised in Conclusions 2012 concerning domestic work.

There are no special provisions for **domestic** or **homeworkers** in our Labour Code.

Homeworkers are subject to common rules. Article 44 of the Labour Code provides that before the beginning of work, the employer must provide the employee with the following information: 1) the employer's full name, code and registered office address (for a natural person – name, surname, national identity number, or in the absence thereof – date of birth and permanent place of residence); 2) the place where the job function will be performed. If an employee does not have a place for the performance of the main job function or if it is not permanent, it shall be specified that the employee works in several places and the address of the workplace from which the employee receives instructions shall be given; 3) the type of employment contract; 4) a characterisation or description of the job function or the name of the work (position or duties, profession, speciality) and, where established, its hierarchical and/or qualification or complexity level/degree; 5) the employment commencement date; 6) the expected end date (in the case of a fixed-term employment contract); 7) annual leave entitlement; 8) the notice period for when the employment contract is terminated on the initiative of the employer or the employee; 9) the remuneration and components thereof, and the terms and procedure for the payment of remuneration; 10) the established duration of the employee's working day or working week; 11) information about the collective agreements in force at the enterprise, specifying the procedure for becoming acquainted with these agreements. The information must be provided to the employee free of charge, by providing one or several documents in writing. If the information is provided in several documents, at least one of them must contain the information specified in points 1–10 of paragraph 1 of this Article. If annual leave entitlement or notice periods for dismissal from work are established by labour law provisions, references to the labour law provisions establishing such shall be provided in the document. If the terms of employment specified in paragraphs 1 and 3 of this Article change, the employer shall, in the same procedure, provide information about the changes in the terms of employment applicable to the employee before their entry into force. This Article may be waived for employees who have an employment contract that is valid for a period of less than one month. Provision of the information specified in paragraph 1 of this Article does not deny the obligation to provide the employee with information about the indispensable employment contract terms in accordance with Article 34 of this Code.

Article 141 of the Labour Code provides that an employee's monthly remuneration may not be less than the minimum wage set according to the procedure established in this Article. Each employment contract must establish the amount of remuneration per month, except for cases when this remuneration is established by labour law provisions. In these cases, the employment contract must contain a reference to the relevant labour law provisions. The amount of remuneration may not be less than established by the laws governing labour relations, collective agreements, other labour law provisions, or the remuneration system approved at the workplace. The remuneration system at the workplace or at the enterprise, institution or organisation of the employer shall be established in the collective agreement. In the absence of a collective agreement that establishes this, remuneration systems at workplaces with an average number of employees of 20 or more must be approved by the

employer and be made available for all employees to become acquainted with. Before approving or revising the remuneration system, information and consultation procedures must be performed in accordance with the procedure established by this Code. The remuneration system must be prepared in such a way so as to avoid any kind of gender-based or other discrimination in its application. These provisions are common to all employees.

Provisions related to periods of daily and weekly rest, paid public holidays, annual paid leave are common to all employees. There are no special provisions for domestic or homeworkers.

Article 122 (2) of the Labour Code provides that if the provisions of this Code do not establish otherwise, working-time arrangements may not violate the following minimum rest period requirements: 1) during a workday/shift, the employee must be given physiological breaks according to the employee's needs, and special breaks when working under outdoor conditions (outside or in unheated premises) or occupational risk conditions, or when performing work that demands heavy physical or mental strain; 2) after no more than five hours of work, employees must be given a lunch break in order to rest and eat. This break may not be shorter than 30 minutes or longer than two hours, unless the parties agree on split shift working-time arrangements. During the lunch break, the employee may leave the workplace; 3) the length of daily uninterrupted rest between workdays/shifts may not be shorter than 11 consecutive hours, and an employee must be given at least 35 hours of uninterrupted rest over a period of seven consecutive days. If the length of an employee's workday/shift is more than 12 hours but no more than 24 hours, the length of uninterrupted rest between workdays/shifts may not be less than 24 hours; 4) if on-call duty lasts for 24 hours, the rest period shall last at least 24 hours.

Article 126 (2) of the Labour Code determines that employees are entitled to at least 20 working days (for those who work five days per week) or at least 24 working days (for those who work six days per week) of annual leave. If the number of working days per week is less or different, the employee must be granted leave of no less than four weeks.

During annual leave, the employee shall retain his or her average remuneration (holiday pay) (Article 130 (1) of the Labour Code).

The State Labour Inspectorate carries out inspections of employers in order to check compliance with labour laws and other legal acts, order rectification of violations, and impose sanctions on employers.

Article 96 of the Code of Administrative Offences provides for fines for infringement of labour laws, regulatory acts in the area of safety and health at work.

1. Infringement of regulatory acts in the area of safety and health at work in precarious jobs shall be subject, in the case of an employee, to a fine from thirty euros up to ninety euros.

2. An infringement of regulatory acts in the area of safety and health at work, if precarious jobs are performed by an employee intoxicated with alcohol or under the influence of narcotic, psychotropic and other psychoactive substances, also the employee's attempt to avoid undergoing a sobriety test or an intoxication test shall be subject, in the case of an employee, to a fine from ninety euros up to two hundred and ninety euros.

3. An infringement of labour laws, regulatory acts in the area of safety and health at work shall be subject, in the case of heads of legal persons or other responsible persons, to a fine in the amount from eighty euros up to eight hundred and eighty euros.

4. An administrative offence provided for in paragraph 3 of this Article, if it could have resulted in an accident at work, disaster or caused other serious consequences, shall be subject, in the case of

heads of legal persons or other responsible persons, to a fine in the amount from five hundred euros up to two thousand euros.

Article 52 of the Labour Code regulates a **remote work**. It provides that remote work is a form of work organisation or a method of job performance when an employee regularly performs, during all or part of the working time, the assigned job functions or part thereof remotely, i.e. in an agreed place other than where the workplace is that is acceptable to the parties to the employment contract, while also using information technology (teleworking). Remote work shall be assigned at the request of the employee or by agreement of the parties. An employee's refusal to work remotely may not serve as a legitimate reason to terminate an employment contract or change the terms of employment. If the employer cannot prove that it would cause excessive costs due to production necessity or the specifics of work organisation, the employer must satisfy an employee's request to work at least one-fifth of standard working hours remotely when said is requested by an employee who is pregnant, who recently gave birth, or who is breast feeding, an employee who is raising a child under the age of three, or an employee who is a single parent raising a child under the age of 14 or a disabled child under the age of 18.

In assigning remote work, the requirements for the workplace (if such exist), the work equipment provided to use for the job, the procedure for its provision, and the rules for using work equipment shall be established in writing; the workplace division, department or responsible person whom the employee has to report to regarding the work performed in the procedure established by the employer shall also be established. If, while working remotely, the employee incurs additional expenses related to the job or the purchase, installation or use of work equipment, said must be reimbursed. The amount of compensation and the conditions for its payment shall be established by agreement of the parties to the employment contract. In the case of remote work, the hours worked by the employee shall be calculated in accordance with the procedure established by the employer. The employee shall allocate working time at his or her own discretion, without violating the maximum working time and minimum rest period requirements. Remote work shall not lead to restrictions in calculating the length of employment, promoting to a higher position, or improving qualification, and shall not limit or encumber the employee's other labour rights. The procedure established by the employer for the implementation of remote work cannot infringe upon protection of the employee's personal data or right to private life. The employer must create conditions for employees working remotely to receive information from the employer and to communicate and cooperate with employee representatives and other employees working at the employer's workplace. The employer must regularly, at least once per calendar year, upon the request of the work council, inform the work council, or in the absence thereof – the employer-level trade union, about the remote work situation at the enterprise, institution or organisation, indicating the number of employees working in this manner and the positions held thereby, as well as the average remuneration by occupational group and gender where there are more than two employees in the occupational group.

Similarly, the Law on Equal Treatment establishes duty of employers to implement equal treatment at the workplace and in civil service. Article 5 of the Law on Equal Treatment also establishes duty of state and municipal institutions and agencies to implement equal treatment and, within their competence, to ensure that equal rights and opportunities are enshrined in all legal acts irrespective of gender, race, nationality, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

We have no intermediaries but we can mention the provision of the **temporary agency employment contracts**. Article 72 of the Labour Code provides that a temporary agency employment contract is an agreement between an employee (hereinafter 'temporary worker') and an employer (hereinafter 'temporary agency') under which the temporary worker undertakes to perform work activities for a

certain period of time and for the benefit and under the subordination of the person (hereinafter ‘user enterprise’) specified by the temporary agency, and the temporary agency undertakes to pay therefor. Only a temporary agency that meets the criteria and procedure established by the Government of the Republic of Lithuania or institution authorised thereby may be party to a temporary agency employment contract as the employer.

Article 75 of the Labour Code provides that during the period of work for a user enterprise, the user enterprise must ensure that the temporary worker is subject to the same provisions of the laws, collective agreements and other labour law provisions that are applied at the workplace and are valid for the user enterprise’s employees with respect to: 1) the protection of employees who are pregnant, who recently gave birth, or who are breast feeding, employees who are raising children under the age of three, and individuals under the age of 18; 2) the prohibition of discrimination on the basis of gender, sexual orientation, race, nationality, language, origin, citizenship and social status, faith, family status, intention to have a child/children, convictions or views, political affiliation, or age; 3) the length of maximum working time and minimum rest periods, overtime, night work breaks, leave and public holidays. A temporary agency must ensure that a temporary worker’s remuneration for work done for a user enterprise be at least as much as the remuneration that would be paid if the user enterprise had hired the temporary worker under an employment contract at the same workplace, except in cases where temporary workers employed under open-ended temporary agency employment contracts receive remuneration from the temporary agency between assignments to work and the size of this remuneration between assignments to work is the same as during assignments to work. The user enterprise shall bear subsidiary responsibility for fulfilling the duty to pay the temporary worker for work done for the user enterprise at least as much as the remuneration that would be paid if the user enterprise had hired the temporary worker under an employment contract at the same workplace. In fulfilling this duty, the user enterprise must, on the request of the temporary agency, provide information about the remuneration paid to the corresponding category of workers employed by the user enterprise. Temporary workers shall be entitled to use the infrastructure that the user enterprise has to satisfy employee work and rest needs as well as their interests (rest areas, dining room, child care and transportation services, etc.) under the same conditions as the employees of the user enterprise, except in cases where the application of different conditions is justified by objective reasons.

Article 79(6) of the Labour Code provides that temporary agencies must, in accordance with the procedure and within the time limits established by the Government of the Republic of Lithuania or institution authorised thereby, provide the State Labour Inspectorate with information about the start of recruitment through temporary agencies and the number of temporary workers.

Minimum periods of service in the Armed Forces

In its previous conclusion (Conclusions 2012), the Committee pointed out that any minimum period of service in the armed forces had to be of a reasonable duration and in cases of longer minimum periods due to any education or training that an individual had attended, the length had to be proportionate to the duration of the education and training. Likewise, any fees/costs to be repaid on early termination of service had to be proportionate. As the report does not provide any information on the situation in Lithuania in this respect, the Committee asks for up-to-date information on the subject in the next report. In addition, as conscription was reintroduced in the country in 2015, the Committee asks for relevant information in the next report on the matters raised in the Statement of Interpretation on Article 1§2 concerning the length of alternative service (see Conclusions 2012).

Professional military service contracts are signed with soldiers admitted to professional military service for a period and term not exceeding 5 years (has been changed on May 2017).

In Lithuania conscript service was reintroduced in 2015. According to the Law on Military Conscription length of the continuous compulsory initial military service is 9 month and length of the alternative service is 10 month. Supply conditions for the both types of service is almost the same (except accommodation and clothing).

Requirement to accept the offer of a job or training

The Committee notes that the report does not answer the questions it put on the requirement to accept the offer of a job or training in its Statement of Interpretation on Article 1§2 in the General Introduction to Conclusions 2012.

Consequently, the Committee repeats its request for relevant information in the next report on the matters raised in the Statement of Interpretation, particularly on the remedies available for the persons concerned to dispute decisions to suspend or withdraw unemployment benefit.

According to the Law on Employment there is no payment of Unemployment Insurance Benefit if the unemployed refuses a suitable job without a valid reason. According to Article 24 Part 4 Paragraph 5 of the mentioned Law: „The status of the unemployed shall be cancelled if at least one of the circumstances listed below arise: the unemployed refuses, without a valid reason, from a suitable job as stated in Article 30(2) below, or from the drawing up of an individual plan on employment activities, or from participation in the active labour market policy measures included in the individual plan on employment activities or programmes on increasing employment, or from using the labour market services provided in such plan.”

According to the Article 30 Part 2 of the Law on Employment: “A job shall be deemed to be a suitable job if it meets all the following criteria:

- 1) matches the job seeker’s qualification and/or competence and/or work experience;
- 2) the local labour exchange has not received, according to a procedure prescribed by the Government of the Republic of Lithuania or an institution authorised by it, official information about restrictions on the person’s suitability for the offered job due to the person’s health or other circumstances;
- 3) travel costs determined on the basis of the distance between the unemployed person’s place of residence and the workplace and the rate per kilometre approved by the Government of the Republic of Lithuania or an institution authorised by it account for not more than 15 percent of the monthly pay specified in the description of the vacant job.“

If the status of the unemployed has been cancelled, it can be recovered not earlier than after 6 months.

Privacy at work

The Committee notes from the report that the protection of employees’ personal data and the privacy of their personal lives is provided for in the Draft Labour Code. It would underline the fact that the emergence of new technologies has made it possible for employees to work for their companies at any time and in any place, including at home, thereby blurring the boundaries between work and private life. The result is an increased risk of work encroaching on employees’ private lives, including outside working hours and the workplace. The Committee considers that the right to earn one’s living in an occupation freely entered upon includes the right to be protected against such interference (Statement of Interpretation on Article 1§2, Conclusions 2012). It requests that the next report provide updated information on this point.

Paragraph 1 of **Article 27 of the Labour Code** explicitly states that the employer must respect the employee's right to private life and ensure the protection of the employee's personal data.

It is prohibited for the employer:

- 1) to process an employee's non-work-related (superfluous) personal data;
- 2) to give an employee's personal data to third parties, except in the cases established by law;
- 3) to infringe the confidentiality of the employee's personal communication, even in exercising the employer's rights of ownership or control of the information and communication technologies used at the workplace;

The employer may carry out video surveillance and sound recording at the workplace when, due to the specifics of the work, said is necessary to ensure the safety of persons, assets or the public, as well as in other cases when other methods or measures are insufficient and/or inappropriate to achieve the aforementioned goals, but with the exception of cases where the direct aim is to control the quality and scale of the work. Notification of video surveillance and sound recording at a specific workplace location shall be made by displaying a visual sign in a visible place. Employees must be familiarised with the procedure for the use of information and communication technologies and for the monitoring and control of employees at the workplace. An employer who has an average number of employees of more than 50 must adopt and publish, in the ways that are accustomed at the workplace, an employee personal data protection policy and measures for the implementation thereof.

ARTICLE 1, PARAGRAPH 3

Free placement services

Since 2018 after the adoption of the amendments to the Law on Employment and related legislation, the former public employment services provider – Lithuanian Labour Exchange, together with its territorial units, became the Public Employment Service under the Ministry of Social Security and Labour – a single legal entity. This has been done to increase the quality of services provided to jobseekers and employers, focusing on the needs of the specific employer and the situation of the specific unemployed person, as well as to optimise the activities of the institution.

On 1st October 2018 the Lithuanian Labour Exchange was reorganised with the main aim to improve the quality of services for jobseekers and employers. Reorganisation was impacted by European network of Public Employment Services' benchlearning initiative. The feedback from external assessments was taken into account when planning and implementing these changes.

Main changes:

- Reduced number of separate legal entities from 11 to 1;
- Increased the number of client service divisions to 70 (mainly by dividing the biggest divisions in major cities who had 40-120 employees to more manageable divisions of around 20 employees);
- Consolidation of human resources;
- Reduced activity costs by 1,6 million EUR;
- Optimized real estate by 13%;
- New form of social cooperation – Council under the Public Employment Service;
- Implemented Quality management system, according to ISO 9001:2015 standard;
- Specialized consultants for different target groups (disabled people, soldiers and officials, long-term unemployed);
- Private manager for employers (one stop shop services);
- Call center was established;
- More e-services (registration online, e-signature);
- Requalification for employed persons (prevention of unemployment);
- New employment support measures oriented to faster integration to labour market and life long learning (certification of competencies; apprenticeship, traineeship).

In implementing the reform, the Public Employment Service Council was established – an institution of bilateral co-operation that will facilitate in making decisions that reflect the regional labour market situation.

More information about the Public Employment Service: <https://uzt.lt/en/>.

According to the report, there were 226,624 vacancies registered by the labour offices, in 2014 (compared to 169,124 in 2011). The report states that the number of employed individuals (to registered vacancies, employed independently and self-employed without financial aid of labour offices) was 177,927 in 2014 (compared to 218,808 in 2011). The Committee asks the next report to comment on the reasons of this decrease.

From another source (Lithuanian Labour Exchange – Activity Report 2014), the Committee notes that 263,600 job seekers turned to labour offices in search of jobs in 2014 and that this is 12% less than in 2013.

Table 1.3.1.

Year	Vacancies	Unemployed	Employed individuals
2011	169124	256696	218808
2012	199946	330780	202545
2013	242230	299631	197372
2014	226624	263569	177827
2015	235461	266205	185483
2016	237318	254668	171988
2017	222086	251986	164767
2018	228404	253697	168722

The reason for apparent decrease of the number of employed individuals relatively to registered vacancies is twofold.

Firstly, until 2013, the companies and municipalities who were willing to implement public works measures were not required to post vacancies for these jobs, therefore vacancies for public works were not apparent in the final vacancy values for the year 2011 and 2012. The number of jobs for public works was quite significant: 2011 – 36 thousand, 2012 – 32 thousand, 2013 – 27 thousand, 2014 – 22 thousand. This measure was discontinued since 2017, therefore significant decrease of the number of vacancies can be seen in 2017-2018.

Secondly, in 2014 Russian Federation has put an import ban on EU products, mainly agricultural products. This had a direct impact on several key industries in Lithuania – agriculture, agriculture product processing industry, logistics, which in turn reduced hiring in these industries.

In reply to a specific request by the Committee, the report indicates that the total number of staff at the Labour Office was 1,441 in 2014 (compared to 1,445 in 2011), the number of counsellors involved in placement services was 1,010 in 2014 (compared to 1,042 in 2011), and the ratio of placement staff to registered job seekers was 0.4 in 2014 (compared to 0.3 in 2011). The Committee asks that next report provides clarification on the data referring to the abovementioned ratio.

