



DECENT WORK CHECK

LITHUANIA 2023

Iftikhar Ahmad

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

The Authors

Iftikhar Ahmad works as Labour Law Specialist with WageIndicator Foundation. He is the founder of the Centre for Labour Research which is the global labour law office of the WageIndicator Foundation. He can be contacted at iftikharahmad@wageindicator.org

Acknowledgements

Many people contributed to the development of the Decent Work Check as a tool and to this Check for Lithuania. Those who contributed to the development of tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13 and made the work more legally robust. Daniela Ceccon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online through building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the WageIndicator global labour law office (headed by Iftikhar Ahmad), which works on Decent Work Checks since 2012. The Minimum Wages Database, developed by Kea Tijdens, is supported by Paulien Osse, Kim Chee Leong, and Martin Guzi. Khushi Mehta updated the Minimum Wages Database before 2020.

Minimum Wage Database and Labour Law Database are maintained by the Centre for Labour Research, Pakistan, which works as WageIndicator Labour Law office. The team comprises Iftikhar Ahmad (team lead), Ayesha Kiran, Ayesha Mir, Seemab Haider Aziz, Sobia Ahmad, Shanza Sohail, and Tasmeena Tahir. The country update in 2023-24 was done by Shanza.

Bibliographical information

Ahmad I (2023) *Lithuania Decent Work Check 2023*. Amsterdam, WageIndicator Foundation, December.

For an updated version in the national language, please refer to <https://mysalary.lt/>

Copyright 2023 by WageIndicator Foundation. All rights reserved.

WageIndicator Foundation, 2023

Address: Mondriaan Tower, 17th floor, Amstelplein 36, 1096 BC, Amsterdam, The Netherlands.

Email office@wageindicator.org

TABLE OF CONTENTS

INTRODUCTION	1
MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR.....	2
01/13 WORK & WAGES	3
02/13 COMPENSATION.....	6
03/13 ANNUAL LEAVE & HOLIDAYS	10
04/13 EMPLOYMENT SECURITY	13
05/13 FAMILY RESPONSIBILITIES.....	19
06/13 MATERNITY & WORK	23
07/13 HEALTH & SAFETY	26
08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT	29
09/13 SOCIAL SECURITY	33
10/13 FAIR TREATMENT	37
11/13 MINORS & YOUTH	40
12/13 FORCED LABOUR.....	43
13/13 TRADE UNION.....	46
QUESTIONNAIRE.....	50

INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Principles and Procedure of Determination of the Minimal Remuneration for Work
2. Labour Code 2016
3. Law on Sickness and Maternity Social Insurance 2000
4. Law on Occupational Safety and Health 2003
5. Regulation of the Supply of Workers with Personal Protective Equipment (2007)
6. Law on State Labour Inspectorate, 2003
7. Law on Social Insurance of Occupational Accidents and Occupational Diseases 1999, last amended in 2014
8. Law on State Social Insurance Pensions 1994, last amended in 2012
9. Social Insurance Unemployment Law 2005
10. Constitution of Lithuania 1992, last amended in 2006
11. Equal Opportunities Act for Women and Men 1998, last amended in 2012
12. Equal Opportunities Act 2003, last amended in 2008
13. Criminal Code 1968, last amended in 2014
14. Law on Trade Unions 1991, last amended in 2013

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Lithuania in Lithuanian, please refer to: <https://mysalary.lt/>

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Lithuania has ratified the Convention 131 only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Principles and Procedure of Determination of the Minimal Remuneration for Work
- Labour Code 2016

Minimum Wage

Minimum wage in Lithuania is set by the Government on the recommendation of the Tripartite Council which is composed of representatives from Government (four relevant ministries), employer and employee representatives (four members each) and three independent experts. Upon the recommendation of the Tripartite Council, the Government may establish different minimum rates of hourly pay and monthly wage for different sectors of economy, regions or categories of employees. Minimum wage is set while taking into account the wage level in the previous year, average wage level in the country, need of workers and their families, cost of living/Consumer Price Index, economic development, productivity, size of the private sector, level of employment and the capacity of the employers to pay. Under the amended Labour Code 2017, minimum wage can be paid only for unskilled labour.

Minimum wage can also be set through collective bargaining, provided that it is not lower than the minimum wage set by the government.

Compliance with provisions of Labour Code is the responsibility of the State Labour Inspectorate. Trade union also has the responsibility to play a role in implementation of the minimum wage rates. In the case of non-payment of minimum wage (set by government or

under collective agreement), a fine is imposed on the employer. Such sanctions are part of the Lithuanian Administrative Violations Code.

Sources: §8 & 12 of Principles and Procedure of Determination of the Minimal Remuneration for Work; §141 of Labour Code 2016; §99 of the [Code of Administrative Offenses of the Republic of Lithuania No. XII-1869](#), 2017

Regular Pay

A wage is defined as remuneration for work performed by an employee under a contract of employment. A wage comprises the basic salary and all additional payments directly paid by the employer to an employee for the work performed. The wage of an employee depends upon the amount and quality of work, the results of the activities by the enterprise, establishment or organisation as well as the labour demand and supply on the labour market.

Wages must be paid to employees at least twice a month or once a month on the request of an employee. Labour Code requires that wages be paid in cash. All the employees must be given pay slips by the employer indicating gross pay, take-home pay and deductions, as well as the duration of the time worked by the employee, specifying the duration of overtime work. The specific time periods, place and procedure of wage payment is specified in collective agreement or contract of employment.

A deduction in wages may be made only in accordance with the law (to recover debt, advance loan, etc.). The total amount of deductions from the wage should not

exceed 20% of the minimum monthly wage established by the Government in the normal cases. In certain cases, up to 50% deductions are allowed.

Sources: §139, 140, 144-150 of Labour Code 2016

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Lithuania has ratified both the Conventions 01 and 171.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Code 2016

Overtime Compensation

The normal working hours are 8 hours a day and 40 hours a week. The maximum working hours including overtime should not exceed 48 hours over a 7-day period. For workers employed in more than one workplace or having an additional job contract in the same workplace, the daily working time (including breaks to rest and to eat) may not exceed 12 hours. Labour Code earlier did not have any provision regarding flexible working schedule. Under the amended Labour Code 2017, flexible working schedules are allowed where an employee may set the work schedule.

The duration of working hours of the specific categories of employees (of health care, care (custody), child care institutions, energy, specialized communications services and specialized accident containment services as well as other services that operate in uninterrupted regime/standby duty (the list approved by the Government) as well as of persons on duty in premises may be up to 24 hours per day. The working time of such employees must not exceed 48 hours per seven-day period and the rest period between working days must not be shorter than 24 hours.

There is also provision for shorter working hours for certain categories of workers which include young workers (under 18 years of age), workers engaged in the dangerous or harmful working environment where the concentrations of hazardous factors exceed the permissible marginal amounts, night workers, and workers whose work involves heavy

emotional or mental strain. In these cases, the weekly work time should not exceed 36 hours per week. It is pertinent to mention here that decreased working hours do not mean reduced pay. These workers are paid wages equal to (and sometimes even higher than) those of other workers.