Due to the changes in Public Employment Service staff, it was not possible to identify how aforementioned ratio was calculated. It should also be noted, that the figures that were provided for the number of counsellors involved in placement services in 2011-2014 seems to be inaccurate, as this number also contained local offices' managers and staff members responsible for administration of ALMP measures who do not directly provide placement services. Since reorganisation in 2018, the current number of counsellors providing placement services for jobseekers is 544. The average annual number of registered jobseekers in 2018 was 178743 (148242 of them had status of unemployed). The ratio of placement staff to registered jobseekers in 2018 was 329 to 1 (for those with the status of unemployed – 273 to 1).

The Committee asks that further to the abovementioned data, the placement rate (i.e. placements made by the Public Employment Services as a share of notified vacancies) and the respective market shares of public and private services are provided in the next report. The Committee also asks if trade union and employers' participate in the Public Employment Services.

To calculate the placement rate Public Employment Service uses an indicator proposed by European network of Public Employment Service, which is annually collected by the European Commission.

Table 1.3.2.

Year	Average monthly number of notified vacancies	Average monthly number of filled vacancies	% of filled vacancies
2018	30301	19870	65,6%
2017	28444	19179	67,4%
2016	29576	20436	69,1%
2015	28046	19704	70,3%

Table 1.3.3. Public Employment Service market share

Quarters	Vacancies		PES market share, %	Private Public Employment Services, %
	Department of Statistics' data	Public Employment Services' (PES) data		
2015Q1	13072	7523	57,6%	Not available
2015Q2	13435	8133	60,5%	Not available
2015Q3	14200	8792	61,9%	Not available
2015Q4	12031	4708	39,1%	Not available
2016Q1	16299	9116	55,9%	Not available
2016Q2	16767	9588	57,2%	Not available
2016Q3	16890	9161	54,2%	Not available
2016Q4	14890	4605	30,9%	Not available
2017Q1	20710	9308	44,9%	Not available
2017Q2	19761	9950	50,4%	Not available
2017Q3	20414	10348	50,7%	Not available
2017Q4	19319	5133	26,6%	Not available
2018Q1	20110	10366	51,5%	Not available
2018Q2	19185	11638	60,7%	Not available
2018Q3	18706	11478	61,4%	Not available
2018Q4	16039	4199	26,2%	Not available
2019Q1	19130	8703	45,5%	Not available
Average:			49,1%	Not available

Participation of employers and trade unions in the activities of Lithuanian Public Employment Services

Trade unions and employer organisation actively participate in the activities of Public Employment Service via the Tripartite Council. The Tripartite Council attached to the Public Employment Service is approved by the Director of Lithuanian Public Employment Services.

The Tripartite Council considers and makes proposals to the Lithuanian Public Employment Services regarding:

- solving the problems of employment and labor market conditions of the population and problems affecting them;
- the need for funds necessary to support employment support measures and labor market services, to maintain Public Employment Services and carry out their activities;
- improvement of the implementation of active labor market policy measures and increase of efficiency;
- implementation of employment promotion programs;
- financing local employment initiatives;

- bilateral and tripartite partnership opportunities in solving social, economic and employment problems, development of social partnership;
- improvement of legislation regulating the implementation of employment support policy;
- activity reports of the Public Employment Service and improvement of its activities;
- demand and supply matching;
- application of mitigating measures for group redundancies;
- establishment of annual goals and tasks of the subsidiary bodies, allocation of funds for achieving these goals and tasks.

According to the Rules of Procedure, the Tripartite Council meetings are held at least once in a half year and, if necessary, an extraordinary meeting is held (9 meetings were held in 2016, and 5 in 2017).

Currently, the Tripartite Council consists of 9 members: 3 members from trade unions, 3 members from employer organizations, 1 member from the Ministry of Social Security and Labour, 1 member from the Ministry of Economy and Innovation, 1 member from the Ministry of Education, Science and Sport.

ARTICLE 1, PARAGRAPH 4

Vocational guidance, training and rehabilitation

As Lithuania has accepted Article 9, 10§3 and 15§1 of the Charter, measures relating to vocational guidance, to vocational training and retraining of workers, and to guidance and vocational training for persons with disabilities are described under these provisions.

ARTICLE 9: THE RIGHT TO VOCATIONAL GUIDANCE

Vocational guidance within the education system

The Committee had furthermore taken note of the reorganisation of the vocational guidance system. It asks the next report to provide comprehensive and up-to-date information on the functions, organisation and operation of public and private services providing vocational guidance within the education system.

The report does not provide any information concerning the human and financial resources allocated to vocational guidance within the education system and the number of beneficiaries during the reference period. The Committee recalls in this respect that vocational guidance must be provided:

- free of charge;
- by qualified (counsellors, psychologist and teachers) and sufficient staff;
- to a significant number of persons and by aiming at reaching as many people as possible;
- and with an adequate budget.

The formation and development of the career guidance system in Lithuania is the responsibility of three executive authority institutions of the Republic of Lithuania – the **Ministry of Education and Science** (career guidance policy related to the provision of quality career education, information, and counselling services for pupils, students, adult learners, etc.), the **Ministry of Social Security and Labour** (career guidance policy related to the provision of quality career information and counselling services for job-seekers (youth and adults), including NEETs) and the **Ministry of Economy and Innovation** (career guidance policy related to organising forecasts on human resource demand in the labour market).

Organizers and providers of professional orientation (or vocational guidance). The organization, implementation and coordination of professional orientation in Lithuania is organized at three levels: 1. level of general education schools and vocational training institutions (hereinafter referred to as "schools"); 2. level of municipal administrations; 3. national level. The aim of educational policy in Lithuania is to ensure equal opportunities and access to professional orientation and career guidance services. It is ensured for everyone in schools and vocational training institutions.

Financing. Professional orientation is funded from the state budget (education voucher) and financial resources of different projects and social partners.

In education sector these services are funded by: state budget via pupil's basket (i.e. amount of money dedicated to one student's education), for guidance and cognitive activities, for general education and VET schools (which provide general education alongside VET).

Table 9.1. 'Student basket' amount per learner

Year	Student basket per learner
2015	980.00
2016	1,014.00
2017	1,059.00

The formula for calculating the 'student basket' takes into account cases where more funding is required for **national minority** or **migrant learners** or **learners with special educational needs** (hereafter – SEN). The 'student basket' for learners studying in a national minority language is 20% bigger than the basic 'student basket'; for migrants it is 30% bigger and for learners with SEN it is 35% bigger.

Additionally, schools may receive funding from other resources, such as 2% of income tax transferred from a taxpayer, tuition fees in private schools and voluntarily contributions. Other contributions for funding education account for around 15% in pre-primary education, 3% in basic education and 6.5% in vocational education.⁴

Part of overall pupil's basket (approx. 3 EUR per student) is dedicated to career guidance and study visits / activities. Another resources include: 1) state budget and own institution resources of VET schools and HE institutions; 2) ESF funds. In employment sector these services are funded by: 1) Funds for Active Labour Market measures /Funds for unemployed / Funds for Youth Guarantee Initiative (e.g. Lithuania presented a Youth Guarantee Implementation Plan on 18 December 2013 (updated in May 2014) and was eligible for the Youth Employment Initiative which has an allocation of 31.78 million euros (in current prices)); 2) ESF funds.

Tools. In 2012-2018 using support of EU funds the following open source tools have been created: Model of career guidance for schools and vocational training institutions, Program of career guidance, Methodological tools for career guidance (Teacher's book; Student Book; Virtual tools for career guidance; Career guidance achievement portfolio, Questionnaires of professional interest, etc.).

Despite that, professional orientation (career guidance) in Lithuania is still fragmented. Consistent professional orientation services are provided at only ~ 50% of schools. In the rest part of schools professional orientation services are fragmented and mostly limited of providing professional information and counseling. Career guidance is usually organized for senior pupils (9-12 grades).

Seeking for successful career planning and adaptation in nowadays labor market it is necessary to assure career guidance and possibility to know different professions in a real labor environment. The key to that is cooperation of governmental, non-governmental and private institutions. However, there is a lack of collaboration between labor market and educational system in Lithuania.

In 2015-2016 school year period professional orientation services were organized in 717 educational institutions (43 vocational training institutions and 674 general education schools). In 717 educational institutions there were about 65 full-time equivalent (hereafter – FTE) posts for career specialist. This number was shared by 791 career specialists, i. e. each career specialist had 0.082 FTE post on average (e. g. in 2014-2015 821 career specialist shared 82 FTE posts, i. e. each specialist had 0.1 FTE post). Only about 40 institutions had full-time career specialists. More than 600 institutions were not offering full-time equivalent salary for career specialists.

In 2017-2018 school year period professional orientation services were organized in 586 educational institutions (27 vocational training institutions and 559 general education schools). In these institutions there were established 79,015 FTE posts, which were shared by 576 career specialists – i. e. 0.13 FTE post per person on average (e. g. in 2016-2017 each career specialist had 0.1 FTE post). In only about 40 educational institutions career specialists had full-time job positions. Even if it is a small number, but it increased double comparing to 2016-2017 school year. Approximately one quarter of municipalities did not apply full-time equivalent salary – i. e. 460 institutions from 586 (430 institutions from 528 in 2016-2017).

⁴ More information on <https://www.european-agency.org/sites/default/files/agency-projects/FPIES/CountryReports/FPIES%20Lithuania%20Country%20Report.pdf>

The highest number of career specialists (and pupils as well) is established in gymnasiums, the lowest - in secondary schools. The most unfavorable relative number of pupils and career specialists in 2017-2018 school year was noticeable in vocational training institutions (over 6,600 pupils per one FTE post specialist); lower secondary education schools in 2016-2017 (about 6,800 pupils per post); and in 2015-2016 the most disadvantaged ratio was in progymnasiums (about 7530 pupils per post) and vocational training institutions (about 6550 pupils per post).

All professional orientation and career guidance specialists who work at schools have higher education, but only 14% of them have Master degree in career management.

Vocational guidance in the labour market

The Committee refers to the criteria for assessing conformity with Article 9 of the Charter already mentioned above and notes that, in the absence of information on these points, it cannot assess the effectiveness of vocational guidance services in Lithuania. It accordingly asks that the next reports systematically contain figures on the expenditure, staffing and the number of beneficiaries of vocational guidance in the labour market. It also asks the next report to provide comprehensive and up-to-date information on the functions, organisation and operation of public and private services providing vocational guidance in the labour market, as well as on the measures taken to ensure dissemination of information about vocational guidance in the education system and in the labour market. It reserves in the meantime its position.

In the employment sector, career guidance services (i.e. information and counselling) for job-seekers (adults and youth) are provided by territorial labour exchanges and their structural divisions – youth job centres. Associations and NGO's of people with disabilities or any other special educational needs provide specific career guidance to their target groups. The range of offered services varies and depends on the type and priorities of each NGO. Some organisations offer employment mediation and various training programmes (building confidence and motivation, developing career planning skills, etc.) for persons of disadvantaged groups (including persons with disabilities).

Funding for career guidance services comes from diverse resources: the state budget, ESF funds, and funds from Active Labour Market Resources and the Youth Guarantee Initiative.

Requirements for counsellors of territorial labour exchanges and their youth job centres are as follows: a degree of higher or equivalent education; at least one year of work experience in the field of employment policy; knowledge of relevant legislation; information management and analytical skills; skills of written and verbal communication; ability to produce official documentation; good command of Microsoft Word, Excel, PowerPoint, Outlook, and Internet Explorer; and C2-level knowledge of a foreign language (English, German or French).

Lithuanian Employment Service under The Ministry of Social Security and Labour of the Republic of Lithuania employs case managers who have specific knowledge and are available to provide professional help. The key objective of case management is to assist the client in overcoming the barriers around him, increase his capacities and successfully apply them to the labour market. Case management includes a broad array of services including:

- Individual counselling aimed at creating a trusting relationship with the person with the disability and identifying personal issues;
- Social skills sessions;
- Methodology for working with persons with disabilities designed for groups;
- Participation in an interview with the employer.

Thus, moreover, case managers are professionals who apply knowledge of social pedagogy, psychology and communication to their everyday practices.

Table 9.1. Participants of vocational guidance measures in the labour market

Youth till 29 years old	2018 I half-year (persons)
Information and consultations	43274
Individual consultations	11697
Information by phone, e mail and internet	19347
Participated in classes/lessons	26193
Dalyvavo outgoing classes/lessons	8490

Table 9.2. Consultation services

Consultation services	2018 I half-year
Job seekers	405380
Unemployed	395845
Women	182602
Youth till 30 years old	79920

ARTICLE 10: THE RIGHT TO VOCATIONAL TRAINING

ARTICLE 10, PARAGRAPH 1

Technical and vocational training; access to higher technical and university education

Please state what strategies and measures are adopted to match the skills acquired through vocational education and training with the demands of the labour market, especially demands resulting from globalisation and technological developments, and thus to bridge the gap between education and work.

The main policy development in 2017 was the adoption of a revised Law on Vocational Education and Training (hereafter –VET) (14 December 2017, No. XIII-888) The goal of the new law is to increase responsiveness to economic change, modernise the management and funding of the VET system and upgrade quality assurance so as to improve its prestige.

In parallel, Lithuania has continued the development of a framework for sectoral qualification standards, including 24 standards.

In 2018, about 57 percent of learners were enrolled in modular programmes in VET. According to the order of Minister of Education, Science and Sport, in 2019 the admission to VET was mainly carried out to modular programmes, thus the percentage of learners in updated or new modular programmes increased to about 80 percent. About 20 percent of students continue studies in traditional two year VET programmes.

However, challenges remain over: (i) ensuring the timely update of standards; (ii) completing the corresponding revision of VET programmes; and (iii) promptly launching the programme implementation.

The procedure of update and approval of standards has been simplified. The responsibility of this procedure has been given to Qualifications and Vocational Education Development Centre. The standards have to be updated once in five years.

The reform of VET institutions network has gained speed. A greater specialisation of VET institutions is foreseen in bigger towns, and VET institutions meeting the market demands will remain in regions. The consolidated network of VET institutions will remain in rural areas. The number of VET institutions was reduced from 70 in 2018 to 60 in September 2019. The aim is to have 58 VET institutions by 2020.

The planning of admission to financed and non-financed places in VET is implemented on the basis of information of the evaluation of National human resource system monitoring, proposals of regional development councils and state financial possibilities.

The model of governance of VET institutions was changed to public institutions, involving active participation of representatives from municipalities, businesses and schools in order to have a voice in organising VET in such a way that the country demands and students wishes are met.

Measures to facilitate access to education and their effectiveness

In its conclusions 2007 the Committee noted that under Section 25 of the Education Act, any Lithuanian citizen and any foreign national with a permanent or temporary residence permit was

eligible for secondary, post-secondary, vocational or higher education. The Committee asks if there have been any changes to this situation.

There has been no change, only now it is regulated by Article 24 of Education Act.

The Committee also asks what is the overall spending on vocational education as a percentage of GDP.

According to statistical data of 2016, the state and municipal budgets expenditure on VET amounted to 0.3 percent of GDP.

ARTICLE 10, PARAGRAPH 2

Apprenticeship

The number of apprentices in primary vocational education has almost doubled in the Students Register in 2018. In total, 757 apprentices in initial vocational education were registered in 2017, and 1314 in 2018. However, apprenticeship is more widely developed in continuing vocational training. In total, 2587 apprentices were registered in continuing education in 2017, and 1886 apprentices registered in continuing education in 2018.

Implementing the new Law on Vocational Education and Training, Ministry of Education, Science and Sport is in the final stage of finalising the coordination of Procedure for implementation of apprenticeship, which will be approved by the Government. The procedure provides for the provisions on implementation of apprenticeship with VET contacts. It will be implemented according to formal and non-formal VET or their modules. The labour and VET contracts will be signed following the Labour Code, Law on Employment and Law on VET. The apprenticeship can be implemented in case of not less than one formal or non-formal VET programme or its module or for two or more months.

Not more than 30 percent of formal VET programme or its module is carried out by VET institution, and 70 percent of the programme or its module is carried out by employer.

In addition, the rights and responsibilities of VET institutions, employers and apprentices are detailed in the procedure.

The quality of apprenticeship is under the responsibility of VET institution or employer, if the apprenticeship is carried out without VET institution. Also, general VET quality assurance measures, internal and external assessment procedures and (or) accreditation are applied. In case of non-formal VET programme, according to the new Law on VET, the apprentices have the possibilities to assess their acquired competences and get the recognition of the qualifications.

The new Labour Code of the Republic of Lithuania, that came into force in 2017, regulates the apprenticeship employment contract in Articles 81-84.

Article 81. The Concept of the Apprenticeship Employment Contract and Types Thereof

1. An apprenticeship employment contract is concluded by hiring an individual seeking to obtain competences or a qualification necessary for a profession at a workplace in the form of apprenticeship training (hereinafter ‘the apprentice’).

2. An apprenticeship employment contract may be:

1) an apprenticeship employment contract without concluding a training contract;

2) an apprenticeship employment contract concluded with a lawfully regulated training contract on formal or non-formal training.

Article 82. General Provisions of Apprenticeship Employment Contracts

1. An apprenticeship employment contract is fixed-term and its maximum duration shall be six months, except for an apprenticeship employment contract concluded with a lawfully regulated training contract on formal or non-formal training in which a longer duration of training is defined.

2. Where training is being carried out in accordance with an apprenticeship employment contract concluded with a lawfully regulated training contract on formal or non-formal training, the employer must ensure achievement of the outcome provided for in the formal or non-formal training programme or create all conditions to achieve it.

3. Upon completion of the formal or non-formal training programme, the apprentice shall be issued a certificate confirming this.

Article 83. An Apprenticeship Employment Contract Without Concluding a Training Contract

1. Upon concluding an apprenticeship employment contract, the employer must prepare a non-formal training programme for the entire period of validity of the apprenticeship employment contract. In participating in this training programme, the competences acquired by the apprentice and the methods of acquiring them, the training subjects, the period of training, the outcome and other essential provisions shall be included in the apprenticeship employment contract. During the period of validity of the apprenticeship employment contract, the training programme may only be changed by mutual agreement.

2. An employer has the right to conclude this type of employment contract with the same person no sooner than three years after the termination of the previous apprenticeship employment contract. Upon violating these requirements, it shall be considered that an open-ended employment contract has been concluded.

3. The number of apprenticeship employment contracts valid at the same time for one employer may not exceed one-tenth of the total number of the employer's current employment contracts.