Overtime work is the work in excess of general working hours (40 hours a week, 36 hours a week, working time fixed for part-time workers and 12 hours a day/48 hours a week in the case of summary recording of working time). Employers can assign overtime work only in exceptional cases and that is also subject to the written request or consent of an employee.

An employer may assign overtime work in the following exceptional cases: work is necessary for national defence and for preventing accidents or dangers; work is needed for the public at large, also when eliminating incidental and unexpected consequences as a result of accidents, natural disasters; in order to finish the work which could not have been finished during the working time in the present technical production conditions because of an unforeseen or accidental obstacle, if production materials may get spoiled or work equipment may break down as a result of an interruption in work; work is related to repairs and renovation of mechanisms or equipment, if many workers would have to interrupt their work due to the breakdown of the said mechanisms and equipment; another shift worker fails to arrive at the workstation, if working process may be impeded because of this; in such cases the administration must immediately, but not later than in the middle of the shift replace the shift worker by another employee; to perform loading and unloading operations and related transportation work, when it is necessary to

vacate warehouses of transport enterprises, as well as to load and unload means of transportation in order to avoid the accumulation of freight in dispatch and destination points and idle vehicle time; and in other cases as provided for in the collective agreement.

An employee's overtime work must not exceed four hours in two consecutive days and 120 hours per year. A different annual duration of overtime hours can be set under a collective agreement which should not exceed 180 hours per year. Work, in excess of general working hours, of administrative officials is not considered overtime work. Under the amended Labour Code 2017, the overtime limits are changed as following: 8 hours per 7 consecutive days; 12 hours in 7 consecutive days given employee's consent in writing; and 180 hours per year unless longer hours are approved under a collective agreement. The average maximum working hours inclusive of overtime cannot exceed 48 hours per week over a 3-month period.

Overtime is paid at least 150% of the average wage per hour. Under the amended Labour Code 2017, Overtime rate for night workers is set as at least double (200%) the normal rate.

In line with the Law No. XIII-2341, it is the duty of an employer to record deviation from normal working time, which includes overtime, night work, work on public holidays. Employers are further required to keep record of the working time of the employees.

Source: §111-121 & 144 of Labour Code 2016; §35 & 56 of Law No. XIII-2341; <https://www.e-tar.lt/portal/legalAct.html?documentId=ac337310af9d11e98451fa7b5933515d>

Night Work Compensation

Night work is the work performed between 20:00 to 06:00, when at least three working hours are performed during this interval of time. Working time at night is reduced by one hour. Thus, the daily working hours for night workers are 7 hours per day. The working time is not reduced at night in case of continuous production, as well as in cases where an employee has been expressly recruited to perform work at night. Under a 2020 reform in the Labour Code, the working hours for night workers whose work involve special hazards or physical work may not work more than 8 hours in a 24-hour period.

Employees working at night may receive free health assessments in accordance with the procedure by the Government, and also on their request. Night work is prohibited for employees who have been found to be unfit for night work by a healthcare institution. If it is established that work at night has harmed or may cause harm to the employee's health, the employer must, on the basis of the conclusion of a healthcare institution, transfer the employee to perform day work only.

Night work is paid at the rate of at least 150 % of the employee's wage (basic salary plus all additional payments).

Source: §117, 120 and 144 of Labour Code 2016

Compensatory Holidays / Rest Days

In extraordinary circumstances, workers may perform work on weekly rest day or public holiday. It is compensated for by granting to the employee another rest day during the month or by adding that day to

his annual leave and paying his average wage for these days.

Sources: §144 of Labour Code 2016

Weekend / Public Holiday Work Compensation

A worker may be required to work on a weekly rest day or public holiday, which is not provided under the work schedule. In such circumstances, he/she is entitled to double the usual salary for that day, i.e., he/she is entitled to 200% of the normal wage for working on a weekly rest day and a public holiday. If a worker has to work overtime on a public holiday, the compensation is 250% of the normal rate.

Sources: §144 of Labour Code 2016

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Lithuania has ratified the Conventions 14 and 47 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Code 2016

Paid Vacation / Annual Leave

Annual leave is granted to the employees for rest and rehabilitation of working capacity, whereby his job (position) and the average wage are retained.

The Labour Code provides annual leave of 28 calendar days to the workers on completion of an uninterrupted service of six months. Under the amended Labour Code 2017, annual leave is changed to 20 working days (for those working 5 days a week) and 24 working days (those working 6 days a week). The part-time employees are also eligible for annual leave of at least 28 calendar days. Annual leave is independent of public holidays.

The annual leave is 35 calendar days for the employees under eighteen years of age, employees who are alone raising a child under fourteen years of age or a disabled child under eighteen years of age; disabled persons and other persons specified by different laws.

Annual leave can be extended to 58 days for a list of categories of employees including employees whose work involves greater nervous, emotional and intellectual strain and professional risk, as well as to those employees who work in specific working conditions. Government approves a list of categories of employees who are eligible for extended leave and thus specifying the duration of such extended leave for each category of employees.

There is also provision for additional leave which is granted to the employees working under the conditions deviating from the normal working conditions; employees with long uninterrupted employment at the same workplace (seniority); and employees for a specific character of work. Government is responsible for deciding the duration of additional annual leave, the terms and conditions as well as the procedure for providing it.

Law allows splitting of annual leave and it may, at the request of the employee, be taken in instalments but it may not be shorter than 14 calendar days. By the agreement between the parties, the annual leaves can be extended by an appropriate number of days (if worker was unable to take leave for reasons specified under the law) and the unused portion of annual leave is carried forward to some other time. As a rule, annual leaves should be granted in the same year but at the request or with the consent of the employee, unused leaves can be transferred and added to the next year's annual leave.

Employees receive an average wage during the term of annual leave. Workers receive the payment for annual leave at least 3 days before its commencement. Under the amended Labour Code 2017, payment for annual leave must be made no later than the last working days before the commencement of annual leave. Workers cannot receive compensation in lieu of annual leave except in case of contract termination before worker could avail annual leave. Law however restricts availing of compensation for unused leave to the maximum of three years. Workers can also receive compensation in lieu of leave if they do not want to go on annual leave.

The Resolution No. 496 has introduced the concept of additional annual leave for the workers who have completed ten years of service at the same workplace. The workers who have worked for more than ten years at the same workplace are granted three days of extra annual leave. One extra day of annual leave is added for each five subsequent years of service at the same workplace. The workers who are working in high occupational risk environment are entitled to take additional leave of two to five days depending upon high risk working environment.

Labour Code stipulates an unpaid leave of up to ten working days per year at the request of the employee and with the consent of the employer, as well as other unpaid leave granted as specified in Article 137 (1) of the Labour Code.

Source: §126-130 and 138 of Labour Code 2016; Resolution No. 496 of 21 June 2017

Pay on Public Holidays

In Lithuania, there are 14 public holidays. These are both of religious and memorial nature. These holidays are New Year's Day (January 01); Day of Re-establishment of the State of Lithuania (February 16); Day of Re-establishment of Lithuania's Independence (March 11); Easter and Easter Monday (Western Church); the International Labour Day (May 1); Mothers' Day (first Sunday in May); Fathers' Day (First Sunday of June); Dew (Rasos) and St John's Day (June 24); Day of the State (Coronation of King Mindaugas) (July 6); Assumption Day (August 15); All Saints' Day (November 1); Christmas Eve's Day (December 24); and Christmas days (December 25 and 26).

Earlier, the Labour Code required shortening of working time by 1 hours on the eve of public holidays. Under the amended Labour Code 2017, shortening of working hours is not possible on the eve of public holidays.

Sources: §123 of Labour Code 2016

Weekly Rest Days

The Labour Code provides two weekly rest days (Saturday and Sunday) to workers engaged in a five-day work week. In cases where the nature of the production demands 06 working days, only one-day weekly rest is allowed, provided that the weekly rest day has duration of at least 35 consecutive hours.

In general, Saturday and Sunday are the weekly rest days for workers employed in a five-day week and Sunday for workers employed in a six-day week.

Workers are entitled to a rest break of at least 30 minutes (maximum two hours) for rest and eating. Rest breaks should be provided not later than after working 5 hours. During the lunch break, worker may leave the workplace. The daily rest period is at least 11 consecutive hours.

The special breaks will be given to the worker who is working outdoors in occupational risk, working in heavy physical, work outside in very high or low temperatures and heavy work involving high levels of mental stress. The purpose of breaks is to increase productivity, capacity and protect worker from fatigue or overwork, reducing the potential for harmful and or hazardous work impact of environmental factors.

Sources: §14, 122 and 124 of Labour Code 2016; Resolution No. 160 of 2003

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Lithuania has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Code 2016

Written Employment Particulars

Labour Code defines an employment contract as an agreement between an employee and an employer whereby the employee undertakes to perform work of a certain profession, specialty, qualification or to perform specific duties in accordance with the work regulations established at the workplace, whereas the employer undertakes to provide the employee with the work specified in the contract, to pay him/her the agreed wage and to ensure working conditions as set in labour laws, other regulatory acts, the collective agreement and by agreement between the parties.

The parties to a contract of employment must agree on the following substantive terms: the employee's place of work (a company, branch etc.), the work to be performed or position and remuneration. The contract of employment may not establish the terms on working conditions that are less favourable to the employee than those provided by the Labour Code, laws, other regulatory acts and the collective agreement.

Employment contracts must be in written form and in accordance with the model form established by the law. However, if an employee has actually started work pursuant to a verbal agreement with the employer, the employment contract is considered to be concluded and must be executed in written form. The employer is required to register each employment contract or any amendments in the registration book of employment contracts

within the company. A written employment contract is drawn up in duplicate and employer is required to hand over this second copy of contract along with an identity card (work certificate) to the employee before actual commencement of work. The model form of employment contract and identity card is determined by the Government. An employment contract which is not in the written form or which lacks the features of an employment as specified above (lack of necessary information) is considered an illegal contract.

Under the EU Directive 2019/1152 on transparent and predictable working conditions, the Labour Code is amended. There are additional aspects of the employment relationship which the employee must be informed of in written form prior to the commencement of work. These include, among others, the following: the duration and conditions of the probation period; the procedure for the termination of the employment contract; the procedure for determining and payment of overtime and, if applicable, the procedure for adapting work schedules (shifts); the right to training services, if granted by the employer.

Sources: §32-34 and 41-44 of Labour Code 2016

Fixed Term Contracts

Employment contracts may be concluded for an indefinite period of time or for a fixed period of time if work is of temporary nature. The Labour Code explicitly stipulates that normally a contract of employment is concluded for an indefinite period of time (open-ended employment contract).

The law prohibits concluding a fixed-term employment contract if the work is of permanent nature except in the cases when this is provided by laws or collective agreements. Under the 2017 amended Labour Code, fixed term contract for permanent positions can be concluded however these should not exceed 20% of the total employment contracts concluded by the company.

A fixed-term contract of employment may be concluded for a certain period of time or for the period of the performance of certain work but not more than 5 years. A seasonal contract of employment is concluded for the performance of seasonal work that due to natural and climatic conditions is not performed all year round but during certain periods (seasons) not exceeding 8 months (in the period of 12 successive months) and is entered to the list of types of seasonal work. A temporary contract of employment is a contract concluded for a period not exceeding 2 months. The Government establishes the list of types of seasonal work, the circumstances under which a temporary employment contract may be concluded and other peculiarities of both types of contracts of employment.

If the term of a contract of employment has expired, whereas employment relations are actually continuing and neither of the parties has, prior to the expiry of the term, requested to terminate the contract, it is considered extended for an indefinite period of time. Similarly, if a new fixed term contract is signed within one month of the expiry of an earlier fixed term contract, employment contract is deemed to have been concluded for an indefinite period.

Now, the types of employment contract enumerated under the Labour Code include indefinite term employment contract; fixed

term employment contract; temporary work employment contract; zero-hour employment contract; employment contract for project work; job sharing employment contract; employment contract with several employers; apprenticeship employment contract; and seasonal work employment contract.

Under the earlier provisions, the maximum length of fixed term contract was 5 years however under the amended Labour Code, the maximum duration has been reduced to 2 years. There are still several exceptions to the limit and where the limit is set as 5 years.

Article 41(4) of the Labour Code, amended in 2020, allows employers to conclude (unlimited number fixed-term contracts with the employee, if such worker is temporarily filling a vacant post, which should be filled by way of public competition.

Sources: §66-110 of Labour Code 2016

Probation Period

On conclusion of an employment contract, parties may agree on a trial period to judge the employee suitability for work and work suitability for an employee. Probationary/trial period may not last longer than 3 months. Employee's absence from work is not included in the probationary period.

Under the EU Directive 2019/1152 on transparent and predictable working conditions, the Labour Code is amended. If a fixed-term employment contract is concluded for a period shorter than 6 months, the probation period must be

proportional to the term of the contract, respectively shorter than three months.

Either party may terminate the employment contract during probationary period after giving a written notice of 3 working days in advance. If employee is not satisfied with the results of the trial period, he/she is entitled to terminate the employment contract during the trial period by giving the employer written notice of 3 working days in advance.

Law does not differentiate between the job types and a single type of probationary period is applied for all types of work although parties have the option to agree on a shorter period.

Probationary period is not required in the case of workers under 18 years of age, workers hired to a post by competition or election or who have passed a qualification examination for a post; workers who are transferred by agreement between the employers and in other cases specified by the Law.

Source: §36 of Labour Code 2016

Notice Requirement

An employment contract is terminated on the grounds established under the law; on liquidation of employer without legal successor; on death of an employee; and if the whereabouts of employer or his representatives cannot be determined. An employment contract may also be terminated by agreement between the parties.

In the case of redundancy, the employment contract can be terminated with one month's notice and, if the employment

relationship lasted for less than one year, two weeks' notice. These notice periods are doubled for workers with less than five years left until retirement age and tripled for workers raising a child under the age of fourteen and workers raising a disabled child under the age of eighteen, as well as for pregnant workers, disabled workers and workers with there are less than two years left until retirement age.