4. When concluding an apprenticeship employment contract, the parties to the employment contract may agree on reimbursement of the training expenses incurred by the employer. Such an agreement must specify what the employer's training expenses are and what their value (services, materials, etc.) is. No more than 20 per cent of the apprentice's monthly remuneration can be allocated to reimburse said expenses. The reimbursement of training expenses shall be distributed evenly over the entire period of validity of the apprenticeship employment contract. If the employment relationship ends before the term of the apprenticeship employment contract expires, the employer shall not be entitled to require reimbursement of training expenses after the termination of the employment relationship.

5. In addition to the grounds for the termination of an employment contract provided for in this Code, an apprenticeship employment contract may also be terminated prematurely by written resignation of the apprentice upon giving the employer notice thereof five working days in advance, or on the initiative of the employer upon giving the apprentice notice thereof 10 working days in advance.

6. The employer must appoint a competent employee as the training programme supervisor, who shall be in charge of the training process, shall supervise the performance of the job function, and shall advise and consult the apprentice.

Article 84. An Apprenticeship Employment Contract Concluded with a Lawfully Regulated Training Contract on Formal or Non-Formal Training

1. An apprenticeship employment contract may be concluded in order to implement a lawfully regulated:

1) training contract on formal (initial or continuing) training between an apprentice and a training service provider or employer who has a formal vocational training licence;

2) training contract on non-formal training between an apprentice and an employer entitled to carry out non-formal training or a training service provider who has concluded an agreement with the employer.

2. The training contract shall be attached to the apprenticeship employment contract and shall be an integral part thereof. Implementation of an apprenticeship employment contract must be organised by the employer in such a way as to achieve the objectives of the training programme specified in the training contract as well as other conditions of the training contract.

3. An apprenticeship employment contract must establish the duration of working time and other training time. The apprentice's total working time for the employer and other training time may not exceed 48 hours per week, except for an apprentice under the age of 18, for whom the duration of working time is established by the Republic of Lithuania Law on Safety and Health at Work. Training may take place at both the workplace and the training establishment.

4. For time that was actually worked, an apprentice shall be paid the remuneration provided for in the apprenticeship employment contract, which may not be lower than the minimum monthly wage or minimum hourly rate approved by the Government of the Republic of Lithuania. The time spent at the workplace to acquire theoretical knowledge and the time allocated for workplace training shall be included as time that was actually worked if it exceeds 20 per cent of the time that was actually worked.

5. Time spent at the training institution shall not be included in working time and the employer shall not be required to pay remuneration for that time. Said time should not account for more than 30 per cent of the duration of the apprenticeship employment contract.

6. The apprenticeship employment contract shall be terminated upon expiry of the training contract on formal or non-formal training. It may also be terminated prematurely by written resignation of the apprentice upon giving the employer notice thereof five working days in advance, or on the initiative of the employer upon giving the apprentice notice thereof five working days in advance.

7. The employer shall appoint an employee(s) responsible for organisation of the apprentice's work activities and practical training and an employee responsible for the coordination of work activities and practical training (a vocational expert). The head of the vocational training establishment shall appoint a vocational teacher to be in charge of the apprenticeship's practical training carried out at the workplace.

Internal service vocational training

The officers of the internal service in Lithuania are trained at the internal service vocational training institutions: Lithuanian Police School, the Firefighters' Training School, State Border Guard School. Vocational training is provided through the provision of theoretical knowledge and practical training at statutory institutions and (or) at the vocational school itself. The scholarship is being paid to students during these training courses. Apprenticeship contracts are not concluded in this case.

ARTICLE 10, PARAGRAPH 3

Vocational training and retraining of adult workers

Please describe strategies and measures (legal, regulatory and administrative frameworks, funding and practical arrangements) in place to ensure skilling and reskilling in the full range of competencies (in particular digital literacy, new technologies, human-machine interaction and new working environments, use and operation of new tools and machines), needed by workers to be competitive in emerging labour markets.

The content of modular programmes of initial and continuous VET programmes is in the process of constant improvement and update (e.g., training goals, competences, competence limits), and it is coordinated with employers of relevant Sectoral Professional Committees. In addition, IT training tools for VET programmes are updated, taking into account the requirements for new emerging competences (e.g., the arrival of new equipment and technologies, taking into account innovations, impact on environment, etc).

Employed persons

The Committee asks the next report to provide information on the preventive measures against deskilling of still active workers at risk of becoming unemployed as a consequence of technological and/or economic development. It asks in particular to be informed of the types of continuing vocational training and education available, overall participation rate of persons in training, percentage of employees participating in vocational training, total expenditure.

The Law Amending the Law on Employment takes effect as of 1 February 2018, providing for a possibility to grant qualifications and/or competences to employed persons who search for another job and who are registered at PES.

Vocational training is provided only for those employed persons, who are planning to change the employer or become self-employed in 6 month period after finishing the vocational training. Since 2017 Lithuanian Employment Service has organised it to 362 employed.

According to the changes in Law in 2018, vocational training tool is for employed people to acquire the necessary qualifications or new competences or retraining in order to be employed, self-employed or change jobs. Priority shall be given to professions in demand at the regional or national level. The Public Employment Service concludes a Tripartite or Bilateral agreements with the individual. Vocational training provider must be included in the list of institutions who can offer these services. The list is drawn up by the Public Employment Service.

In the case of a Bilateral agreement, the prospective vocational training provider is selected by the participant of the training and, in the case of the Tripartite agreement, in agreement with the employer.

The Tripartite agreement stipulates that the Public Employment Services will finance the vocational training, the prospective employer will employ the participant by the acquired qualification or competence for a period of at least 6 months, and the vocational training participant will work for the the expected employer for at least 6 months.

The Bilateral agreement stipulates that the Public Employment Services will finance the vocational training and the participant after completing the education or training in a chosen vocational training institution will be employed in a job offer found by themselves or the Public Employment Service or become self-employed by the acquired qualification or competence for at least a 6 months.

The employed person only gets finance for the costs of the vocational training services, but if they become unemployed during the vocational training they receive funding for a training grant, travel expenses to and from their nearest vocational training provider (where the individual is not resident in the same area as the training provider) and accommodation costs (where the individual is not resident in the same area as the training provider).

Employed people commit to work for a different employer with whom they have a legal employment relationship or to engage in other self-employment activities within 6 months from the end of vocational training. 78 participants were involved into the vocational training in 2018.

Table 10.3.1

Year	2015*	2016*	2017*	2018**
Vocational training participants (employed individuals)	4281	89	156	78
Expenditure, thousand Eur	2560,5	46,7	115,2	88,6
Annual average number of participants	357	7	13	7
Participation rate	0,695%	0,017%	0,034%	0,021%

* Until 1st July of 2017 The Law on Support for Employment was in force under which vocational training could be organized for dismissed workers who need additional qualifications or competences to avoid dismissal. Employees could, in agreement with their employer, choose a training program that was tailored to the specific needs of the employer, in agreement with the employer. No other restrictions were imposed. It has been noted that there is a potential risk of abuse when employers formally warn an employee about dismissal with the aim of funding the employee's vocational training. To avoid these risks, the new Law on Employment, which entered into force on 1st July of 2017, legitimized the training of the employed by setting different objectives for the measure and the conditions for access to vocational training funding when choosing a training program.

** The Law on Employment has been amended from the February 2018 and financing vocational training for employees who seek to change the profession and the employer has been established. This extension of the vocational training target group is tailored to the benefit of individuals in order to create new career opportunities until they become unemployed. This funding does not apply to employees who are notified of dismissal and who remain employed by the same employer and for the benefit of the same employer after vocational training as it was till July 2017. Re-qualification into the national priority occupations of Lithuania is financed for these persons in order to ensure sustainable employment, create career mobility opportunities and change the professional direction. For those who have future employer - the qualification or competence required for the target job is funded.

The internal service vocational training institutions (Lithuanian Police School, the Firefighters' Training School, State Border Guard School), in accordance with various training programmes, provide not only basic training, but also advancement courses for the statutory officers of internal service of various stages annually, to ensure skilling and reskilling in the full range of competencies for statutory officers.

The **Ministry of the Economy and Innovation** implements instruments financed using European Union Structural Funds (approx. 80 million Eur for 2014-2020) for business investments in employee competencies. The aim of these investments is to increase the competitiveness of human resources and business, as well as laying the foundation for permanently functioning competency development mechanisms.

Our measures for raising qualifications and developing competencies of employees include:

- designation to ease the burden of foreign investors for funding employee trainings;
- development of sectoral competencies;
- the increase of employee's capabilities to work with new technologies;
- supporting business initiatives in the area of apprenticeship and on-the-job training;

- the increase of incentives for involving small and micro companies in professional development of their employees (applying a competency voucher scheme)

Taking in to account the challenges of Industry 4.0 and digitalisation, we are planning to review the mentioned measures. We are going to update the measures and refocus the emphasis in such a way that the European Social Fund's support for the development of human resources would be used more effectively in the context of Industry 4.0 and digitalisation.

Under these measures, 23153 employees were trained until December 31, 2018.

Unemployed persons

The Committee asks the next report to provide pertinent information regarding continuing training of unemployed persons, such as the number of persons trained and the activation rate, i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures.

Table 10.3.2 Participation of unemployed in active labour market measures and vocational training, data of Public Employment Service under the MSSL

	2015	2016	2017	2018
unemployed	266205	254668	251986	253717
Participated in ALMP measures	67253	55381	44501	41003
Participated in vocational training	19133	17195	21422	16633
Participated in ALMP measures, %	25,3	21,7	17,7	16,2
Participated in vocational training, %	28,4	31,0	48,1	40,6

Measures to support learning for unemployed: vocational training, employment as an apprentice, internship, recognition of competences acquired through non-formal and self-education. **Vocational training** tool is for unemployed people to acquire the necessary qualifications or new competences or retraining in order to be employed, self-employed or change jobs. Priority shall be given to professions in demand at the regional or national level.

The Public Employment Services concludes a Tripartite or Bilateral agreements with the individual. Vocational training provider must be included in the list of institutions who can offer these services. The list is drawn up by the Public Employment Services. In the case of a Bilateral agreement, the prospective vocational training provider is selected by the participant of the training and, in the case of the Tripartite agreement, in agreement with the employer.

The Tripartite agreement stipulates that the Public Employment Service will finance the vocational training, the prospective employer will employ the participant by the acquired qualification or competence for a period of at least 6 months, and the vocational training participant will work for the the expected employer for at least 6 months.

The Bilateral agreement stipulates that the Public Employment Service will finance the vocational training and the participant after completing the education or training in a chosen vocational training

institution will be employed in a job offer found by themselves or the Public Employment Services or become self-employed by the acquired qualification or competence for at least a 6 months.

The Employment Service provides funding to the unemployed: the cost of vocational training services, training grant, travel expenses to and from your nearest vocational training provider (where the individual is not resident in the same area as the training provider), accommodation costs (where the individual is not resident in the same area as the training provider) and the costs of compulsory health screening and vaccination against communicable diseases.

After completing vocational training, the unemployed commit to taking up employment with their intended employer, filling a vacancy offered by the Public Employment Service or starting self-employment and work for at least 6 months. Number of participants during the period 2015-2018 – CC.

Table 10.3.3

Year	2015	2016	2017	2018
Vocational training participants	14852	17106	21266	16555
Expenditure, thousand Eur	22027,2	27598,2	35563,6	32644,2
Annual average number of participants	1238	1426	1772	1380
Participation rate	0,783%	0,984%	1,269%	0,931%

An apprenticeship contract is another form of vocational training organization where the vocational training is carried out by an employer who concludes an apprenticeship contract with the person and the theoretical training can be provided by a vocational training provider or employer registered with the Public Employment Services as a training provider.

Number of participants during the period 2015-2018 – CC.

Table 10.3.4

	2017	2018
Recruiting under an apprenticeship contract	4	362
Annual average number of participants	0	30
Participation rate	0,000239%	0,020350%

Recognition of competences acquired through non-formal and self-education measure is designed to test the job skills and abilities of an unemployed person in order to obtain a diploma or a certificate of competency appropriate to the occupational qualification if it is necessary for the unemployed person to get employed or to become self-employed.

The Public Employment Service organizes this learning support measure by concluding a Bilateral agreement between the Public Employment Services and the person seeking recognition of competences.

The individual must attend non-formal and self-education competency recognition measure at an agreed time with the training provider of their choice. The duration of the training is determined individually by the training provider (examination of knowledge, skills, competences, abilities in an educational institution and examination with representatives of an accredited competence assessment body).

The Public Employment Service commit to pay a maximum of 0.47 MMS for services to a legal entity of a person's choice, recognized as having the competence to recognize competences acquired through non-formal or self-education.

The individual commits to not discontinue the measure without a good reason, to submit a document recording the results of the recognition of competences upon completion of the measure and to fulfill their employment or self-employment obligations specified in the individual employment plan. Number of participants during the period 2015-2018 – CC.

Table 10.3.5

	2017	2018
Recognition of competences acquired through non-formal and informal learning	0	646
Annual average number of participants	0	54
Participation rate	0	0,0363%

An internship is a period of unpaid work experience for an unemployed person designed to improve, restore or further a person's working skills or professional qualifications.

The measure is open to unemployed people with relevant professional qualifications or competences acquired through non-formal adult education and at least 6 months consecutively unemployed according to their qualifications or competences.

A Tripartite Agreement is concluded between the Public Employment Services, the unemployed (trainee) and the employer organizing the internship.

The internship can last up to 6 months. The trainee must be guaranteed at least 20 hours a week, but no more than 40 hours a week.

The employer commits to accepting into the internship ensuring the hours of internship, the implementation of the tasks of the internship plan, and the provision of internship conditions.

The Public Employment Services commits to pay a scholarship for the internship hours (0.39 MMS).

The individual commits to participate and not to terminate the measure without a good reason, to submit to the Public Employment Services an evaluation of the results of the internship and to fulfill their employment or self-employment obligations specified in the individual employment plan.

Table 10.3.6 Number of participants during the period 2017-2018

	2017	2018
Internship	15	780
Annual average number of participants	1	65
Participation rate	0,0009%	0,0438%

ARTICLE 10, PARAGRAPH 4

Long term unemployed persons

Please indicate the nature and extent of special retraining and reintegration measures taken to combat long-term unemployment as well as figures demonstrating the impact of such measures (please include detailed statistics on long-term unemployment in your country, if not provided under Article 1§1).

The Committee asks that in addition to possible changes in the legislative and regulatory framework, the next report provide specific information and data with regard to the following indicators: a) types of training and retraining measures available on the labour market; b) number of persons in this type of training; c) special attention given to young long-term unemployed; d) impact of these measures on reducing long-term unemployment.

From another source (Country Report Lithuania 2015, drafted by the European Commission in the framework of the European Semester initiative – cf. Document COM(2015) 85 final), the Committee notes that as regards *labour market policies*, “despite their effectiveness, the coverage of vocational training and support for the acquisition of professional skills of unemployed fell ...” and that “... National data indicate that measures often focus on those unemployed who are easier to integrate back into employment, leaving low skilled unemployed behind. This poses a risk of cementing their unemployment spell. In addition, the incentives proposed to employers for providing vocational training to low-skilled or long-term unemployed are mostly of a short-term nature. This may limit unemployed people’s chances for a longer-lasting inclusion into the labour market”.

As regards *education and skills*, the same country report contains the following information: “specific actions are planned to improve the quality of vocational education and training, to promote quality apprenticeships and work based learning and to improve skills governance. These measures, however, still need to be fully implemented”.

The Committee asks that the next report includes comments on the abovementioned observations, with a special attention given to long-term unemployed.

A regular external evaluation procedure of VET providers is being introduced, along with requirements for regular self-assessment and maintenance of internal quality management systems. According to the Law on VET, the assessment of VET institutions has to be carried out once in five years. The programme evaluation includes the analysis of the quality implementation. If the programme gets a negative evaluation for the second time, the decision regarding the termination of the licence can be adopted.

In addition, Research and Higher Education Monitoring and Analysis Centre (MOSTA) is monitoring the quality of higher and vocational education based on monitoring indicators. This will help improve the quality of vocational education and increase links with labour market.

The Law on VET gave sectoral professional committees a larger role in ensuring quality assurance for qualifications and planning of apprenticeships.

Also, according to the Procedure for implementation of apprenticeship, the quality of apprenticeship is under the responsibility of VET institution or employer, if the apprenticeship is carried out without VET institution. In parallel, general VET quality assurance measures, internal and external assessment procedures and (or) accreditation are applied.

In addition, a legal act on Procedure of external assessment of quality of activities and VET programmes of VET institutions and other VET providers which carry out formal VET is under

preparation by the Ministry of Education, Science and Sport. It is planned to be approved by the end of 2019. Following the new Law on VET, the role of Sectoral Professional Committees is strengthened in the process of assessment of both VET institutions and their capability to implement modular programmes, as well as the role of social partners while implementing the programmes and admitting to work.

Social model laws (Labour Code, Law on Employment, Law on Unemployment Social Insurance, etc.) came into force of 1 July 2017, aimed at improving the competitiveness of the state and the employment rate of people of working age as well as reducing the elements of shadow economy in employment relations.

The Law on Employment:

- establishes new measures facilitating acquisition of desired qualifications: 1) employment under an apprenticeship employment contract (workplace-based learning); 2) placement (an unpaid work practice period intended for the improvement of work skills or professional qualifications, by paying a grant); 3) recognition of competences acquired by non-formal and informal learning (persons are provided with facilitated opportunities to acquire desired qualifications);

- Provides more opportunities for employment of residents from more remote regions by expanding the scope of financing the mobility support measure, i.e. through reimbursement of travel expenses for the unemployed who come to attend sessions organised by PES, take part in active labour market policy measures or find employment in the locality other than their residential area. Moreover, the employer who employs an unemployed person referred to by PES and incurs the costs of transportation of the unemployed to the workplace also receives compensation for travel expenses;

- Solves the employment problems of socially vulnerable groups at local level through the programmes on increasing employment developed and implemented by municipalities.

New Employment Law came into force in July 1, 2017 and in order to make lifelong learning more accessible/attractive existing active labor market policy measures were expanded by three new means of learning support:

- Recruiting under an apprenticeship contract
- Internship
- Recognition of competences acquired through non-formal and informal learning

Plus vocational training - altogether support for learning now consists of 4 measures.