Earlier, a contract of employment could be terminated on mutual agreement after serving 7 calendar days' notice to accept the offer of termination. The period is now changed to 5 working days.

Notice period is regulated under the Labour Code and its duration depends on the status of an employee. The contract termination notice is two months (in general cases) to four months (in certain cases) and is delivered in writing. The four-month notice is served to employees who will be entitled to full old-age pension in not more than five years; persons under 18 years of age; disabled persons or employees raising children under 14 years of age.

Contract termination notice must include reasons for dismissal from work and motivations for the termination of the employment contract, the date of dismissal, and the procedure for settling accounts with the employee being dismissed.

During notice period, workers are granted at least 10% of their average working hours to search for the new job. Time off can be adjusted by the mutual agreement and employee remains entitled to his average wage.

An employee may terminate an indefinite contract of employment as well as a fixed-term employment contract prior to its expiry by giving the employer written notice thereof at least 14 working days in advance. Under the amended Labour Code, the notice period is changed to 20 calendar days. In this case the employer must execute the termination of the employment contract and settle accounts with the employee. A collective agreement may set a different notice period which should not exceed one month.

In some cases, an employee may terminate an indefinite contract of employment by giving notice of at least 3 days in advance. This is the case if the request to terminate the employment contract is justified by the employee's illness or disability or where the employer fails to fulfill the obligations under the employment contract, laws or the collective agreement or there is long-lasting idle time at the employee's workstation. In such cases, the notice period has been extended from 3 to 5 days. An employee may terminate an employment contract after serving 14 days notice if he/she has become entitled to full old age pension while working in that enterprise.

An employee may withdraw an application to terminate the contract within three days of its submission. Thereafter, it can be done only with employer's consent.

There is no clear provision on whether an employee receives compensation in lieu of notice. An employee may not be served notice of termination on the ground of membership in a trade union or involvement in the activities of a trade union beyond the working time or, with the consent of the employer, also during working time; performance of the functions

of an employees' representative at present or in the past; participation in the proceedings against the employer charged with violations of laws, other regulatory acts or the collective agreement, as well as application to administrative bodies; gender, sexual orientation, race, nationality, language, origin, citizenship and social status, belief, marital and family status, convictions or views, membership in political parties and public organisations; age; and absence from work when an employee is performing military or other duties and obligations of the citizen of the Republic of Lithuania in the cases established by laws.

Labour Code has been amended in 2017. From 1 July 2017, employers may terminate an employment contract without worker's fault due to the following reasons: worker fails to meet the agreed targets; worker's function is no longer required; employer ceases its business activity; refusal of the employee to continue employment after business transfer; and the refusal of employee to change the terms of employment, workplace, etc. In these cases, the standard notice period is now established as one month. If the length of employment is less than one year, required employment termination notice is 2 weeks.

In cases other than those specified above, employment contract may be terminated by the employer after serving a 3-business-days written notice and paying the worker a severance pay of at least 6 months. However, pregnant workers and employees on maternity, paternity or child care leave cannot be dismissed on this basis. An employment contract of indefinite duration and a fixed-term employment contract may be terminated by written notice of employment to the employer at least twenty calendar days in advance.

These notice periods are increased three times in the following cases: employees raising a child under 14 years of age; employees raising a disabled child under 18 years of age; disabled employees; and for those employees who will be entitled to old-age/retirement pension in 2 years.

Notice period is doubled for workers who will be entitled to pension in 5 years.

There used to be no notice period for termination of fixed term contracts. However, under the amended Labour Code, the notice period is 5 working days if the employment lasted more than one year and 10 working days if the employment lasted more than three years.

Source: §53-65 of Labour Code 2016

Severance Pay

Upon the termination of the employment contract, the dismissed employee is paid a severance pay in the amount of his average monthly wage which depends on the length of his/her service in the enterprise. Employees are entitled to severance pay for individual (no-fault) dismissal and on liquidation of employer: one month's average wage for less than 1 years of service; two months' average wage for 1-3 years of service; three months' wage for 3-5 years of service; four months' average wage for 5-10 years of service; five months' average wage for 10-20 years of service; and six months' average wage for over 20 years of service.

Severance payment is not made if an employee terminates an employment contract of his own accord or termination of an employment contract on its expiry or

termination by agreement. Other than above mentioned cases, severance pay is two months' wages unless otherwise provided under the law or collective agreement.

Labour Code has been amended in 2017. From 1 July 2017, the severance pay is two average monthly salaries for those with one or more years of service. If the length of service is less than one year, severance pay is equivalent to half of his average monthly salary. Other than this amount, the dismissed employees also receive severance pay through a special state fund where the amount of severance pay depends on the continuous length of employment. This payment is as follows: one-month average salary when the length of employment is 5-10 years; two months' average salary when the length of employment is 10-20 years; and three months' average salary when the length of employment is 20 or more years.

There used to be no compensation on termination of fixed term contracts however under the amended Labour Code, workers are now entitled to one average monthly salary if the length of fixed term contract exceeds two years.

An employer has, with certain exception, the right to terminate the employment contract with an employee for reasons other than those specified in the Labour Code, by giving three working days' notice and paying a severance equal to at least six months' average salary. However, this provision cannot be used to terminate an employment contract on the basis of prohibited grounds of discrimination.

Source: §56-62 & 69 of Labour Code 2016

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Lithuania has ratified the Convention 156 only.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Code 2016
- Law on Sickness and Maternity Social Insurance 2000

Paternity Leave

New fathers are granted a paternity leave of 30 calendar days on the birth of a child. The leave can be divided into two parts only and taken at any time after the birth of the child till the child turns one year. In order to be entitled for paternity benefit, a person must be insured for maternity and sickness social insurance and has a period of maternity social security of at least 6 months in the previous 24 months.

Paternity benefit is paid for the period of paternity leave (day of childbirth until the child is one month old). During the term of paternity leave, workers are entitled to 77.58% of their average income.

Sources: §133 of Labour Code 2016; §19-21 of Law on Sickness and Maternity Social Insurance 2000

Parental Leave

Parental leave is granted to the parents/guardian of a child up to his third birthday, provided that the employee should inform the employer in written (giving 14 days' notice) that he is intending to avail the leave or is returning to work. In case of adoption, parental leave of 3 months is granted. Parental leave is a family entitlement. Parental leave may be taken as a single period or distributed in portions. Each parent (adoptive parent, guardian) is entitled, at any time before the child

reaches the age of 18 or 24 months, to take a non-transferable two-month part of the parental leave. This non-transferable leave may be taken by each parent (adoptive parent, guardian) either in whole or in parts, alternately with the other parent (adoptive parent, guardian). However, it cannot be taken at the same time. Depending on the different durations of parental leave in law, the amount of child care allowance varies.