- Vocational training is designed to help the unemployed acquire or improve their qualifications, acquire competences in formal or non-formal adult education programs or improve them;
- Recruiting under an apprenticeship contract is a form of vocational training - vocational training is carried out with the employer who forms an apprenticeship contract with the unemployed person, and the theoretical vocational training can be carried out with the employer or vocational training provider;
- Internship as an unpaid working period for the upgrading, rehabilitation or improvement of job skills or professional qualifications of the unemployed;
- The recognition of non-formal and informal learning competences is aimed at verifying the knowledge, skills and abilities of the unemployed in order to recognize competences.

Table 10.4.1

Long-term unemployment (Y20-64)	2015	2016	2017	2018
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Thousand persons	57	44	39	29
Percentage of unemployment	43.2	38.8	38.2	32.8
Percentage of active population	4.0	3.1 Formos apačia Formos apačia	2.8	2.1

Source: Eurostat, Labour Force Survey (EU-LFS)

In Lithuania has used ESF funding in tackling long-term unemployment (hereafter – LTU): Since 1 August of 2014 till 30 April of 2018 in the LTU dedicated project “Support for employment of LTU” 14.954 persons were involved (vocational training: 7391, subsidised employment: 5370, support for the acquisition of professional skills: 1912, labour mobility: 318). 67.7 percent of participants were employed, including the self-employed, after termination of their participation. The budget of the project: 24 000 000 EUR.

Since 14 December 2017 till 1 March 2020 it is planned to involve 16.800 LTU (71 % of all participants) in a project “TAPK – Tavo Ateities Perspektyvų Kūrimas” (**Creating Your Future Prospects**). One of the specific indicators of this project to promote active integration of the long-term unemployed into the labor market is the relatively high number of participants in the long-term unemployed. In this project 12 000 persons will take part in the vocational training measure, 600 – in apprenticeship, 1 400 – in internship, 1 400 – in the measure of recognition of competences acquired by non-formal and informal learning. Employment for 10 400 persons will be promoted through supported employment measures, and 1 000 persons will participate in the mobility support measure. About 4 500 participants will take part in integrated measures, e.g. vocational training and support for the acquisition of work skills, subsidised employment and mobility support. The budget of the project: 38 500 000 EUR, of them 27 300 000 are dedicated for LTU.

The Council Recommendation on the integration of the long term unemployed into the labour market of 15 February 2016 (2016/C 67/01) has been partially implemented. All unemployed are provided with an Individual Action Plan (IAP) based on an individual assessment, which is regularly updated. The collaboration and integrated assistance (CIA) model was discussed and pilot project in 6 municipalities started in 2019. According to the CIA model, the PES or the municipality develops and individual integration plan which includes active labour market policy measures and/ or social services for a person in need. Afterwards, a case manager is assigned along with a case team – a group of specialist who decide that specific measures are needed. Then the person completes the activities listed in his/ her integration plan. After this measure the individual is expected to be able to work and live without direct governmental support (except for circumstances when social benefits are maintained as an incentive to reintegrate into the labour market).

Table 10.4.2.

	2015	2016	2017	2018
Vocational training	19133	17195	21422	16633
Recruiting under an apprenticeship contract	...	...	4	362
Internship	...	...	15	780
Recognition of competences acquired through non-formal and informal learning	...	...	0	646

... – the measure was not implemented

Table 10.4.3.

Participation of youth (16 -29) and the long-term unemployed in vocational training:

	Total	Youth (16-29)		long-term unemployed up to 25 years, with unemployment duration longer than 6 months		long-term unemployed over 25 years with a duration of unemployment of more than 12 months	
		Number	%	Number	%	Number	%
2015	19133	6252	32,7	407	2,1	2186	11,4
2016	17195	7113	41,4	525	3,1	3044	17,7
2017	21422	9539	44,5	522	2,4	3641	17,0
2018	16633	6183	37,2	383	2,3	3667	22,0

Vocational training

Vocational training is intended for jobseekers to acquire or improve their existing qualifications, to acquire competences in formal or non-formal adult education programs or to improve them with the aim to employ unemployed under the new profession.

Lists of formal and non-formal adult education programs provided by vocational education and training providers are published on the website of PES⁵.

Costs that PES finance for the person:

- 1) vocational training services;
- 2) training scholarship payment (0.47 of the minimum monthly salary);
- 3) travel expenses up to the nearest vocational training provider and back (when the person's place of residence is not in the same residential area as the training provider's training place);
- 4) accommodation costs (when the person's residence is not in the same residential area as the place of training of the provider);
- 5) the cost of compulsory health check and vaccination against communicable diseases.

What contracts are signed?

Tripartite agreement is concluded between:

- Employment office that will finance vocational training;
- an employer who, will employ a person for the acquired qualification / competence after training for at least 6 months;
- A person.

Bilateral agreement is concluded between:

- Employment office that will finance vocational training;
- A person.

The Employment Law has been amended from the February 2018 and financing vocational training for employees who seek to change the profession and the employer has been established. This extension of the vocational training target group is tailored to the benefit of individuals in order to create new career opportunities until they become unemployed. This funding does not apply to

⁵ <https://uzt.lt/en/>

employees who are notified of dismissal and who remain employed by the same employer and for the benefit of the same employer after vocational training as it was till July 2017. Re-qualification into the national priority occupations of Lithuania is financed for these persons in order to ensure sustainable employment, create career mobility opportunities and change the professional direction. For those who have future employer - the qualification or competence required for the target job is funded.

The apprenticeship contract (new measure)

Recruiting under an apprenticeship contract is a form of vocational training where vocational training is carried out with the employer who forms an apprenticeship contract with the person and the theoretical vocational training can be carried out by the employer or the provider of vocational training. This form of vocational training is attractive because practical training takes place in the real workplace (in the production plant, organization), the theoretical knowledge is deepened or acquired at the educational institution, and the initial practical skills are given. Tripartite agreement is concluded between prospective employee (an apprentice), PES that finances vocational training and an employer who employ a person for the acquired qualification/competence after training. Bilateral agreement is concluded between PES that finance vocational training and an apprentice. An apprenticeship contract is concluded with a training contract for formal or non-formal vocational training. Vocational training coupon is issued for an apprentice. Funded expenses: vocational training services, training scholarship payment for theoretical vocational training, the cost of compulsory health check and vaccination against communicable diseases, 40% wage compensation for the employer who hired the person under the apprenticeship contract.

The internship (new measure)

The internship can be organized for persons who have the appropriate professional qualifications or competences acquired through non-formal adult education but have not worked for at least 6 months in a row. The internship can take up to 6 months. A trainee must be trained for at least 20 hours, but not more than 40 hours per week.

The internship is an unpaid work period for the employer, during which a person raise, recuperate or improve work skills or professional qualifications. During the entire period of the internship, a scholarship is paid once a month, depending on the hours of internship (0.39 minimum monthly salary).

Tripartite internship agreement, which defines the duration, purpose and other conditions of the internship, concluded between:

- PES;
- Organizations, institutions, or other organizational structures organizing the traineeship;
- person intending to undergo an internship.

Recognition of competences acquired through non-formal and informal learning (new measure)

Recognition of competences acquired through non-formal and informal learning is intended to test the knowledge, skills and abilities of individuals in order to obtain a diploma or certificate of

competence for the relevant professional qualification with the aim of employing unemployed under the new recognized professional qualification or competence. This measure is to evaluate and recognize the results of lifelong learning for a person who has some practical skills and competences from direct work, volunteering, non-formal training, internships or other non-formal or informal learning but does not have a diploma or certificate of competence. PES funds the cost of services of recognition of competences that are not more than 0.47 minimum monthly salary.

The bilateral agreement is sign between:

- PES;
- A person seeking recognition of competences.

Complex of active labor market measures – a new way of combining forms of employment and enabling employment sustainability.

According to the Employment Law active labor market policy measures can be applied in a complex manner by the procedure established by the Government of the Republic of Lithuania or the institution authorized by it, combining different measures. The amount of financing of the complex active labor market policy measures may not exceed 40 times the amount of the minimum monthly salary approved by the Government of the Republic of Lithuania.

According to the Description of the conditions and procedure for the implementation of the Employment Support Measures, approved by the Minister of Social Security and Labor of the Republic of Lithuania in 2017, the measures can be applied in a complex manner in the following order:

- unskilled unemployed: vocational training, support for the acquisition of work skills and support for mobility, vocational training, subsidized employment and mobility support, apprenticeship employment, subsidized employment and mobility support;

- unemployed persons under the age of 29 and the long-term unemployed - vocational training, support for the acquisition of work skills and support for mobility, vocational training, subsidized employment and support for mobility, internship, support for the acquisition of work skills and support for mobility, internship, subsidized employment and support for mobility, recruitment through apprenticeship, subsidizing and mobility support, apprenticeship employment, support for the acquisition of work skills and support for mobility, support for learning measures and support for self-employment;

- unemployed over the age of 50 - vocational training, support for the acquisition of work skills and support for mobility, training support measures, subsidized employment and support for mobility;

- **refugee status**, or persons granted subsidiary or temporary protection - vocational training, support for the acquisition of work skills and support for mobility, apprenticeship employment, subsidized employment and support for mobility.

Measures may be combined in combination with a procedure other than that specified in Item 6 of the Description, if Employment office determines a different need for the harmonization of measures, taking into account the results of the assessment of the person's employability.

Regulatory legislation:

- Employment Law of the Republic of Lithuania
- Description of the conditions and procedure for the implementation of employment support measures
- Law on vocational training of the Republic of Lithuania
- Law of the Republic of Lithuania on Non-formal Adult Education and Continuing Education

- Description of the conditions and procedures for travel, accommodation, obligatory medical check-ups and reimbursement of the cost of vaccination against communicable diseases to the unemployed.

ARTICLE 10, PARAGRAPH 5

Full use of facilities available

Fees and financial assistance

The Committee notes from Euridyce that state-supported loans are not available, among others, to foreign students, with the exception of the EEA nationals and permanent residents. However, in its conclusion 2007 the Committee noted that any Lithuanian citizen and any foreign national with a permanent or temporary residence permit is eligible for state financial support. The Committee asks whether state loans, state supported loans and social scholarships are available to nationals of other States Parties, lawfully resident in Lithuania without any prior length of residence required.

According to the **Law on Employment**, the labour market services and the employment support measures also apply to foreigners holding permits to reside in the Republic of Lithuania who are exempted, under the Lithuanian law, from the obligation to obtain a permit to work in the Republic of Lithuania. Therefore the state support is eligible for foreign national also with a temporary residence permit.

The **Law on Education** entitles any citizen of the Republic of Lithuania and any foreigner who is a permanent or temporary resident of the Republic of Lithuania the right to education. Access to education for people at risk of social exclusion is ensured through social services and educational support, by implementing targeted social and educational programmes directly or via schools. State and municipal authorities establish the numbers and educational needs of drop-outs and implement targeted programmes to involve socially excluded children in education.

Training during working hours and efficiency of training

Under Section 143, item 6, paragraph 1 of the Labour Code apprenticeship, on-the-job training and training undergone in vocational training institutions are considered as working time.

The Committee asks what measures are taken to evaluate vocational training programmes for young workers, including the apprenticeships. In particular, it wishes to be informed of the participation of employers' and workers' organisations in the supervision process.

As of 1 July 2017 the updated provisions of the Labour Code regarding apprenticeship employment contracts are applicable. An apprenticeship employment contract must establish the duration of working time and other training time. The apprentice's total working time for the employer and other training time may not exceed 48 hours per week, except for an apprentice under the age of 18, for whom the duration of working time is established by the Republic of Lithuania Law on Safety and Health at Work. Training may take place at both the workplace and the training establishment.

For time that was actually worked, an apprentice shall be paid the remuneration provided for in the apprenticeship employment contract, which may not be lower than the minimum monthly wage or minimum hourly rate approved by the Government of the Republic of Lithuania. The time spent at the workplace to acquire theoretical knowledge and the time allocated for workplace training shall be included as time that was actually worked if it exceeds 20 per cent of the time that was actually worked.

Time spent at the training institution shall not be included in working time and the employer shall not be required to pay remuneration for that time. Said time should not account for more than 30 per cent of the duration of the apprenticeship employment contract.

It is also relevant to mention that the results of the monitoring carried out by the State Labour

Inspectorate in the second half of 2017 and in 2018 showed that the number of apprenticeship employment contract more than doubled.

A regular external evaluation procedure of VET providers is being introduced, along with requirements for regular self-assessment and maintenance of internal quality management systems. According to the Law on VET, the assessment of VET institutions has to be carried out once in five years. The programme evaluation includes the analysis of the quality implementation. If the programme gets a negative evaluation for the second time, the decision regarding the termination of the licence can be adopted.

In addition, Research and Higher Education Monitoring and Analysis Centre (MOSTA) is monitoring the quality of higher and vocational education based on monitoring indicators. This will help improve the quality of vocational education and increase links with labour market.

The Law on VET gave sectoral professional committees a larger role in ensuring quality assurance for qualifications and planning of apprenticeships.

Also, according to the Procedure for implementation of apprenticeship, the quality of apprenticeship is under the responsibility of VET institution or employer, if the apprenticeship is carried out without VET institution. In parallel, general VET quality assurance measures, internal and external assessment procedures and (or) accreditation are applied.

In addition, a legal act on Procedure of external assessment of quality of activities and VET programmes of VET institutions and other VET providers which carry out formal VET is under preparation by the Ministry of Education, Science and Sport. It is planned to be approved by the end of 2019. Following the new Law on VET, the role of Sectoral Professional Committees is strengthened in the process of assessment of both VET institutions and their capability to implement modular programmes, as well as the role of social partners while implementing the programmes and admitting to work.

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

ARTICLE 15, PARAGRAPH 1

Vocational training for persons with disabilities

Please indicate progress in ensuring access to and inclusion of children with disabilities into mainstream facilities. Please indicate trends in this area, including number of children with disabilities included in mainstream facilities, the number attending special schools, the number attending school on a part time basis etc. In addition, please indicate the legislative basis for inclusion and remedies in place in cases of exclusion from education on the basis of disability.

Equity in education for learners with SEN is ensured by adapting the school environment, providing psychological, special pedagogical, special and social pedagogical support, and providing technical assistance and special learning tools at school as stated in the Law on Education. Depending on the parents' (foster parents, guardians) wishes, learners with SEN may be provided with the opportunity to study at an early childhood or general education school, vocational training school, or any state or municipal (regional) school for learners with SEN that is located closer to their place of residence. Providing access to education for learners with SEN is the responsibility of the municipality of their residence.

Learners with SEN are educated in all schools providing compulsory general education. In Lithuania, practically all mainstream general education schools may be referred to as inclusive (except for special schools and sanatorium schools) as they are prepared to accept learners with various educational needs. The general curriculum is adapted for learners with SEN. Learners with special needs are provided with necessary learning tools and technical aids. The educational environment is adapted, aiming to ensure equal access to education. Schools provide educational assistance in two ways: they employ support staff or they contract relevant specialists from the Pedagogical-Psychological Service (hereinafter referred to as the PPS) that services the school. Transport services are also provided to learners with SEN to and from school, using specially adapted buses. The goal is to include children with SEN in mainstream education as much as possible, but there are also special educational institutions for learners with major or severe SEN.

Anti-discrimination legislation

In its previous conclusion, the Committee asked whether there had been any court cases relating to discrimination on the grounds of disability in education. It asked for a description of penalties available to courts and the Ombudsperson for discriminatory treatment. In the absence of a reply, it repeats its question.

Education

The Committee notes from DOTCOM data that Law No. XI-1281 of 17 March 2011 amended the law on education. The Committee stresses that it needs to be informed of any relevant legislative reforms. The Committee requests that the next report provide information on the practical impact of this legislation on the integration of pupils and students with disabilities into mainstream education.

The Law on Education (2011) states:

- The procedure for organising activities of pedagogical-psychological services shall be laid down by the Minister of Education and Science, after consultation with the Minister of Health.
- When necessary, general education curricula and vocational training programmes shall be adapted to learners with SEN, in accordance with the procedure specified in paragraph 1 of Article

14, while study programmes shall be adapted in accordance with the procedure laid down by a higher education institution.

- Learners with SEN may complete formal education programmes within a period shorter or longer than the period set for such programmes; they may study at intervals and complete said programmes by way of separate modules. Learners with major and severe SEN may study in general education schools or classes designated for learners with SEN until 21 years of age.
- The education of learners with SEN shall be implemented by all schools that provide compulsory and universally available education, other education providers and, in certain cases, by schools or classes designated for the education of learners with SEN.

Aiming to foster co-ordinated and integrated systems for inclusive education to effectively address all the dimensions intervening in learners' education, the Lithuanian Government started implementing the Regulation on Complex Provision of Education Assistance, Social Assistance and Health Assistance Services to Children of Pre-School Age and their Parents (guardians) in 2011. The step forward was the inter-institutional plan on Integrated Assistance, Special Schools/Centres and Children Socialisation Centres' Activities Quality Advancement for 2015–2017 that involved the activities of two more ministries (Ministry of Interior and Ministry of Justice).

The National Education Strategy 2013–2022 and a programme for its implementation aim to:

- overcome social exclusion;
- strengthen the role of the Ministry of Education, Science and Sports and municipal administration in co-ordinating special education;
- provide quality methodological assistance to special education specialists.

The goal is to include learners with SEN in mainstream education to the maximum possible extent. However, there are also special educational institutions for learners with major or severe special educational needs.

The proportion of pupils with SEN in mainstream schools is increasing: in the 2012/2013 school year it was 10.8% and in 2016/2017 it was 11.7% (Source: Statistics Lithuania).

About 45.7% of all general education schools are adapted for learners with disabilities. Some 45.5% of learners with SEN are engaged in part-time activity groups in general education schools (including special schools).

Special education schools provide general education curricula to learners with SEN in adequately adapted learning environments. Special schools may be specifically designed, staffed and resourced to provide appropriate special education for learners with additional needs. These schools provide a wide range of necessary educational assistance. In the 2016/2017 school year, there were 47 special schools educating 3,680 learners, or 1.1% of all pupils in general schools. Special classes in mainstream schools were created to enable learners with SEN to develop alongside their peers, closer to home, and to gradually reduce the number of special schools. The number of pupils with SEN attending special schools had been decreasing from 2012 up until recently. Accordingly, the number of special schools had been decreasing, too.

Learners with SEN receive transportation services to and from school using specially adapted buses. Some 94.2% of pupils with SEN have been transferred to/from special schools.

Educational institutions use staff knowledge and experience with learners with disabilities in resource centres that provide methodological assistance in schools' initial, basic and secondary education

programmes to advise learners and parents. Education and assistance for the most vulnerable groups of people with disabilities (e.g. learners with complex disabilities, such as autism) must receive high-quality educational support from professionals and educators who have sufficient knowledge and practical skills to provide a rich methodological framework.