The parental benefit is paid for a maximum term of two years. The last period of leave until the child is three years of age is unpaid. The parental benefit is 100% of the net earnings until child is 12 months old if the benefit is availed for one year. If parents choose to avail parental benefit for two years, it is 70% of the net earnings until the child is 12 months old and 40% of the net earnings until the child is 24 months. There is also a ceiling on payment of parental benefit which is equal to 3.2 times the average insured monthly income, currently LT4,761.65(€1,379).

Although the parental leave is a family entitlement, the parental benefit is paid to one of the parents only. The benefit is paid by Social Insurance which is financed with the contributions of the employers and the insured workers.

Sources: §134 of Labour Code 2016; §22-24 of Law on Sickness and Maternity Social Insurance 2000

Flexible Work Option for Parents / Work-Life Balance

There is a provision for part-time work for parents. An employer is required to give part-time option to a worker (subject to availability), by agreement between the employee and the employer; at the request

of the employee due to his health status according to a conclusion of a health care institution; on the request of a pregnant woman, a woman who has recently given birth, a breast-feeding woman, an employee raising a child under three years of age, as well as an employee who is alone raising a child under fourteen years of age or a disabled child under eighteen years of age; at the request of an employee under eighteen years of age; at the request of a disabled person on recommendation of the Disability and Working Capacity Assessment Office; and at the request of an employee nursing a sick family member according to a conclusion of a health care institution.

Employees raising a disabled child under eighteen years of age or two children under twelve years of age are granted an additional rest day per month (or have their weekly working time shortened by two hours), and employees raising three or more children under twelve years of age is entitled to two additional rest days per month (or have their weekly working time shortened by four hours accordingly) and paid their average wage.

The amended Labour Code 2017 has provisions regarding flexible work. Similarly, it allows working from home to pregnant women, women who recently gave birth, employees taking care of children under 3 years of age, single parents raising a child under 14 years of age or a disabled child under 18 years of age. Employers are required to allow these workers to work from home at least one-fifth of their total working time unless it involves excessive costs to the employer.

A 2022 amendment, based on the 2019 EU Directive on work-life balance (2019/1158), has increased the list of cases in which the

employer must allow the employee to work remotely unless it can be demonstrated that this would entail unreasonable costs due to production necessity or the particularities of the organisation of the work is extended to include:

- a. employees raising a child under eight years of age
- b. upon the employee's request based on his/her health status, disability or the need to care for a family member or a person living with the employee.

Such employees are entitled to work remotely full time.

In 2022, the Labour Code also has allowed for an employee to be entitled to unpaid leave for a period recommended by a healthcare institution when taking care of a sick member of the family or household.

The employer must grant time off if the employee's request is related to a family emergency in the event of sickness or accident in which the employee is required to be directly present.

Sources: §40, 52 116 and 137 of Labour Code 2016

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Lithuania has ratified the Convention 183 only.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Labour Code 2016

Free Medical Care

Health care and insurance is provided by regional units of the State Social Insurance Fund Board. Maternity benefits include medical care, hospital or maternity clinic care, care provided by paediatricians or family doctors, drugs and appliances, etc. A person must be insured to have access to health care otherwise they have to pay for the treatment themselves. The compulsory sickness insurance covers the cost of curative medical assistance, medical rehabilitation, nursing care, and health examinations for individuals.

The medical care is generally provided free of charge to the insured persons. However, there is a price list for healthcare services that must be financed from an insured person's own resources.

No Harmful Work

Women workers have the right to special protection in an employment relationship due to pregnancy and parenthood. A pregnant worker, a recent mother and a breastfeeding woman worker must be provided with safe and healthy conditions at work. These workers have the right to choose full time or part time work. It is prohibited to employ these women workers for a work that is hazardous to their own health or that of their child(ren). The list of hazardous working conditions for these workers is determined by the Government.

An employer has to make a risk assessment to evaluate risks for these workers. On assessment of such risk, employer must

make necessary measures to ensure that above risk is eliminated. If dangerous factors cannot be eliminated from the workplace, employer should make sure that these women workers should have the least exposure of such risks.

If such exposure to risks cannot be avoided, employer must transfer these women workers to another job in the enterprise. On transfer, a woman worker should not receive pay less than what she received in her earlier job. If even transfer to another job is not possible, the woman worker, on her own consent, may be granted unpaid leave until her child is one year of age and she is paid for this period the maternity insurance contributions as specified by the law.

Women workers (pregnant, recent mothers and breastfeeding women workers) may not be required to do overtime work. These workers may be engaged in night work, work on weekly rest days and public holidays only with their own consent.

Sources: §114, 146 & 278 of Labour Code 2016

Maternity Leave

Women workers have the right to maternity leave as guaranteed under the Labour Code. Maternity leave is 126 consecutive days (18 weeks). Of these 126 days, 70 days is the pre-natal leave while 56 days is post-natal leave. Post-natal leave may be extended to 70 days in case of multiple or difficult births (caesarian).

Adoptive parents/guardians have right to maternity leave from the date of adoption/guardianship until the child is 70 days old.

Sources: §132 of Labour Code 2016

Income

State Social Insurance Fund pays the allowance provided for in the Law on Sickness and Maternity Social Insurance during the period of maternity leaves.

Pregnant women with sickness and maternity social insurance record of at least 3 months during the last 12 months or at least 6 months during the last 24 months are granted full payment during maternity leave. Exceptions from these qualifying conditions apply for insured persons under 26 years of age. During the term of maternity leave, workers are entitled to their full pay up to a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 (€1,379). The maternity benefit is funded from the Social Insurance Fund which is financed by the contributions from workers and employers.

Sources: §132 of Labour Code 2016; §16-22 of Law on Sickness and Maternity Social Insurance

Protection from Dismissals

An employment contract with a pregnant worker during her pregnancy and before the baby reaches the age of four months may be terminated by agreement of the parties, on her own initiative, on probation without the will of the parties, or at the end of her term or the employer's body makes a decision which puts an end to the employer. The fact of the employee's

pregnancy is confirmed by the presentation of a pregnancy certificate by the employer.

Employment contracts with employees raising a child (children) under three years of age may not be terminated without any fault on the part of the employee concerned.

Sources: §61 of Labour Code 2016

Right to Return to Same Position

During the period of maternity or paternity or parental leave, an employee retains his job/position, with the exception of cases when the enterprise is dissolved. He/she is entitled to return to same or equivalent position after his leave on conditions which are no less favourable to him/her including the wage and any improvement in the working conditions to which he/she would have been entitled to during this absence.

Sources: §132 Labour Code 2016

Breastfeeding/ Nursing Breaks

In addition to the general break to rest and eat, a breast-feeding woman is provided at least one 30-minute break to breast-feed after every 3 hours. At the mother's request, the breaks for breast-feeding may be joined or added to the break to rest and eat or given at the end of the working day, shortening the working day accordingly.

Payment for these breaks is calculated according to the average daily pay by the employer.