More information about education of people with disabilities is provided under the Article 15, Paragraph 2 in this report, presenting the results of the 2016-2018 Action Plan for Implementation of the National Programme for Social Integration of Persons with Disabilities for 2013-2019.

According to the **Procedure on organizing the education of pupils with disabilities** (para 2.4), all the pupils with intellect disabilities after finishing the individualised general education programme can further continue education according to social skills development programme or choose a VET programme.

The pupils who have finished the individualised general education programme are admitted to VET establishments according to the 2nd level of modular programmes of Lithuanian Qualifications System, which are adapted to these pupils: 27 hours are allocated for implementation of 1 credit (for pupils with no disabilities only 22 hours are allocated), thus the education process from two years is extended to three years, and the pupils are engaged in VET programme together with social skills programme.

In 2018, 1054 pupils with disabilities were enrolled in VET establishments. According to preliminary data, 56 percent of them were learning together with pupils without disabilities. Separate groups are organised according to the form of disability and VET programme requirements. Based on the data of the Department of Statistics, the number of pupils with disabilities in VET institutions is increasing. The data of the Ministry of Education and Science show that the part of pupils with disabilities reaches 5.5 percent in VET establishments.

ARTICLE 15, PARAGRAPH 2

Employment of persons with disabilities

Please provide information on progress made in ensuring persons with disabilities have access to employment on the open labour market, including recent non-discrimination measures and measures to promote employment. Please include figures on the number of persons with disabilities in employment and the number of unemployed.

Please provide up-dated information concerning obligations on the employer to take steps in accordance with the requirement of reasonable accommodation to ensure effective access to employment of persons with disabilities.

Anti-discrimination legislation

As of 1 July 2017 the updated provisions of the Labour Code regarding measures to encourage employment of persons with disabilities are applicable. Subparagraph 6 of paragraph 2 of Article 26 states that in implementing the principles of gender equality and non-discrimination on other grounds, the employer, irrespective of gender, race, nationality, language, origin, social status, age, sexual orientation, disability, ethnic affiliation, political affiliation, religion, faith, convictions or views, except for cases concerning a person's professed religion, faith or convictions for those working in religious communities, societies or centres, provided that the requirement for the employee regarding his or her professed religion, faith or convictions, in view of the ethos of the religious community, society or centre, is normal, lawful and justifiable, or intention to have a child/children, or due to circumstances unrelated to the employees' professional qualities or on other grounds established by laws, must take appropriate measures for conditions to be created for people with disabilities to get a job, work, pursue a career or learn, including the adequate adaptation of premises, provided that the duties of the employer are not disproportionately burdened by said measures.

The 2016-2018 Action Plan for Implementation of the National Programme for Social Integration of Persons with Disabilities for 2013-2019 was adopted in 2015 (outside the reference period). The Committee requests that the next report provide information on the results achieved with implementation of the action plan.

Implementing the **2016–2018 Action Plan for Implementation of the National Programme for Social Integration of Persons with Disabilities for 2013–2019**, EUR 13,176,458 were used in 2018, EUR 11,224,700 were used in 2017, and EUR 10,422,800 were used in 2016. Following the results were achieved.

1. Action plan measure: organise the provision of community-based social rehabilitation services for persons with disabilities

More than 350 projects for community-based social rehabilitation services for persons with disabilities are implemented across the country every year. The projects are implemented by non-governmental organisations for persons with disabilities.

Supported activities: daytime activities, individual assistance for persons with disabilities, development of the artistic skills of persons with disabilities, assistance for family members.

Daytime activities – personal grooming and maintaining, restoring and developing daily living skills; learning how to live a healthy lifestyle, care for yourself, orient yourself and move in the environment, and use technical aids; developing self-expression and creativity; learning how to understand and manage the illness or disability and solve everyday problems independently, and assistance in dealing with emotional problems caused by disability by satisfying the need for interaction in self-help groups

and classes. From 2016 to 2018, an average of 12,500 individuals received daytime activity services annually.

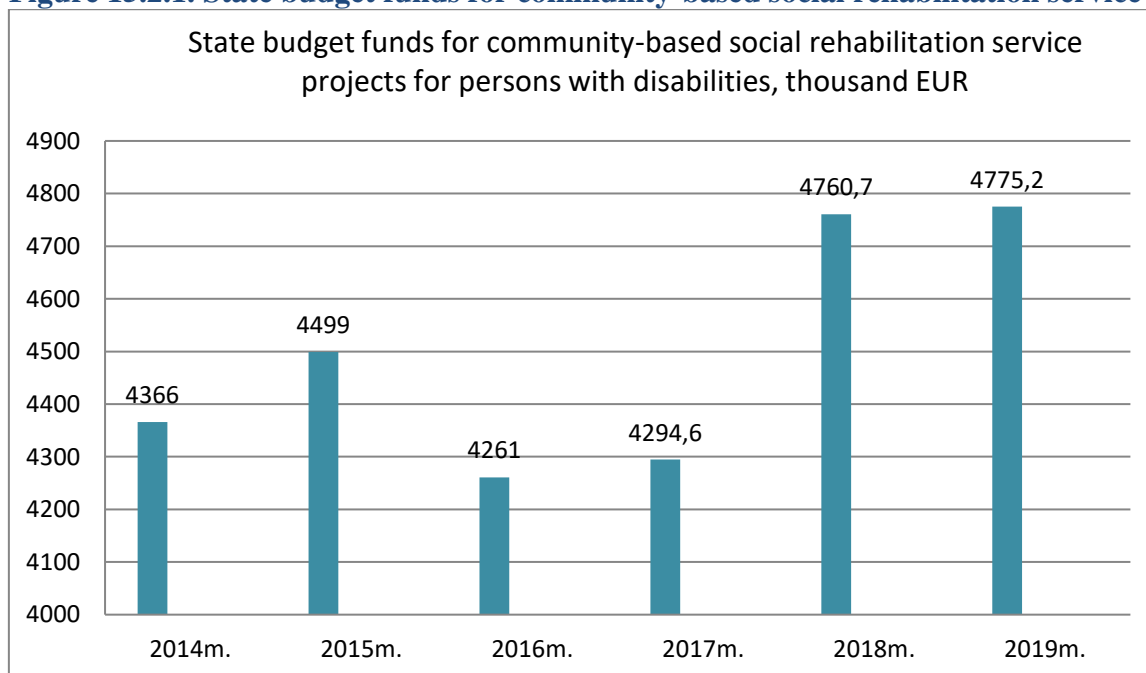
Individual assistance for persons with disabilities – assistance for disabled persons in accessing activities, education, rehabilitation, healthcare, justice and other institutions (escorting, driving, assisting with problems that arise); the provision of information to persons with hearing and visual impairments in an accessible form and with technologies that are appropriate for the nature of their disability; assistance in resolving issues concerning employment, looking for a job, increasing motivation to work and participate in vocational rehabilitation, and support at the workplace; persons with severe disabilities – assistance in resolving domestic problems (learning how to live a healthy lifestyle, care for yourself, orient yourself and move in the environment, and use technical aids; learning how to understand and manage the illness or disability and solve everyday problems independently. From 2016 to 2018, an average of 12,000 individuals received individual assistance services annually.

Participation of persons with disabilities in various craft hobby groups and clubs, where they learn crafts and how to make various items. From 2016 to 2018, an average of 4,400 individuals received services annually.

Development of artistic skills in hobby groups, associations and clubs. From 2016 to 2018, an average of 3,700 individuals received services annually. These services include: assistance for family members of persons with disabilities by organising self-help and family support groups, teaching how to take care of persons with disabilities in the family, at home and in social life and how to understand and manage the disabled person’s illness or disability, and assisting in dealing with the emotional and other problems that arise. From 2016 to 2018, an average of 2,300 individuals received services (benefits) annually.

In implementing the projects, an average of 26,000 individuals received various services (benefits) annually from 2016 to 2018.

Figure 15.2.1. State budget funds for community-based social rehabilitation service projects



The municipality contributes 20 per cent in its own funds to the activities supported by the community-based social rehabilitation services.

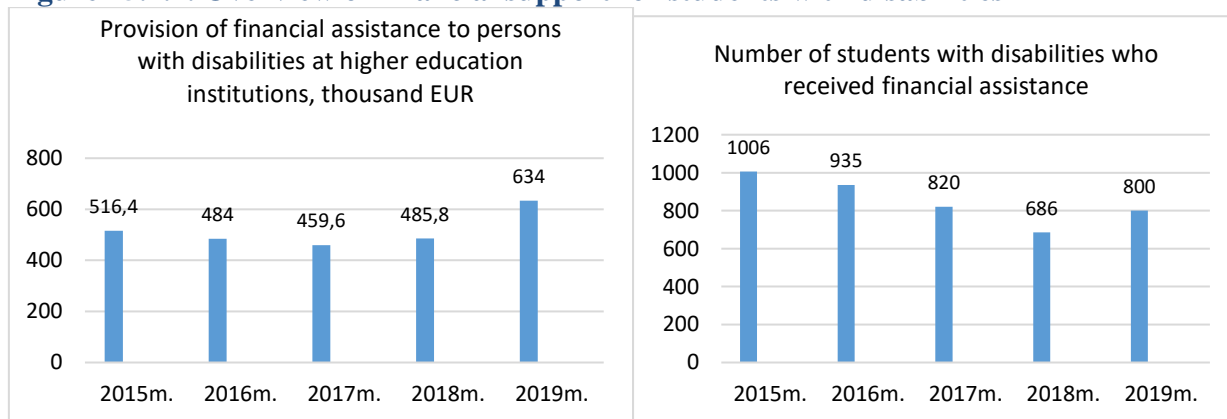
2. Measure: provide integrated social rehabilitation services for the blind

From 2016 to 2018, a total of 50 individuals took advantage of social rehabilitation services for the blind. The following services were provided to the blind according to a plan drawn up by a team of specialists: spatial orientation and independent movement (mobility), development of daily living skills and communication skills, medical psychologist assistance, vocational counselling and guidance.

3. Measure: provide financial assistance to persons with disabilities studying at higher education institutions

Financial aid instruments provided through higher education institutions to persons with disabilities studying at higher education institutions according to the description of the procedure for providing support to students with disabilities approved by Resolution No 831 of 13 July 2006 of the Government of the Republic of Lithuania ‘On Approval of the Description of the Procedure for the Provision of Financial Aid Instruments for Persons with Disabilities Studying at Higher Education Institutions’ – the funds allocated for meeting the special needs of disabled students (a monthly payment in the amount of one-half of the basic state social insurance pension) is currently EUR 82.30, and the amount for partial tuition (a payment of 3.2 times the BSB (basic social benefit) paid once per semester) is currently EUR 121.60.

Figure 15.2.2. Overview of financial support for students with disabilities



Under the Provision of Financial Aid Instruments for Persons with Disabilities Studying at Higher Education Institutions, approximately 700 students receive support annually.

4. Measure: organise accessibility of studies for students with disabilities

This support is provided by the State Studies Foundation. Support was provided to 800 students with disabilities in 2016, 700 students with disabilities in 2017, and 527 students with disabilities in 2018.

5. Measure: ‘Check the projects published on the Building Permits and State Construction Supervision Information System of the Republic of Lithuania (Infostatyba) and other construction projects and participate in the work of the Commission for the Completion of Construction of Buildings Important to the Disabled’

Each year a project is implemented during which construction projects submitted to the Infostatyba information system are coordinated and building handovers are participated in. Construction projects are monitored to ensure that they are properly adapted for the disabled. Each year, over 2,500 construction projects are coordinated and handed over. EUR 169,400 is allocated for this annually. The project is implemented by a non-governmental organisation for persons with disabilities.

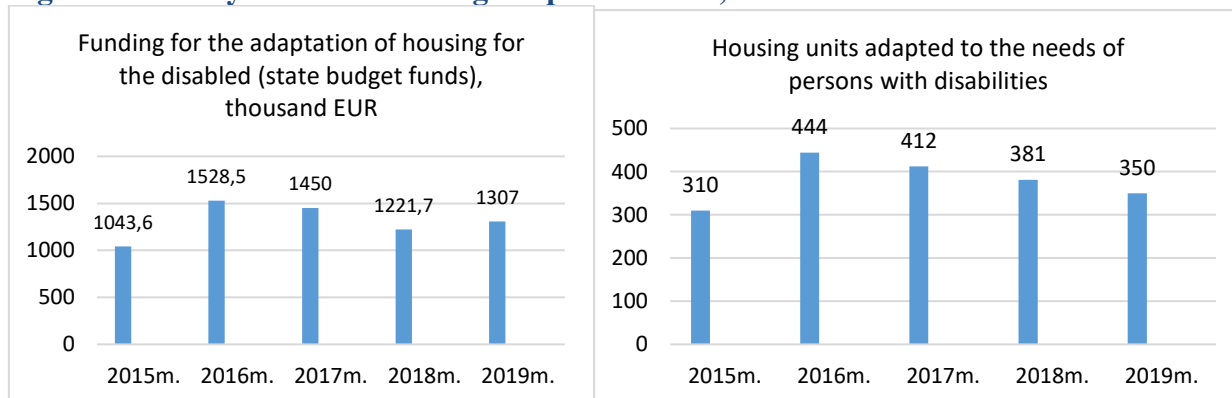
6. Measure: organise the adaptation of housing and its environment for the disabled

In 2016–2018, a programme was implemented in Lithuania for the adaptation of housing for the disabled.

The housing adaptation was implemented in accordance with the description of the procedure for the adaptation of housing for the disabled for 2016–2018 approved by Order No A1-460 of 10 August 2015 of the Minister of Social Security and Labour ‘On Approval of the Description of the Procedure for the Adaptation of Housing for the Disabled for 2016–2018’.

The cost of housing adaptation was covered from state and municipal budgets: for persons with severe and profound mobility and self-care impairments – 60 per cent from the state budget and at least 40 per cent from the municipal budget; for persons with moderate mobility and self-care impairments – 50 per cent from the state budget and 50 per cent from the municipal budget. In 2018, 381 housing units were adapted to the needs of persons with disabilities in 60 municipalities, which satisfies 59 per cent of the need for housing adaptation.

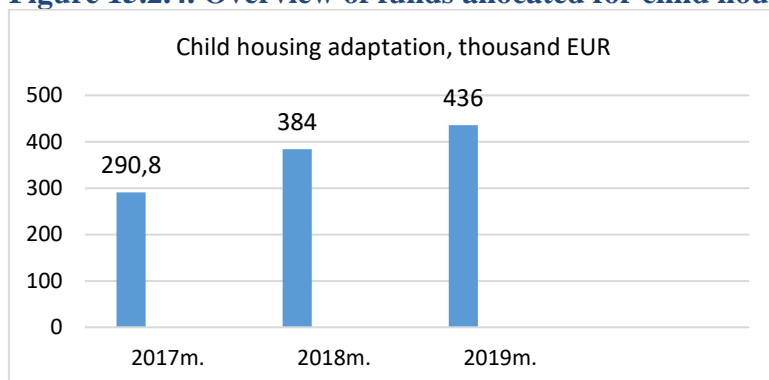
Figure 15.2.3. Dynamics of housing adaptation rates, 2015–2019



7. Measure: organise adaptation of the living environment for families raising children with severe disabilities

Launched in 2017, this new measure is designed to adapt the living environment for families raising children with severe disabilities; 88 housing units were adapted for 92 children in 2017, and 210 housing units were adapted in 2018. A maximum of EUR 5,320 is allocated for the cost of one housing adaptation, and a maximum of EUR 1,900 is allocated for the purchase of sensory aids. Housing adaptations and the acquisition of sensory aids are underway.

Figure 15.2.4. Overview of funds allocated for child housing adaptation



8. Measure: implement programmes and projects for the social integration of persons with disabilities through physical education and sports

Every year, over 90 projects are implemented in municipalities for the social integration of persons with disabilities through physical education and sports. More than 4,000 persons with disabilities benefit from these projects annually.

Regular activities financed by the projects:

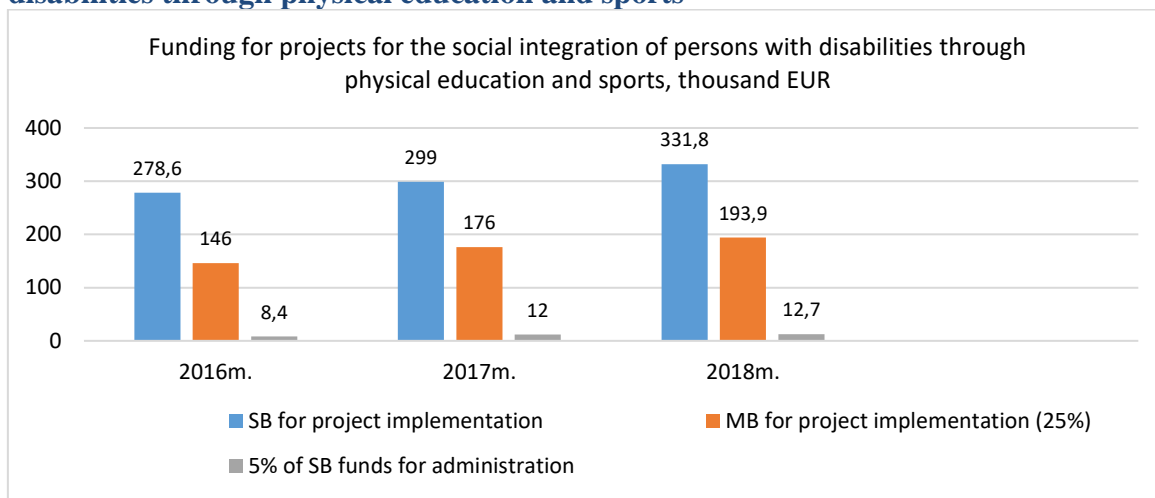
- training in different sports,
- physical education exercises and physical activity,
- special activities (competitions, events, training camps).

In 2016, a total of EUR 433,000 from state and municipal budgets were used to implement these projects, of which EUR 287,000 came from the state budget and EUR 146,000 came from municipal budgets.

In 2017, a total of EUR 487,000 from state and municipal budgets were used to implement these projects, of which EUR 311,000 came from the state budget and EUR 176,000 came from municipal budgets.

In 2018, a total of EUR 538,400 from state and municipal budgets were used to implement these projects, of which EUR 344,500 came from the state budget and EUR 193,900 came from municipal budgets.

Figure 15.2.5. Overview of funding for projects for the social integration of persons with disabilities through physical education and sports



9. Measure: organise the development and restoration of mobility and independent living skills for persons with disabilities

In 2016–2018, services were provided to a total of 99 individuals through the project for the development of mobility and independent living skills for persons with disabilities.

The target group consisted of persons with mobility impairments who were provided with driver training in adapted cars.

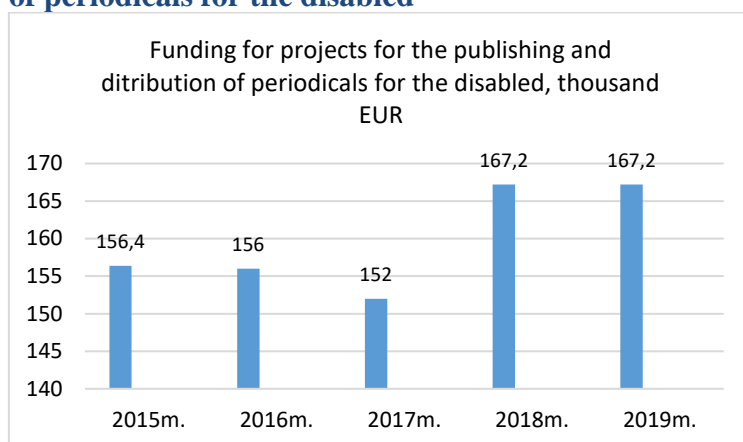
10. Measure: organise qualification development training courses for tourism, leisure and event organisation specialists in order to increase accessibility for the disabled by promoting innovation and development

A total of 147 specialists from the leisure, tourism and culture sectors participated in qualification development programmes in 2016–2018.

11. Measure: organise the publishing and distribution of periodicals for the disabled

Funding is provided for projects for publishing and distributing periodicals for the disabled selected through competitive tendering. 7–8 projects are implemented per year. Support is provided for the publication of periodicals dedicated to social education and information for the disabled.

Figure 15.2.6. Funds used for the implementation of projects for the publishing and distribution of periodicals for the disabled



12. Measure: release publications for persons who cannot read normal printed text

In 2016, 441 publications were financed and published for persons with visual impairments.

13. Measure: caption Lithuanian National Radio and Television programming and ensure audio description

In 2016–2018, there was an increase in the number of television programmes and films broadcast by the Lithuanian National Radio and Television that were captioned and translated into sign language. Approximately 10 per cent of broadcasts are captioned and translated into sign language. This amounts to approximately 1,200 hours per year.

14. Measure: improve the quality of vocational rehabilitation services for the disabled and provide methodological support to institutions providing vocational rehabilitation services for the disabled

Each year, methodological support is provided to 12 institutions providing vocational rehabilitation services.

15. Measure: educate and inform the public about the process of social integration of the disabled

Funding is provided for one project for the preparation and online dissemination of information selected through competitive tendering that is being implemented by a non-governmental organisation for persons with disabilities. In implementing the project, support is provided for the preparation and dissemination of information of importance to the provision of information to the public regarding the social integration of persons with disabilities and social education for the disabled – the TV3.lt news website now features the Aš galiu ('I Can') column. Articles and videos are being prepared and published about integration of the disabled, and interactive campaigns are being prepared.

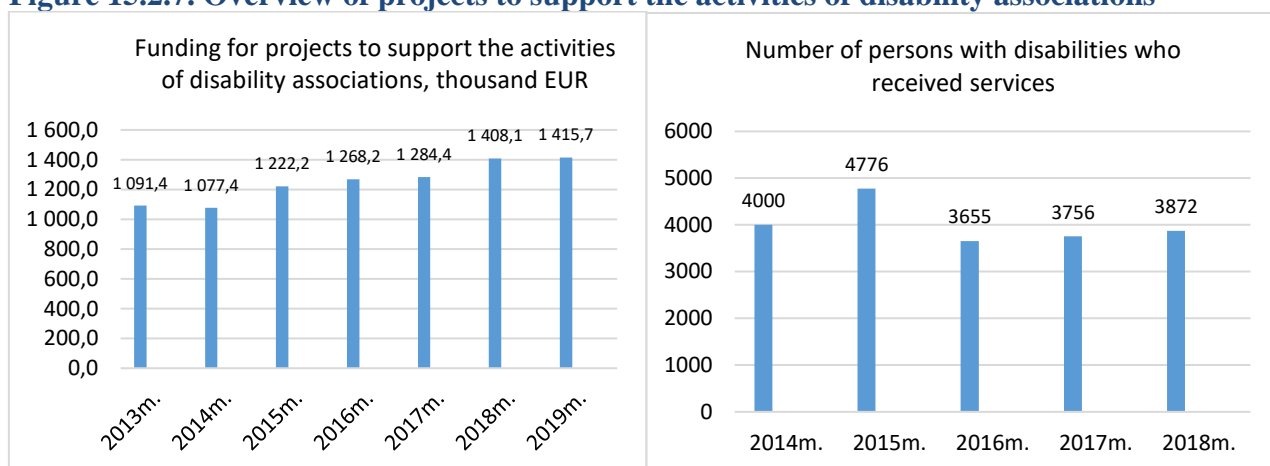
16. Measure: promote the activities of non-governmental organisations which protect the rights of persons with disabilities

Each year, support is provided for the activities of approximately 28 umbrella non-governmental organisations for disabled people by funding projects to support disability associations.

Activities funded:

- protection of the rights of persons with disabilities (representation, advocacy, educational activities, conferences, seminars, training, events, methodological support for association members, international cooperation),
- qualification development for specialists,
- development of independent living skills for persons with disabilities through training, seminars and camps,
- organisation of active leisure events for the disabled,
- organisation of cultural events for the disabled.

Figure 15.2.7. Overview of projects to support the activities of disability associations



Measures to encourage the employment of persons with disabilities

The Committee notes from DOTCOM data that Law No. X-694 of 10 July 2014 amended the employment support legislation. The Committee stresses that it needs to be informed of any relevant legislative reforms. The Committee requests that the next report provide information on the practical implementation of this legislation and its impact in terms of integrating persons with disabilities into ordinary or sheltered employment.

Public Employment Service under The Ministry of Social Security and Labour of the Republic of Lithuania employs case managers who have specific knowledge and are available to provide professional help. The key objective of case management is to assist the client in overcoming the barriers around him, increase his capacities and successfully apply them to the labour market. Case management includes a broad array of services including:

- Individual counselling aimed at creating a trusting relationship with the person with the disability and identifying personal issues;
- Social skills sessions;
- Methodology for working with persons with disabilities designed for groups;
- Participation in an interview with the employer.

Thus, moreover, case managers are professionals who apply knowledge of social pedagogy, psychology and communication to their everyday practices. Case management services are provided in 52 customer service division.

ARTICLE 15, PARAGRAPH 3

Integration and participation of persons with disabilities in the life of the community

Please describe the measures taken (and progress made) to ensure that persons with disabilities have the right to live independently in the community, such as the existence of available independent living schemes, sheltered housing for persons with disabilities, in-home, residential and other community support services, including personal assistance.

The main purpose of the **Center of Technical Aid for Disabled** is to ensure that all disabled residents would be provided with the technical (assistive) devices that meets their special needs.

Center has 10 departments, which provides technical (assistive) devices straight to people or by district Municipalities. District Municipalities also provides technical (assistive) devices for people with disability who cannot approach Center directly.

Table 15.3.1. Information about provision of technical devices

	2015 m.	2016 m.	2017 m.	2018 m.	Total per period
The number of people that were served and provided with technical (assistive) devices all over the country (by Center departments and district Municipalities).	34 966	30 640	33 364	40 424	139 394 (individuals)
The number of technical (assistive) devices that were issued to people all over the country (by Center departments and district Municipalities).	50 134	47 361	49 105	50 651	197 251
The number of technical (assistive) devices that were issued to people directly from the Center.	21 066	21 239	22 473	27 776	92 554

By providing technical (assistive) devices for the residents of the country **Center of Technical Aid for Disabled** (hereinafter – Center) organizes various counselling and education services such as social integration, independence in everyday life and use of technical (assistive) devices. For the period of 2015–2018 56.8 thousand individuals were trained and consulted by employees of 10 departments of the Center.

Table 15.3.2. Center organized such educational and consulting activities

NNo.	Training and consultation	Number of persons or other indicators
11.	Social educational event „Independence and quality of life for everyone“ in 2017 at Lithuanian Exhibition And Congress Centre LITEXPO.	Mass event. Participated individuals from various regions of the country.
22.	Social educational event „Independence and quality of life for everyone“ in 2018 at Lithuanian Exhibition And Congress Centre LITEXPO.	Mass event. Participated individuals from various regions of the country.

33.	Educational videos (22 videos) were launched in 2018.	1 382 views on „YouTube“.
44.	10 different types of leaflets were published in 2018.	Distributed massively.
55.	Various trainings and educational programs for people with disability were organised by Center itself and suppliers of technical (assistive) devices.	Statistics are not collected.
66.	From 2017 live consultations are provided using such platforms as: <ul style="list-style-type: none"> • „TellQ“; • „Zendesk chat“; • „Facebook“. 	People are served 100 % – there are no unanswered calls or messages.

Under the **Law on Support for the Acquisition or Rental Housing** of the Republic of Lithuania, disabled persons may apply for support for the adaptation of their owned housing to the needs of people with disabilities. The support system is applied to persons and families whose income and assets do not exceed the amount fixed by the law. Disabled persons for the reconstruction of their owned housing may receive a state partially reimbursed mortgage loan (which may not exceed 35 thousand euros), part of which (20 percent) is covered by the state. The subsidy of 20 percent may be used for payment of a part of the mortgage loan or as a down payment.

The Ministry of the Economy and Innovation pays attention for the **development of tourism** for all and sustainable tourism. In this context, from 2018 the representative from the Lithuanian association of people with disabilities has been invited to participate in the activities of the Tourism Council. The Council is an advisory body of the Ministry. The members of the Council are chaired by the Vice-Minister of the Economy and Innovation. Lithuania encourages the development of tourism infrastructure and products suitable for disable travelers. In 2018, special map with the places adapted for disable people has been published in Lithuania.

Information about integration of people with disabilities is provided under the Article 15, Paragraph 2 in this report, presenting the results of the 2016-2018 Action Plan for Implementation of the National Programme for Social Integration of Persons with Disabilities for 2013-2019.

I. Institutional care facilities are undergoing reform:

In partnership with the State Child Rights Protection and Adoption Agency under the MSSL, the Department has been implementing Project No 08.4.1-ESFA-V-405-01-0001 ‘Creation of conditions in Lithuania for the sustainable transition from institutional care to family- and community-based services’ (hereinafter – the Project) since 2 November 2015. The project activities are essentially for implementing the measures of the 2014–2020 Action Plan for the Transition from Institutional Care to Family- and Community-Based Services for Persons with Disabilities and Children Without Parental Care (hereinafter – the Action Plan) approved by Order No A1-83 of 14 February 2014 of the Minister of Social Security and Labour. During implementation of the project activities in 2016–2019:

1. Based on the developed methodologies, the residents of the institutions selected for reform were assessed, with 2,400 disabled adults evaluated in all.

2. The employees of the institutions selected for reform were assessed. A total of 1,739 employees were evaluated in terms of their motivation and competence to provide community services.

3. A total of 26 reform plans were prepared for the institutions undergoing reform, of which three were social care homes for children and young people with disabilities, and seven were social care homes for persons with disabilities.

4. In carrying out the Project, the Model for Managing Comprehensive Services for Adults with Disabilities was prepared. This model includes new forms of community services, and methodology packages have been prepared for their provision:

4.1. Supported accommodation services, where individuals are provided with services of different levels of intensity:

- Type III – (sheltered housing) social care service and the provision of housing (for persons who do not have their own) in the community for up to four semi-independent adults with disabilities, combining this with the individual assistance of a case manager (social worker) and other community services which help develop and maintain their social and independent skills, with the ultimate goal of complete independence.
- Type II – (independent living homes) social care and accommodation services for up to 10 partially dependent adults with intellectual disabilities and/or mental health disorders, enabling them to independently manage their personal and social lives by promoting, developing and maintaining their social and independent living skills according to their existing abilities, and/or providing minor assistance to compensate for the loss (lack) of independent living abilities. The residents of independent living homes receive the majority of services not at home, but in the community.
- Type I – (group homes) a community-based institution providing licensed social care, where up to 10 dependent or semi-independent individuals live in a home environment. Recipients of Type III services have access to daytime activities, education, and other necessary community-based services.

4.2. Specialised nursing and social care in specialised nursing and care homes;

4.3. Social rehabilitation centre activities together with:

(a) an independent living skills development programme for persons with intellectual disabilities and/or mental health disorders;

(b) a specialised vocational counselling programme for persons with intellectual disabilities and/or mental health disorders;

4.4. Development of a methodology package for daytime activity services for persons with intellectual disabilities and/or mental health disorders;

4.5. Description of the model for social workshops for persons with intellectual disabilities and/or mental health disorders;

4.6. Supported Public Employment Services for persons with intellectual disabilities and/or mental health disorders;

4.7. 'Brief respite' services for the families and guardians (caregivers) of disabled adults and children;

4.8. The Methodology Package for the Organisation and Provision of Case Coordination Services is under preparation.

5. In implementing the Project, the Procedures for Determining a Person's Ability to Take Care of Themselves and Make Daily Decisions was improved by preparing the Vision for the Development of a Model for Assisted Decision-Making as well as the Draft Description for the Provision of Services for Assisted Daily Decision-Making.

6. Training is being provided for employees who administer social services and employees who provide services to children, the disabled and their families. During the project period, training was provided to 253 personal assistants, 800 individuals working with persons with disabilities and their families, 1,587 employees at social care homes undergoing reform, and 192 employees of structural units of municipal administrations responsible for the organisation and provision of social services.

7. Four national and 20 regional seminars were held on the theoretical and practical aspects of teamwork, modelling a system of comprehensive community-based services, and on the principles of cooperation and their application in carrying out institutional care reform. A total of 460 participants attended the seminars.

8. 20 training sessions on managing the development of community-based services in municipalities were held for regional, municipal and local leaders. The training was intended to ensure that specialists at the municipal and state level are able to effectively organise and deliver quality, timely solutions that create conditions for the sustainable transition from institutional care to community-based services. 300 managers and 40 decision-makers received training.

9. Pilot services are being provided for adults with intellectual disabilities and/or mental health disorders:

9.1. Sheltered housing – 22 individuals, 20 places in total (Tauragė (4 places), Šiauliai (4 places) Utena (4 places) and Vilnius (8 places));

9.2. Brief respite at the institution and at home –154 individuals, 24 of which were at home (all regions except Telšiai);

9.3. Personal assistant for persons with intellectual disabilities and/or mental health disorders – 52 individuals (Kaunas region – 32, Šiauliai region – 20);

9.4. Supported employment – 20 individuals, in the regions of Vilnius and Kaunas regions, 10 people each;

9.5. Case management services for families whose children were diagnosed with intellectual disabilities and/or mental health disorders for the first time in a 12-month period. The service is planned to be provided to 30 children with disabilities in the regions of Vilnius, Kaunas and Klaipėda.

10. By January 2019, the country had 27 group homes, where 156 persons with disabilities who had previously received institutional care now live independently with the help of full-time specialists and receive tailored daytime activities, education, and other necessary community-based services.

11. As of 24 May 2019, by Order No A1-290 of the Minister of Social Security and Labour, the sheltered housing service is regulated in the Catalogue of Social Services, a description of this service is being prepared, and social care standards are being adjusted.

II. Community-based social rehabilitation services are being provided

Community-based social rehabilitation service projects for persons with disabilities (hereinafter – projects) are being implemented by non-governmental organisations working in the field of social integration of the disabled.

Activities supported and services provided through the projects:

1. Daytime activities for persons with disabilities. This activity must include at least three of the following activities:

- the development, maintenance and/or restoration of daily living skills;
- the development and maintenance of social skills;
- the formation of cognitive functions – the provision of basic general knowledge (writing, reading and counting, computer literacy, orientation in time and the environment, attention management, memory training, etc.) applied in practice;
- the formation, consolidation and development of general working skills;
- activities in craft groups or clubs;
- vocational counselling and guidance – workshops;
- development of self-expression and creativity.

2. The personal assistant service (as of 2019 – individual assistance for persons with disabilities), which includes the following:

- assistance for disabled persons in accessing activities, education, rehabilitation, healthcare, justice and other institutions (escorting, driving, assisting with problems that arise);
- the provision of information to persons with hearing and visual impairments in an accessible form and with technologies that are appropriate for the nature of their disability;
- assistance in resolving issues concerning employment, looking for a job, increasing motivation to work and participate in vocational rehabilitation, and support at the workplace;
- assistance in resolving problems that come up at home (learning how to live a healthy lifestyle, care for yourself, orient yourself and move in the environment, and use technical aids; learning how to understand and manage the illness or disability and solve everyday problems independently). This service is only provided to persons who have a recognised severe or moderate level of disability, or a work capacity level of 0–40 per cent, or a high or medium level of special needs. In agreement with the municipality in which the service will be provided, the individual assistance service may also be provided to persons with disabilities who have come temporarily from another municipality.

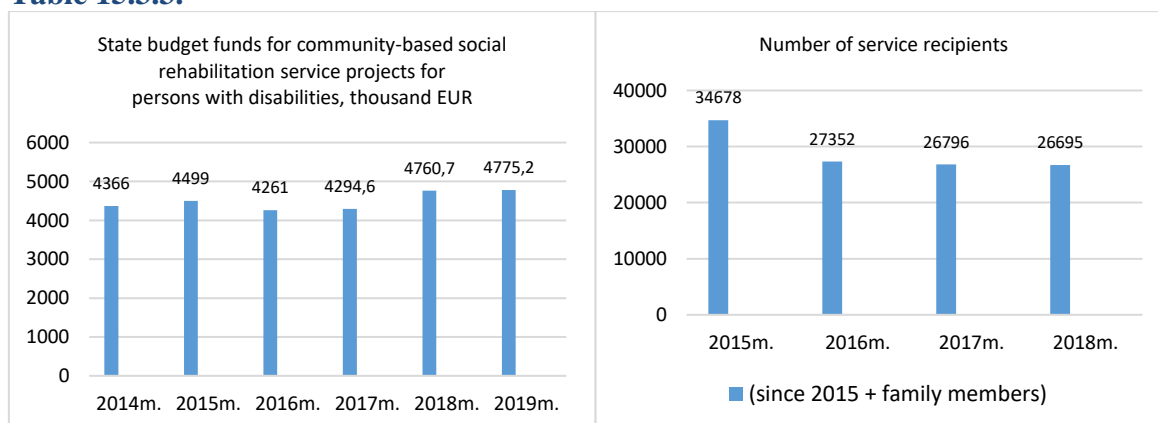
3. Development of the artistic skills of persons with disabilities in hobby groups, associations and clubs (the organisation of cultural and artistic events and events to present the activities of hobby groups, associations and clubs in the same or another municipality can only be a means of achieving the project purposes, but not the main purpose, objective and result of the project).