Sources: §278(8) of Labour Code 2016

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Lithuania has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Law on Occupational Safety and Health 2003
- Labour Code 2016
- Regulation of the Supply of Workers with Personal Protective Equipment (2007)
- Law on State Labour Inspectorate, 2003

Employer Cares

An employer is required to ensure safe and healthy working conditions for every worker regardless of the nature of business of an undertaking, the type of employment contract, number of workers, profitability of the undertaking, workstation, working environment, work type, the duration of the working day (shift), the worker's citizenship, race, nationality, sex, sexual orientation, age, social background, political views or religious beliefs. The occupational safety and health guarantees are available to the public servants as well.

An employer is under obligation to ensure health and safety of workers in all aspects related to work. All measures of health and safety at work are financed by the employer himself. Employer has to organise the implementation of preventive measures (technical, medical, legal, organisational, and others) intended for the prevention of accidents at work and occupational diseases, by laying down the procedure for implementing and controlling such measures in an undertaking, appointing the persons and setting for them concrete assignments on the implementation of the preventive measures.

Labour Code also has provisions on health and safety at workplace. Every employee

must be provided with proper and safe working conditions posing no threat to health and safety of workers at the workplace. Taking into account the size of an enterprise and risks to employees, an employer must establish in his enterprise or hire a certified occupational safety and health service, or perform these functions himself.

Employer must ensure that the work equipments are in good working condition, safeguarding the health of employees and ensuring the protection of the environment in case of exposure to hazardous chemicals.

Sources: §3 & 11 of Law on Occupational Safety and Health 2003; §158-160 of Labour Code 2016

Free Protection

To ensure safety and health at work and upon the assessment of safety and health situation at the workplace, the employer has to install collective protective equipment and provide the employees with personal protective equipment free of charge.

In case collective protective equipment is not sufficient to protect the employees against risk factors, the employees must be provided with personal protective equipment. Personal protective equipment must be adapted to work and comfortable to use, and should not pose any additional risks to the safety of the employees. Requirements for the design, production and conformity assessment of personal protective equipment are established by regulatory acts on safety and health at work.

Persons authorised by the employer organise the storage, drying, washing,

cleaning, repair and inspection of personal protective equipment in the manner as described in the producer's documentation. The Regulations of the Supply of Workers with Personal Protective Equipment (2007) adopted by Ministry of Social Security and Labour has extensive provisions on the use of personal protective equipment and it binds the employer to provide workers with personal protective equipment free of cost.

Sources: §28 of Law on Occupational Safety and Health 2003; §159 of Labour Code 2016

Training

The Law on Occupational Safety and Health has provisions with regard to training workers on OSH related issues. Employer should not require a worker to begin work if the worker has not been instructed to work in safety. This training needs to be provided on recruitment, transfer to another job, change in the organization of work, introduction of new and modernized work equipment, introduction of new technologies, amendment or adoption of new regulations on health and safety at work.

Employees must be trained and instructed to work safely with specific dangerous chemical substances. Employer ensures that the employee is well aware of the existing and potential risk factors in the enterprise. Employer must be instructed to work safely and follow the safety instructions. Employer makes sure that the employee does not start working without training and/or instructed to work in safety.

Sources: §25(6) & 27 of Law on Occupational Safety and Health 2003

Labour Inspection System

The State Labour Inspectorate is the national institution under the Ministry of Social Security and Labour responsible for the enforcement of labour legislation. It is responsible for enforcing laws relating to labour conditions and safety and health issues as well as overseeing compliance with collective bargaining agreements. Its responsibility includes prevention of accidents at work and occupational diseases.

Labour inspectors provide advice to workers and employers on how better to implement labour and OSH legislation and collective bargaining agreements. Employers are required to report accidents at work and occupational diseases to the relevant State institutions. Labour inspectors may give notice to employers requiring them to eliminate any identified violations within a specified period of time with written protocols of administrative law violations and assign fines.

Sources: §6 of the Law on State Labour Inspectorate, 2003; Regulations on the State Labour Inspectorate of the Republic of Lithuania; Operational Regulations of the State Labour Inspectorate of the Republic of Lithuania

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Lithuania has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Law on Sickness and Maternity Social Insurance 2000
- Labour Code 2016
- Law on Social Insurance of Occupational Accidents and Occupational Diseases 1999, last amended in 2014

Income

Lithuanian law provides fully paid sick leave of 120 (or maximum 140 days). To qualify for sickness benefit, a worker must have at least 3 months' insurance during the last 12 months or at least 6 months insurance during the last 24 months. Sickness benefit is payable to a worker who is sick, is at home to care for a sick family member, needs treatment in a prosthetic-orthopedic hospital; is at home due to quarantine reasons; or is a parent taking care of children when the other parent is on maternity/ paternity leave but cannot take care of children due to sickness.

An insured person is eligible for sickness benefit from the very first day. For the first two days, employer pays at least 80% (not more than 100%) of the employee's compensatory wage. From the third to seventh day, 40% of the compensatory wage is paid by the regional office of State Social Insurance Fund Board. The sickness benefit from the Board is 80% of the average compensatory wage from the eighth day onward. The average compensatory wage cannot exceed 3.2 times the state insured income for the current year.

The sickness benefit can be extended for a set period of time (it is at least 4 months or

122 calendar days in case of continuous incapacity for work). This period can be extended to 244 days in case of tuberculosis. If a person has not recovered at the end of this period, he/she must apply to the Disability and Employment Capacity Assessment Office which is responsible for determining the degree of invalidity. For those who receive lost working capacity pension, sickness benefit is paid for no more than 90 days per year. Sickness benefit duration also varies if a worker is on sick leave to nurse a family member. It ranges from 7 days per illness to 120 days per year.

Sources: §8-15 of Law on Sickness and Maternity Social Insurance 2000; §131, 133 & 136 of Labour Code 2016

Medical Care

Health care and insurance is provided by regional units of the State Social Insurance Fund Board. Maternity benefits include medical care, hospital or maternity clinic care, care provided by pediatricians or family doctors, drugs and appliances, etc. A person must be insured to have access to health care otherwise they have to pay for the treatment themselves. The compulsory sickness insurance covers the cost of curative medical assistance, medical rehabilitation, nursing care, and health examinations for individuals.

The medical care is generally provided free of charge to the insured persons. However, there is a price list for healthcare services that must be financed from an insured person's own resources.

Job Security

Employees, who have lost their functional capacity as a result of injury at work or occupational disease, retain their work position until they recover their functional capacity, or disability is established.

Employees who become temporarily incapable to work for other reasons, retain their work position if they are absent from work due to temporary incapacity to work for not more than 120 successive days or for not more than 140 days within the last 12 months excluding the period during which an employee received a state social insurance benefit for attending a family member or an allowance in cases of epidemic diseases.

It is prohibited to give notice of termination and dismiss a worker from work during the period of temporary incapacity for work as well as during leave except where an employee is unable to perform these duties or work according to a medical conclusion or a conclusion of the Disability and Working Capacity Assessment Office where an employee can be fired without notice.

Disability / Work Injury Benefit

There is no minimum qualifying period for work injuries or recognized occupational diseases. Accidents that occur while commuting to and from work are covered.

The State Social Insurance Fund Board and its regional offices are responsible for the insurance schemes which include those covering accidents at work and occupational diseases. This social security scheme is basically financed by employers' contributions. It provides earnings-related benefits to all employees. Benefits under the scheme covers temporary

disability/sickness benefit, permanent disability and death.

In case of temporary disability, cash benefits are paid without any delay till full recovery or until incapacity is established. The amount of the benefit is 100% of the average monthly compensatory wage. The loss in working capacity of up to 30% comes under temporary disability.

Flat-rate compensation (10% of the average compensatory wage) is paid for loss in work capacity of less than 20% and 20% of the average compensatory wage for loss in the work capacity of 20-30%. The amount in above cases is three times higher in the case of permanent incapacity.

Permanent disability pension is granted only for the loss of working capacity of at least 30%. The Disability and Employment Capacity Assessment Office determines the level of incapacity. Periodical compensation of loss of capacity for work is paid monthly. It is calculated according to a special formula. With a loss of working capacity of at least 30%, permanent disability benefit is 50% of the percentage of loss in working capacity multiplied by the compensation coefficient multiplied by the insured income level of the current year.

In case of death of the insured person, each individual's benefit is equal to the periodical compensation for the loss of capacity that the deceased person received, or would have received, divided by the number of beneficiaries plus one. The maximum amount of benefit varies according to their number however all beneficiaries receive the same amount. Eligible survivors are a widow(er) of retirement age or assessed with a disability, orphans younger than age 18 (age 24 if a student), and other dependent persons

(parents). There is also a provision for survivor allowance which is a lump-sum of 100 times the insured person's income.

Sources: §1-27 of the Law on Social Insurance of Occupational Accidents and Occupational Diseases 1999, last amended in 2014; <http://ec.europa.eu/social/main.jsp?catId=1119&langId=en&intPageId=4665>

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Lithuania has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Law on State Social Insurance Pensions 1994, last amended in 2012
- Social Insurance Unemployment Law 2005

Pension Rights

The retirement age in 2021 is 64 years and 02 months for men and 63 years and 04 months for women workers. The retirement age is annually being increased by 4 months for women and 2 months for men until it reaches the age of 65 years for both in 2026.

The minimum qualifying period of insurance for old age pension is 15 years. It is 30 years for entitlement to a full pension. There is provision for both early and deferred pension. In the case of early pension, the full pension is reduced by 0.4% for each month the pension is awarded before the normal pensionable age. There is also provision for deferment of old age. The pension is increased by 4% of the amount calculated at the time of the application for each full year of work completed after the legal retirement age.

The old-age pension consists of basic and supplementary pensions. The basic old-age pension is equal to 110% of the basic pension and is the same for all insured persons who can provide proof of having completed the compulsory national social insurance contribution period for the old-age pension. The amount of the full old-age pension is calculated using a special formula taking account of the applicant's contribution history and past income. The basic pension may be increased by means of a Government decision. The supplementary pension is adjusted

according to the State insured income for the current year.

Source: §20-27 of the Law on State Social Insurance Pensions 1994, last amended in 2012;
<http://www.sodra.lt/lt/situacijos/informacija-gyventojams/noriu-gauti-pensija/senatves-pensija>

Dependents' / Survivors' Benefit

There is provision for survivors' pension under the Law on State Social Insurance Pensions. Different rules apply to the pension prior to and after January 2007. However, here we focus only on pension after January 2007. Recipients of the survivors' pension include widows/widowers; children including foster and stepchildren if they don't already receive a pension in respect of biological parent.

A worker must be in receipt of old age pension or invalidity pension or have already conditions of either of these pensions. Eligible survivors are a widow(er) of pensionable age or assessed with a disability before, or within five years after, the spouse's death or before reaching the normal pensionable age; a widow(er) without children who was married to the deceased for at least five years; and was married to the deceased for at least one year in case he/she has no children with the deceased spouse. The survivor pension for spouse ceases on remarriage.

The orphans' pension is available until a child reaches 18 years of age. The age limit is 24 years for students and there is no age limit for children recognised as disabled before reaching the age of 18 years.

The survivor pension (for spouse) is a flat rate benefit equal to the basic amount of survivor's pension approved by the Government. The orphans' pension is calculated on the basis of lost working capacity pension or old age pension. Each orphan receives 50% of the deceased's old-age or disability pension. 100% pension is paid to full orphans.

All orphans' pension must not exceed 100% of the deceased's pension.

There is also provision for death grant which is equal to eight times the basic social benefit set by the Government.

Source: §34-39 of Law on State Social Insurance Pensions 1994, last amended in 2012

Unemployment Benefits

Unemployment insurance is a compulsory social insurance scheme for employees. The unemployment benefits are earnings-related. For a person to be entitled for unemployment insurance, the person should be unemployed, of working age, provide proof of a minimum period of insurance; registered at the Labour Exchange; actively seeking work and ready to accept jobs suggested and participates in active labour market policy measures; is not in receipt of sickness or/and maternity (paternity) benefits or social insurance pension benefits.

The minimum period of insurance is 18 months during the 3 years preceding the registration at the Labour Exchange. There are exceptions for certain groups of unemployed people who contributed but have not acquired the necessary social insurance record. Contribution

requirements also do not apply to the persons involuntarily unemployed or those who have just completed compulsory basic military service or state defence service.

The unemployment benefit starts after a waiting period of 7 days or even 3 months (if the dismissal has been caused by the fault of the employee). Unemployment benefit is paid for a period ranging from six to nine months. Its actual duration depends on the length of service of an employee. The unemployment benefit is paid for 6 months for less than 25 years of service; 7 months for 25-30 years of service; 8 months for 30-35 years of service; and 9 months for more than 35 years of service. The unemployment benefit duration may be extended by 2 months for persons who are within 5 years of retirement age.

The amount of unemployment benefit is composed of the fixed and variable components. The fixed component is equal to 30% of the minimum wage. The variable part is 50% of the recipient's average wage during the first 3 months of unemployment; 40% of the recipient's average wage during the fourth to sixth month of unemployment; and 30% of the recipient's average wage during seventh to ninth month of unemployment. The maximum unemployment benefit cannot exceed 75% of the country's average wage.

Source: §Law on State Social Insurance Pensions 1994, last amended in 2012; Social Insurance Unemployment Law 2005; <http://www.sodra.lt/lt/situacijos/informacija-gyventojams/ka-daryti-jei-netekau-darbo-3/noriu-gauti-nedarbo-ismoka>

Invalidity Benefits

Any person with a disability or a working capacity of less than 55% receives a lost working capacity pension or a social assistance pension.

There are three levels of disability for children under 18 years of age: severe, moderate and slight disability. For adults and for those under 18 years of age insured under State social insurance, disability is determined on the basis of lost capacity for work employment possibilities. Permanent total disability occurs if a person loses 75-100% of the capacity to work. The partial disability occurs when there is loss in the working capacity of 60-70% or 45-55%.

For the partial pension, the minimum period of insurance depends on the person's age when disability occurs. It is 2 months for workers under 22 years of age and 6 months for workers under 24 years of age. It increases by 2 months for each year until it is 3 years at the age of 38. After that, it starts rising at the rate of 6 months per year and the required insurance period is 15 years when a worker reaches 62 years of age.