4. Assistance for family members of persons with disabilities by organising individual emotional assistance and self-help and family support groups for them, teaching them how to take care of persons with disabilities in the family, at home and in social life and how to understand and manage the disabled person’s illness or disability, and assisting them in dealing with the emotional and other problems that the family members of persons with disabilities encounter.

In 2018, 353 projects were funded, and 324 were funded in 2019. Municipal administrations contribute 20 per cent.

In 2018, a total of EUR 5,700,100 from state and municipal budgets were used to implement these projects, of which EUR 4,760,700 came from the state budget (of which EUR 4,574,000 were used to fund projects and EUR 186,700 were used to administer projects selected by municipal administrations), and EUR 939,400 came from municipal budgets.

Table 15.3.3.



In 2018, 12,587 persons with disabilities (11,920 adults and 667 children) received daytime activity services. 12,110 persons with disabilities (11,755 adults and 355 children) received personal assistant services. 4,478 persons with disabilities (4,261 adults and 217 children) received services in various craft hobby groups and clubs, where they learned crafts and how to make various items. 3,738 persons with disabilities (3,432 adults and 306 children) received artistic skill development services in hobby groups, associations and clubs. 2,386 family members received assistance for family members of persons with disabilities.

III. Personal assistant services for persons with physical and complex disabilities are now being provided in municipalities

In implementing Measure No 08.4.1-ESFA-V-416 (Integrated Services for the Family) of priority axis 8 (Increasing Social Inclusion and Combating Poverty) of the Operational Programme for EU Structural Funds Investments for 2014–2020, personal assistant services for persons with physical and/or complex disabilities are now being provided in municipalities. EUR 5 million in European Union funding has been allocated for this service. Municipalities are currently preparing and submitting applications for funding.

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

ARTICLE 18, PARAGRAPH 1

Applying existing regulations in a spirit of liberality

Work permits

In its last conclusion, the Committee noted that a self-employed person does not need a work permit. Such persons are only issued a temporary residence permits. However, according to the report, the Migration Department under the Ministry of Interior decides if a foreigner meets the criteria of a self-employed person. The Committee asked what these criteria were. The report does not answer and the Committee reiterates its question.

In light of the global low rate of refusals indicated above, the Committee considers that the situation of Lithuania complies with Article 18§1 of the Charter. However, the Committee requests the next report to specify the refusal rates of work-related applications introduced by nationals of non-EEA states which are parties to the Charter, compared to other non-EEA nationals.

The definition of self-employed person is established in the **Law on State Social Insurance of the Republic of Lithuania**. According to Art. 1(9), the self-employed persons are the owners of sole proprietorships; members of small associations; full members of partnerships and limited partnerships; persons engaged in individual activities as defined in the Law on Personal Income Tax of the Republic of Lithuania (lawyers, assistants of lawyers, notaries, bailiffs, persons holding business certificates and other persons); natural persons engaged in individual agricultural activity, when the economic size of the agricultural holding or farm according to the calculations made by the State Enterprise Agricultural Information and Rural Business Center for the tax period from 1 January of the previous year until December 31st equal to or greater than 4 economic size units; family members as defined in the Law on Families of the Republic of Lithuania; persons who receive income from copyrights or income from sports or performing arts (except persons referred to in Article 4(1) of this Law).

However, the **Law on the Legal Status of Aliens** of the Republic of Lithuania provides for the possibility to issue a temporary residence permit in the Republic of Lithuania to the alien who engages and intends to continue engaging in lawful activities in the Republic of Lithuania under all these conditions:

- he / she is the participant of a small partnership which, for at least the last 6 months before applying for a temporary residence permit in accordance with the business plan, has been carrying out activities in the Republic of Lithuania;
- the citizens of the Republic of Lithuania, of other Member States of the EU or Member States of the European Free Trade Association or aliens permanently residing in the Republic of Lithuania are the employees of this partnership and their monthly wages and salaries collectively account for at least 2 BDU sizes of the national economy;
- the assets of this partnership amount to at least EUR 28,000, of which at least EUR 14,000 are invested funds or other property of a foreigner, and he / she is the head of this community (Article 45(1(1)) of the Act).

The term "self-employed person" is also used in Article 494(1) of this Law, according to which a foreign national who has completed his / her studies or the researcher who has completed research and experimental development might also obtain a temporary residence permit to seek employment or self-employment, on condition that he / she provides a certificate of completion of his / her research

work and experimental development or the certificate of a higher education qualification to the scientific and study institution.

Also, under Article 45(1(3)), a temporary residence permit may be issued to an alien who pursues and intends to further pursue lawful activity in the Republic of Lithuania as an athlete engaged in high-skill sports or as a coach, who fall under the definitions of the Sports Law of the Republic of Lithuania.

Under Article 45(1(4)), the temporary residence permit may be issued to an alien who is pursuing and intends to continue lawful activities in the Republic of Lithuania when he / she is a performer within the meaning of the Law on Copyright and Related Rights of the Republic of Lithuania and comes to the Republic of Lithuania to engage in performing activities.

Noteworthy, in these cases it is not prescribed that such persons must necessarily derive income from sports or the activities of performer.

Therefore, it can be concluded that the Migration Department under the Ministry of the Interior does not determine the full list of criteria on the basis of which foreign persons are considered to be self-employed. The temporary residence permits are issued to persons who satisfy the conditions for the issue of a residence permit established by the national laws of Lithuania (The Law on the Legal Status of Aliens of the Republic of Lithuania, The Law on State Social Insurance of the Republic of Lithuania, The Law on Sports of the Republic of Lithuania, etc.).

Table 18.1.1.

Year	Work permits issued	Refusals to issue work permit	% of refusals
2015	8899	8	0,09%
2016	19664	27	0,14%
2017	5521	8	0,14%
2018	5237	0	0,00%

The refusal rate is very low due to the fact that in most cases if there are issues with the application documentation provided by employers, that is needed to issue the work permit, (some documents are missing, illegible, etc.), employers choose to withdraw their application for the work permit (via official written request) before the decision to refuse to issue the work permit is made.

ARTICLE 18, PARAGRAPH 4

Right of nationals to leave the country

No information requested.

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

Please provide up-dated information on the statutory framework guaranteeing equal pay for equal work or work of equal value with particular emphasis on the following aspects:

- rules on shifting the burden of proof in cases where pay discrimination is alleged on grounds of sex
- rules on compensation in case of pay discrimination on grounds of sex (are ceilings applicable?)
- does national law and practice provide for pay comparisons outside the company directly concerned?

Since 2015 there has been no legal changes concerning the burden of proof and guaranteeing equal pay for equal work or work of equal value. No ceilings applicable for compensation in case of pay discrimination on grounds of sex.

Please describe the job classification and promotion systems in place as well as strategies adopted and the measures taken to ensure pay transparency in the labour market (notably the possibility for workers to receive information on pay levels of other workers), including the setting of concrete timelines and measurable criteria for progress.

National Programme on Equal Opportunities for Women and Men 2015-2021 has since been approved, together with the associated implementation plans (National Programmes on Equal Opportunities for Women and Men Implementation Plan 2015-2017 and 2018-2021).

The purpose of the National Programme on Equal Opportunities for Women and Men 2015–2021 (Valstybinė moterų ir vyrų lygių galimybių programa 2015–2021) is to ensure a consistent, sophisticated and systematic approach to gender equality issues in all fields, as well as the implementation of the Law on Equal Opportunities for Women and Men (1998), in compliance with EU and international obligations in the field of gender equality.

The National Programme pursues four main priorities:

- Equal opportunities for women and men in the labour market;
- Gender balance in decision-making;
- Gender mainstreaming (especially in culture, education and science, national defence and international obligations);
- Increased management effectiveness.

Gender equality activities are in the priority areas of employment, science and education, healthcare, environmental protection, national defence, decision-making, EU and international cooperation and the development of mechanisms and methods to implement equal opportunities for women and men. The National Programme on Equal Opportunities for Women and Men 2015–2021 aims to promote the integration of the gender equality principle in the following fields: education and science, healthcare, culture, national defence and international cooperation.

Training and awareness-raising campaigns were organised regularly during the last three years by different NGOs dealing with gender equality issues. The National Programme on Equal Opportunities for Women and Men 2015–2021 budgets for training and awareness-raising campaigns. Within the framework of the programme, several institutions organised training for civil servants, diplomats, officers and judges to enhance their ability to work in the field of gender equality. Another training period is envisioned in the National Programme on Equal Opportunities for Women and Men Implementation Plan covering the years 2018–2021.

Please provide statistical data on the gender pay gap (adjusted and unadjusted) for all years of the reference period.

In 2015 in Lithuania, the gender pay gap stands at 14.2 % (the average gender pay gap in the EU is 16.3 %).

In 2016 the gender pay gap in the whole economy excluding agriculture, forestry and fishing enterprises, stood at 13.4% and, against 2015, grew by 0.4 percentage points. The gender pay gap across the EU stood at 16.2% in 2016.

In 2016, the largest gender pay gaps were recorded in enterprises engaged in financial and insurance activities – 38.3, information and communication – 29.9, and human health and social work activities – 26.6%.

The gender pay gap was influenced by social and economic rather than legal factors – number of men and women in a certain economic activity, their occupation, education, age, length of service, and other reasons.

In 2017 The gender pay gap increased in Lithuania, except for agriculture, forest and fishing enterprises, and stood at 14.2% last year, up 0.8%age points, the latest figures from the Statistics Lithuania show.

Factors of social and economic character, and not legal factors, had impact on the increase in the gender pay gap, including the number of men and women working in a specific economic area, their profession, education, age, working time and other reasons.

The biggest pay difference for men and women was last year in the areas of finances and insurance and stood at 38.1%, followed by information and communication companies (28.2%) and healthcare and social work enterprises (28%).

In 2018, the gender pay gap in the whole economy¹, excluding agriculture, forestry and fishing enterprises, stood at 13 per cent and, against 2017, decreased by 1.2 percentage points.

The largest gender pay gaps were recorded in enterprises engaged in financial and insurance activities – 37.3, information and communication – 27.8 and human health and social work activities – 26.9 per cent. In enterprises engaged in transportation and storage and construction activities, average gross hourly earnings exceeded that of men therefore the gap was negative and stood at –10.1 and –3.2 per cent respectively.

The gender pay gap was influenced by social and economic rather than legal factors – number of men and women in particular economic activity, their occupation, education, age, length of service and other reasons.

More data about the gender pay gap in Lithuania: <https://osp.stat.gov.lt/en/informaciniapranesimai?articleId=6397675>.

The Committee notes from a report of European Equality Law Network that a new draft of the Labour Code was under debate in spring 2015 (outside the reference period). The proposed legislation contains a set of measures to ensure greater protection against discrimination based on sex, and to promote equal opportunities at the workplace (the right to request flexible working time arrangements; transparency in remuneration and the duty to establish the equality strategies; quotas on women in management boards; etc.). The same source indicates that, however, some proposals

that affect employees raising children may actually restrict rights, because of the diminished level of protection against dismissal (European Equality Law Network, Sex Equality Dimension in the New Draft Labour Legislation (social model), 26 May 2015). The Committee asks the next report to provide information on the above mentioned legislation and its implementation in relation to equality between women and men.

Paragraph 2 of Article 26 of the Labour Code states that in implementing the principles of gender equality and non-discrimination on other grounds, the employer, irrespective of sex, race, nationality, language, origin, social status, age, sexual orientation, disability, ethnic origin, religion, belief, convictions or views, except for cases when the requirement to the employee in respect of the professed religion, belief or convictions for those working in religious communities, societies or centres, if the requirement to the employee in respect of the professed religion, belief or convictions, taking into account the ethos of the religious community, society or centre, is usual, lawful and justifiable, intention to have a child (children), or on other grounds established in laws, shall be obliged:

- 1) when recruiting employees, to apply equal selection criteria and conditions;
- 2) to provide equal working conditions, opportunities to improve qualification, seek professional improvement, re-train, and acquire practical work experience as well as to provide equal benefits;
- 3) to use equal work evaluation criteria and equal criteria for dismissal from work;
- 4) to pay equal remuneration for the same work or work of the same value;
- 5) to take measures to ensure that at the workplace the employee does not suffer harassment, sexual harassment and that no instructions to discriminate are given as well as that the employee is not subject to persecution and is protected from any hostile treatment or adverse consequences in case of filing a complaint concerning discrimination or participating in proceedings concerning discrimination;
- 6) to take adequate measures to ensure that people with disabilities are provided with conditions to receive a job, to work, to seek career or learn, including appropriate adaptation of premises provided that such measures do not result in a disproportional burden of duties for the employer.

It should be stressed that the level of protection against dismissal has not been diminished. Article 61 of the Labour Code defines the restrictions on the termination of employment contract. Paragraphs 1 and 2 provide the highest protection for pregnant employees. Firstly, an employment contract with an employee who is a pregnant woman during her pregnancy and until the child reaches the age of four months may be terminated by agreement of the parties, on the initiative of the employee, on the initiative of the employer during the trial period, without the will of the parties, and upon expiry of a fixed-term employment contract at the end of its term. The fact of pregnancy of the employee shall be confirmed by providing the employer with a medical certificate of pregnancy. Moreover, from the day when the employer became aware of the pregnancy of the employee to the day when the child reaches the age of four months, the employer shall not be entitled to give the employee who is a pregnant woman a notice of the future termination of the employment contract or to take a decision to terminate the employment contract on any grounds other than those specified in paragraph 1 of this Article. If grounds for the termination of the employment contract have arisen during this period, the employee who is a pregnant woman may be given a notice of the termination of the employment contract, or a decision to terminate the employment contract may be taken only after the end of this period. If an employee is granted a pregnancy or childbirth leave, or a childcare leave during the period until the child reaches the age of four months, the employment contract may be terminated only after the end of such a leave. Therefore, an employment contract cannot be terminated on the following grounds, i.e. on the initiative of the employer due to the fault of the employee (Article 58 of the Labour Code); at the discretion of the employer (Article 59); when the results of the trial are unsatisfactory (paragraph 3 of Article 36) and in case of the bankruptcy of the employer (paragraph 2 of Article 62).

Other groups are less protected under paragraph 3 of the same Article. Employment contracts with employees raising a child (children) aged up to three years may not be terminated on the initiative of the employer in case of no fault of the employee (Article 57 of this Code). Employment contracts with employees who are on a pregnancy and childbirth, paternity or childcare leave may not be terminated at the discretion of the employer (Article 59 of this Code).

It should also be mentioned that paragraph 6 of Article 26 states that an employer whose average number of employees is more than fifty must adopt and, using ways usual in the place of employment, announce measures for the implementation of the principles for the supervision of the implementation and enforcement of the equal opportunity policies.

Moreover, subparagraph 1 of paragraph 2 of Article 23 determines that an employer, who has an average number of twenty or more employees, is obliged upon the request of the work council or, where it is not available, of the trade union operating on the level of an employer, at least once a year, to provide updated information on the depersonalised data on the average remuneration of employees, except for employees holding managerial positions, by profession groups and gender, if a profession group consists of more than two employees.

Furthermore, according to new paragraph 6 of Article 25 of the Labour Code (entered into force on 27 July 2019) the employer shall indicate the amount and / or range of the proposed basic (tariff) wage (hourly wage or monthly salary, or a fixed part of the wage) in the vacancy post, except in cases prescribed by law. This provision was intentionally included in Article which regulates proper informing and protection of confidential information. It contributes to the transparency of employee's right to fair pay and non-discrimination, strengthens the bargaining power of employer.

Finally, paragraph 5 of Article 140 of the Labour Code lays down that the remuneration system must be prepared in such a way so as to avoid any kind of gender-based or other discrimination in its application. Men and women shall receive equal remuneration for the same or equal work. The same work shall mean the performance of a work activity which, based on objective criteria, is the same as, or similar to, another work activity to the extent that both employees can be interchanged without significant cost for the employer. Equal work shall mean a job that, based on objective criteria, is no less qualified and no less important to the employer's pursuit of operational objectives than another comparative job.

In order to implement the new Labour Code and check whether the employers execute their duties according to new regulation, the State Labour Inspectorate under the Ministry of Social Security and Labour carried out special-subject inspections of compliance with the provisions of the Labour Code of the Republic of Lithuania in the area of ensuring the equal rights in the labour relations area. A checklist on ensuring equal rights for women and men in the labour relations area has been prepared and approved by Order of the Chief State Labour Inspector of the Republic of Lithuania. Labour inspectors have used this checklist in their work when carrying out scheduled or non-scheduled spot checks of business entities in the following target areas: information and communications (provision of information services, mobile communications networks), human health care and social work (private clinics, nursing institutions), public catering (restaurants and cafes), security services and transport (public transport, taxi companies). According to the data contained in State Labour Inspectorate's information system for continuous monitoring of working conditions (DSS IS), in 2016 inspectors carried out 54 inspections, in 2017 – 69 inspections, in 2018 – over 60 inspections. Over the period of 2016-2017 no violations were found, whereas in 2018, there were 7 cases when the employer did not fulfil the duty, provided in the Article 26 (6), to adopt and publish, in the ways that are accustomed at the workplace, the measures for implementation of the principles for the supervision of the implementation and enforcement of the equal opportunities policies, and 1 case -

when the employer did not take measures to ensure that at the workplace, the employee does not experience harassment or sexual harassment and no instructions are given to discriminate, and also that the employee is not subject to persecution and is protected from hostile treatment or adverse consequences if he or she files a complaint concerning discrimination or is involved in a case concerning discrimination. In order to eliminate the infringements, inspectors accepted mandatory orders and provided recommendations, which are being controlled.

In addition, the State Labour Inspectorate organized educational seminars and consultations regarding the issues of gender equality in labour relations.

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

Please provide an up-dated description of national law concerning valid reasons of dismissal. As regards dismissal for certain economic reasons, please indicate whether the courts have the competence to review a case on the economic facts underlying dismissals.

Paragraph 2 of Article 57 of the Labour Code states that the **employer has the right to terminate** an open-ended or fixed-term employment contract prematurely for the following reasons:

- 1) the job function performed by the employee has become superfluous due to changes in work organisation or other reasons related to the employer's activities;
- 2) the employee is not achieving the agreed performance outcome according to the performance improvement plan provided for in paragraph 5 of this Article;
- 3) the employee refuses to work under changed indispensable or supplementary employment contract terms or to change the type of working-time arrangements or place of work;
- 4) the employee does not agree to continuity of employment relations in the case that the business or part thereof is transferred;
- 5) a court or body of the employer has taken a decision ending the employer.

As of 1 July 2017 this list should be regarded as an exhaustive.

Paragraph 5 of this Article defines that an employee's performance outcome may serve as reason to terminate an employment contract if the employee was given a written explanation of the performance shortcomings and unachieved personal outcome and if a general performance improvement plan was drawn up covering a period of at least two months and the outcome of the execution of this plan was unsatisfactory.

Moreover, paragraph 2 of the same Article provides that changes in work organisation or other reasons related to the activities of the employer may only serve as reason to terminate an employment contract in the event that they are realistic and determinant to the unnecessary of the job function or job functions performed by a specific employee or group thereof. An employment contract may only be terminated on these grounds if, during the period from the notice of termination of the employment contract to five working days before the end of the notice period, there is no vacancy at the workplace that the employee could be transferred to with his or her consent.

It should be stressed that the Supreme Court of Lithuania in its ruling 3K-3-336-248/2016 stated that the Court (as of 1 July 2017 also the Labour Disputes Commission) has no jurisdiction to assess if reducing the number of employees due to economic reasons is appropriate and reasonable. Only the circumstances and the procedure may be assessed by the Court or the Labour Disputes Commission.

Please indicate what safeguards exist against retaliatory dismissal and dismissal due to temporary absence from work due to illness or injury (e.g time limit on protection against dismissal, rules applying in case of permanent disability and compensation for termination of employment in such cases).

Please indicate what strategies and measures exist or are being introduced to ensure dismissal protection for workers (labour providers), such as "false self-employed workers" in the "gig economy" or "platform economy". Please outline the obligations on employers/labour engagers in this respect.

Please provide an up-dated description of national law and practice as regards compensation and reinstatement in case of unlawful dismissals.

Article 53 of the Labour Code lays down that **an employment contract shall end:**

- 1) upon termination of the employment contract by mutual agreement;
- 2) upon termination of the employment contract on the initiative of one of the parties;
- 3) upon termination of the employment contract at the will of the employer;
- 4) upon termination of the employment contract without the will of the parties;
- 5) upon the death of a natural person who is a party to the employment contract;
- 6) according to the procedure established by the Minister of Social Security and Labour of the Republic of Lithuania when it is impossible to determine the whereabouts of the employer if said is a natural person, or of the employer's representatives;
- 7) on other grounds established in this Code and other laws.

Article 56 defines an exhaustive list of the **valid grounds when an employee may use more favourable procedure and the employer shall pay a severance pay.**

Paragraph 1 determines that an employment contract may be terminated by written resignation of the employee by giving the employer notice thereof at least five working days in advance if:

- 1) the employee has been on idle time without any fault on the part of the employee for more than 30 consecutive days, or for more than 45 days over the past 12 months;
- 2) the employee has not been paid the full remuneration (monthly salary) due for two or more consecutive months, or the employer has failed to fulfil, for more than two consecutive months, the obligations established by the labour law provisions regulating safety and health at work;
- 3) the employee is unable to properly perform his or her job function due to an illness or disability, or due to the fact that he or she is caring for a family member (child/adopted child, father/adoptive father, mother/adoptive mother, husband or wife) at home for whom a special need for permanent nursing or permanent care/assistance has been established in accordance with the procedure established by legal acts;
- 4) an employee working under an open-ended employment contract has reached the statutory age of old-age pension and has acquired the right to full old-age pension while working for that employer.

It should be mentioned that paragraph 2 of this Article states that when terminating an employment contract on the grounds established in this Article, the employer must pay the employee severance pay in the amount of two times the average remuneration or, for employment relationships of less than one year, severance pay in the amount of one average remuneration.

Paragraph 3 of Article 65 states that an employer's decision to terminate an employment contract or confirm the expiry of an employment contract must be expressed in writing. The decision shall specify the basis for termination of the employment contract and the legal provision in which the basis for the termination of the employment contract is specified, as well as the date of termination of the employment relationship.

It should also be stressed that paragraph 6 of Article 65 states that if, on the day of termination of an employment contract (except when the employment contract is terminated by mutual agreement or on the initiative of the employee, upon expiry of the term of a fixed-term employment contract or cessation of the employer), **the employee is temporarily incapable of work** or is on granted leave, the date of termination of the employment relationship shall be postponed until the end of the temporary incapacity for work or leave, or, for employees taking care of a child under the age of 16 who is suffering from a serious illness on the list approved by the Minister of Health of the Republic of Lithuania and the Minister of Social Security and Labour of the Republic of Lithuania – for two more months after the end of the temporary incapacity for work. In this case, the first working day after the end of the temporary incapacity for work or leave, or the first day after the two-month period

following the end of the temporary incapacity for work, shall be deemed to be the date of termination of the employment relationship respectively.

Furthermore, paragraph 1 of Article 60 states that an **employment contract must be terminated without notice:**

- 1) upon entry into force of a verdict or judgement of the court by which an employee is sentenced to a punishment that makes it impossible for him or her to work;
- 2) when an employee, in the procedure established by laws, is deprived of special rights to perform a certain job or to hold a certain position;
- 3) when one of the parents of an employee under the age of 16, or the child's statutory representative, or the child's health care provider, or, during the school year, the school where the child is enrolled, demands that the employment contract be terminated;
- 4) when an employee, according to the conclusions of a healthcare institution, is no longer able to hold this position or perform this work, and does not agree to be transferred to another vacant position or job at that workplace that accommodates his or her health condition, or when such a position or job is not available at that workplace;
- 5) upon returning an employee to work whose place was filled by the employee being dismissed;
- 6) by order of a competent official from an institution carrying out control of illegal work if a case of illegal work by a foreign national is established;
- 7) when the employment contract is in conflict with laws and the contradictions cannot be eliminated, and the employee does not agree to be or cannot be transferred to another vacant position at that workplace.

This list is exhaustive.

It should also be mentioned that paragraph 3 of this Article defines that in the cases established in points 4, 5 and 7 of paragraph 1 of this Article, the employee shall be paid severance pay in the amount of his or her average remuneration for one month or, for employment relationships of less than one year, severance pay in the amount of half of one average remuneration.

Article 218 prescribes decisions **in cases on unlawful suspension or dismissal.**

1. If an employee is suspended from work in the absence of a legal basis, the labour dispute resolution body shall order that the employee be reinstated and paid average remuneration for the period of forced absence and the material and non-material damage incurred.
2. If an employee is dismissed from work in the absence of a legal basis or in violation of the procedure established by laws, the labour dispute resolution body shall take a decision to recognise the dismissal as being unlawful and to order that the employee be reinstated and paid average remuneration for the period of forced absence, from the date of dismissal to the date of enforcement of the decision but no more than one year, and the material and non-material damage incurred.
3. The employee shall be reinstated no later than the next working day after the decision of the labour dispute resolution body on reinstatement becomes effective.
4. If the body resolving the labour dispute on rights establishes that the employee cannot be returned to his or her previous job due to economic, technological, organisational or similar reasons, or because he or she may be provided with unfavourable conditions to work, or when the employer requests that the employee not be reinstated, the labour dispute resolution body shall take a decision to recognise the dismissal as being unlawful, and shall order that the employee be paid average remuneration for the period of forced absence, from the date of dismissal to the date of enforcement of the judgement but no more than one year, and the material and non-material damage incurred. The employee shall also be awarded compensation equal to one average remuneration for every two years of the employment relationship, but no more than six times the employee's average remuneration.

5. The remedy for violation of an employee's rights established in paragraph 4 of this Article must also be applied when requested as such by an employer employing an average of up to 10 employees when a labour dispute resolution body takes a decision to recognise the dismissal of an employee as being unlawful.

6. In the cases referred to in paragraphs 4 and 5 of this Article, the employment contract shall be considered terminated by the decision of the labour dispute resolution body on the day that said becomes effective.

Moreover, it should be stressed that according to paragraph 3 of Article 214 if an employee applies to a labour dispute resolution body regarding an individual dispute on rights, the employer must prove specific circumstances relevant for dispute resolution, and provide evidence if said is available or more easily accessible to the employer. In unfair dismissal cases and cases on unlawful refusal of employment, the employer must prove the lawfulness of the dismissal or the refusal of employment. Other cases may be specified by law where the burden of proof is distributed among the parties to a labour dispute differently.

With regard to false **self-employed workers** it is relevant to stress that paragraph 1 of Article 32 of the Labour Code describes the concept of an employment contract. The employment contract is an agreement between the employee and the employer by which the employee undertakes to perform a job function for the benefit and under the subordination of the employer, and the employer undertakes to pay remuneration therefor. Therefore, there are three mandatory elements: 1) subordination; 2) a work function for the benefit of the employer; 3) remuneration.

Moreover, paragraph 2 of this Article defines that subordination to the employer shall mean the performance of a job function when the employer has the right to control or manage either the entire work process or part thereof, and the employee obeys the instructions of the employer and the procedures in force at the workplace.

These paragraphs are essential in order to qualify the legal relationship as labour relations.

In this regard it should be mentioned that Article 56 of the Law on Employment determines the **illegal work and liability**. Subparagraph 1 of paragraph 1 of the same Article states that illegal work shall mean the work functions performed, for remuneration, by a natural person (an employee), who is subordinate to another person (an employer), for the benefit of the latter, where the employer has not concluded an employment contract in writing according to the established procedure or has not given a notification of the hiring of the employee to a territorial office of the State Social Insurance Fund Board at least one hour prior to the start of the work.

Paragraph 4 of the same Article states that having established that the employer has committed a violation referred to in subparagraph 1 of paragraph 1 above, the State Labour Inspectorate, the State Tax Inspectorate, the Financial Crimes Investigation Service or the Police shall take the following actions irrespective of the formal expression of the activities of the illegal worker and/or the person that has permitted illegal work:

- 1) where the labour relations have not ended – obligate the employer to conclude a written employment contract with the illegal worker and notify the conclusion of the employment contract and the hiring of an employee to a territorial office of the State Social Insurance Fund Board;
- 2) obligate the employer to pay the agreed remuneration for work to the illegal worker, unless the payment has already been made;
- 3) impose a fine on the employer according to a procedure prescribed by this Law between EUR 868 and 2,896 for each illegal worker. If the employer has already been punished for the same violation

during the past 3 years, he shall be liable to pay a fine between EUR 2 896 and EUR 5 792 for each illegal worker.

According to paragraph 8 of Article 56 persons who worked illegally shall have the right to claim unpaid remuneration for work according to the procedure prescribed by the Labour Code of the Republic of Lithuania for the resolution of labour disputes.

Finally, paragraph 9 defines that it shall be deemed, in the cases specified in subparagraphs 2 of paragraph 4 above, that illegal labour relations last for 3 months until the date when the fact of illegal work is established, and the employee is paid the minimum monthly pay set by the Government of the Republic of Lithuania as of such date. This provision shall not apply in cases when the State Labour Inspectorate, the State Tax Inspectorate, the Financial Crimes Investigation Service or the Police or the worker prove that a higher remuneration was paid, or the employer who recognises that the worker was employed illegally proves a shorter period of illegal work.

Obligation to provide valid reasons for termination of employment

The Committee reiterates the request for examples of the national courts' interpretation of the law regulating termination of employment for economic reasons and its question on whether in case of dismissals on economic grounds the courts have the competence to examine the merits of the case or just on points of law.

As of 1 July 2017 the labour disputes concerning unlawful suspension and unlawful dismissal can be heard not only by the Court, but also by the **Labour Disputes Commission**.

Paragraph 1 of Article 220 of the Labour Code states that a participant in an employment relationship who believes that another subject of labour law has violated his or her rights as a result of non-fulfilment or improper fulfilment of labour law provisions or mutual agreements must apply to a labour dispute commission with an application to resolve the labour dispute on rights within three months or, in cases of unlawful suspension, unlawful dismissal or breach of a collective agreement – within one month of when he or she found out or should have found out about the violation of rights.

There are exceptions when the disputes shall be heard directly at the Court, e.g.:

- a) Paragraph 2 of Article 105 of the Labour Code states that disputes on refusal to conclude an employment contract, as well as on the legality of the termination of an employment contract, as well as on non-fulfilment/improper fulfilment of civil rights and obligations on the part of the head of a juridical person shall be settled in court.
- b) Paragraph 3 of Article 220 defines that a labour dispute on rights related to a strike or a lockout must be settled directly in court.

It should be emphasized that both the Court and the Labour Disputes Commission have the competence to examine the merits of the case. Paragraph 3 of Article 231 of the Labour Code also states upon filing a claim to the court, the court shall hear the labour dispute on rights on the merits, applying the specifics of labour case resolution established in the Code of Civil Procedure of the Republic of Lithuania. The party to the labour dispute that filed the claim to the court shall be called the claimant, and the other party – the respondent.

Prohibited dismissals

It asks for the next report to provide a full and up-to-date description of the situation.

Article 61 of the Labour Code defines the **restrictions on the termination of employment contract**. Paragraphs 1 and 2 provides the highest protection for pregnant employees. Firstly, an employment contract with a pregnant employee during her pregnancy and until the baby reaches four months of age may be terminated by mutual agreement, at her initiative, at her initiative during the trial period, in the absence of the will of the parties to the contract, or when a fixed-term employment contract expires. The fact of an employee's pregnancy is confirmed by presenting a doctor's maternity certificate to the employer. Moreover, from the day the employer finds out about an employee's pregnancy until the day her baby turns four months old, the employer may not give notice to the pregnant employee about impending termination of the employment contract or take a decision to terminate the employment contract on grounds other than those specified in paragraph 1 of this Article. If grounds for terminating the employment contract emerge during this period, the pregnant employee may be given notice about termination of the employment contract or a decision to terminate the employment contract may be taken only after this period is over. If an employee is granted pregnancy and childbirth leave or child care leave during the period when her baby is under the age of four months, the employment contract may only be terminated once this leave is over. Therefore, an employment contract cannot be terminated on the following grounds, i.e. on the initiative of the employer due to the fault of the employee (Article 58 of the Labour Code); at the will of the employer (Article 59); when the results of the trial are unsatisfactory (paragraph 3 of Article 36) and in case of the bankruptcy of the employer (paragraph 2 of Article 62).

Other groups are less protected under paragraph 3 of this Article. An employment contract with an employee raising a child/adopted child under the age of three cannot be terminated on the initiative of the employer without any fault on the part of the employee (Article 57 of this Code). An employment contract with an employee on pregnancy and childbirth leave, paternity leave or child care leave cannot be terminated at the will of the employer (Article 59 of this Code).

Moreover, paragraph 4 of the same Article determines that an employee who has been enlisted for compulsory military service or an alternative national defence service may not be dismissed from work at the will of the employer or on the initiative of the employer without any fault on the part of the employee.

Furthermore, it should be stressed that paragraph 2 of Article 45 states that an employee's refusal to work for a reduced salary may not be considered a legitimate reason to terminate an employment contract.

Remedies and sanctions

The Committee notes that there have been no changes to the situation which it has previously (Conclusions 2012 and 2008) considered to be in conformity with the Charter.

The Committee recalls that Article 24 of the Revised Charter requires that courts or other competent bodies are able to order adequate compensation, reinstatement or other appropriate relief. Compensation in case of unlawful dismissal is considered appropriate if it includes reimbursement of financial losses incurred between the date of dismissal and the decision of the appeal body. The Committee further recalls that (Statement of interpretation on Article 8§2 and 27§3, Conclusions 2011) compensation for unlawful dismissal must be both proportionate to the loss suffered by the victim and sufficiently dissuasive for employers. Any ceiling on compensation that may preclude damages from being commensurate with the loss suffered and sufficiently dissuasive are proscribed. If there is such a ceiling on compensation for pecuniary damage, the victim must be able to seek compensation for non-pecuniary damage through other legal avenues, and the courts competent for awarding compensation for pecuniary and non-pecuniary damage must decide within a reasonable time.

The Committee asks if the legislation complies with this approach.

Firstly, it should be stressed that as of 1 July 2017 both the Court and the Labour Disputes Commission have jurisdiction to hear labour disputes concerning unlawful dismissal.

According to the new Labour Code of the Republic of Lithuania which entered into force on 01/07/2017 a new function of solving cases of unlawful dismissals was delegated to the labour disputes commissions. Labour dispute commissions are permanent bodies operating under the territorial offices of the State Labour Inspectorate. A labour dispute commission is composed of three members: the labour dispute commission chairperson and trade union and employers' organisation representatives appointed from the trade unions and employers' organisations operating within the jurisdiction of the territorial office of the State Labour Inspectorate.

According to the Article 218 of the Labour Code, if an employee is dismissed from work in the absence of a legal basis or in violation of the procedure established by laws, the labour dispute resolution body shall take a decision to recognise the dismissal as being unlawful and to order that the employee be reinstated and paid average remuneration for the period of forced absence, from the date of dismissal to the date of enforcement of the decision but no more than one year, and the material and non-material damage incurred. The employee shall be reinstated no later than the next working day after the decision of the labour dispute resolution body on reinstatement becomes effective.

If the body resolving the labour dispute on rights establishes that the employee cannot be returned to his or her previous job due to economic, technological, organisational or similar reasons, or because he or she may be provided with unfavourable conditions to work, or when the employer requests that the employee not be reinstated, the labour dispute resolution body shall take a decision to recognise the dismissal as being unlawful, and shall order that the employee be paid average remuneration for the period of forced absence, from the date of dismissal to the date of enforcement of the judgement but no more than one year, and the material and non-material damage incurred. The employee shall also be awarded compensation equal to one average remuneration for every two years of the employment relationship, but no more than six times the employee's average remuneration.

The statistical information of the labour disputes commissions practice solving labour cases of unlawful dismissals:

In 2017 (since the 1 of July) labour dispute commissions received 169 requests to admit termination of labour contracts as unlawful. ~ 40 % of requests were recognized by labour dispute commissions as unlawful dismissal, 20% requests were rejected as unreasonable and 40 % of labour disputes of termination of labour contract were completed by a written settlement agreement on resolution of the labour dispute.

During the year of 2018 labour dispute commissions solved 530 labour cases of termination of labour contracts. 27 % of such requests were recognized as unlawful dismissals.

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

No information requested.