For full pension, there are different requirements depending on the age of beneficiary. One year of insurance is required for workers under 24 years of age. Between 24-38 years, required insurance period increases by 4 months per additional year of age. For workers aged above 38 years, the required insurance period increases by 1 year per additional year of age however it cannot exceed compulsory insurance period set for old age pension.

The amount of invalidity benefit depends on the length of social insurance period

acquired while working on an employment contract; period between occurrence of disability and retirement age and earnings on which insurance contributions have been paid.

The Lost Working Capacity Pension has two components: the basic and supplementary pension. The amount of basic pension depends on the basic social insurance pension. It is 150% of the basic social insurance pension in the case of 75-100% loss in the working capacity; 110% of the basic social insurance pension in the case of 60-70% of the loss in the working capacity; and 55% of the basic social insurance pension in the event of 45-55% loss in the working capacity.

The supplementary invalidity pension is calculated in the same way as supplementary old age pension. It is 0.005 times the number of years of contributions multiplied by the insured person's coefficient multiplied by the insured income.

Source: Law on State Social Insurance Pensions 1994, last amended in 2012; Social Insurance Unemployment Law 2005; <http://www.sodra.lt/lt/situacijos/informacija-gyventojams/noriu-gauti-pensija/netekau-darbingumo-invalidumo-pensija>

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Lithuania has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of Lithuania 1992, last amended in 2006
- Labour Code 2016
- Equal Opportunities Act for Women and Men 1998, last amended in 2012
- Equal Opportunities Act 2003, last amended in 2008
- Criminal Code 1968, last amended in 2014

Equal Pay

In accordance with Labour Code, men and women should get an equal pay for equal or equivalent work. The Equal Opportunities Act for Women and Men requires that when implementing equal rights for men and women at workplace, an employer must provide equal pay for the same work or for work of equivalent value including all additional remuneration paid by the employer to employees for performed work.

The Equal Opportunities Act also ensures equal pay for same work or for work of equal value without any discrimination on the ground of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

Sources: §26 & 140 of Labour Code 2016; §5(3) of Equal Opportunities Act for Women and Men 1998, last amended in 2012; §7(5) of the Equal Opportunities Act 2003, last amended in 2008

Sexual Harassment

Law on Equal Opportunities of Women and Men defines sexual harassment as any form of unwanted and insulting verbal, written or physical conduct of a sexual nature toward a person with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, humiliating or offensive environment.

Sexual harassment is considered form of discrimination on the ground of sex. Employers are under obligation to take appropriate measures to prevent sexual harassment or harassment of the employees at the workplace. A victim of sexual harassment may lodge his/her complaint with the Equal Opportunities Ombudsperson, initiate a civil case or lodge his/her complaint with the state prosecutor asking for a criminal investigation. A person who has suffered discrimination on the grounds of sex, sexual harassment or harassment has the right to demand before a court that the guilty person reimburses the pecuniary and non-pecuniary damages in the manner prescribed by the Civil Code.

Sexual harassment is considered one of the gross breaches of employee discipline under the Labour Code and sexual harassers may be dismissed from work without notice. Employers are further required to ensure that an employee, an employee representative or an employee who testifies or provides explanation is protected from hostile behaviour, negative consequences and any other type of persecution as a reaction to the complaint or any other legal procedure concerning discrimination.

Sexual harassment is also considered a criminal act and a victim may file a

complaint before the Court or a State Prosecutor. The Criminal Code defines sexual harassment as seeking sexual contact or satisfaction by harassing a person who is subordinate in office or otherwise by vulgar or comparable acts or by making offers or hints.

Non-Discrimination

The Constitution declares the equality of all people before the law, the court, and other State institutions and officers. The Constitution also states that a person may not have his/her rights restricted in any way or be granted any privileges on the basis of his /her sex, race, nationality, language, origin, social status, religion, convictions or opinions.

The Labour Code broadens the list of grounds of prohibited discrimination establishing the equality irrespective of the gender, sexual orientation, race, nationality, language, origin, ethnicity, citizenship and social status, religion, marital and family status, age, convictions or opinions, disability, health status, membership in political party or public organisation as well as factors unrelated to the employee's professional qualities. Workers cannot be discriminated against on the basis of their employment contract or working time status.

However, equality clause in Labour Code is not directly applicable rather this principle is applied only when settling labour disputes which arise if labour relations are not regulated by labour laws and regulatory acts, and when the provisions of other branches of law that regulate similar relations are not applicable to them.

Equal Opportunities Act for Women and Men provides for equal opportunities for

men and women and prohibits any direct or indirect discrimination, harassment or sexual harassment or an instruction to directly or indirectly discriminate against other persons on grounds of sex.

The Equal Opportunities Act prohibits all direct or indirect discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion. This prohibition is applicable in all employment related matters including selection & recruitment, dismissals, pay related matters and harassment (including sexual harassment) issues.

A person who carries out discrimination on any of the above grounds is punished by community service or by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years.

Sources: § 29 of the Constitution of Lithuania 1992, last amended in 2006; §26, 70, 75, 140 and 168 of Labour Code 2016; Equal Opportunities Act for Women and Men 1998, last amended in 2012; Equal Opportunities Act 2003, last amended in 2008; §169 of the Criminal Code 1968, last amended in 2014

Equal Choice of Profession

There is no restrictive provision in the Labour Code which prohibits employment of women in some sectors of economy. In accordance with article 48 of the Constitution, every human being may freely a job or business.

Sources: §48 of the Constitution of Lithuania 1992, last amended in 2006

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Lithuania has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Labour Code 2016
- Law on Occupational Safety and Health 2003

Minimum Age for Employment

According to the, normally a physical person acquires full legal capacity in labour relations and ability to acquire labour rights and undertake labour duties when he/she reaches the age of 16 years. Thus, the minimum age for employment is 16 years. Nevertheless, the recruitment of persons aged 14 to 16 is allowed with written consent of the school and of one of the child's parents or his or her statutory representative, as well as with permission of his or her attending paediatrician. Moreover, the persons under the age of 16 is assigned to perform easy work that is not hazardous and do not affect their physical and psychological development. Upon employment of a person under the age of 16, employers are obliged to notify the Office of Labour Inspectorate on the fact of recruitment.

For children performing light work, the working hours are two hours a day and 12 hours a week during the school term while seven hours a day and 35 hours a week during school vacations. This period may be raised to eight hours a day and 40 hours a week in the case of children who have reached the age of 15 years.

Every employer should guarantee young people working conditions that are appropriate to their age. Employers have to ensure that young people are protected against any work likely to harm their safety, health, physical or mental development or to jeopardize their education.

Sources: Labour Code 2016; §36 of the Law on Occupational Safety and Health

Minimum Age for Hazardous Work

Minimum age for the hazardous work is eighteen years. Hazardous work includes work that is beyond the young person's physical and psychological capacity; work involving exposure to agents which are toxic, carcinogenic, cause genetic mutation or are harmful to health; work involving possible exposure to ionising radiation or other hazardous and (or) harmful agents; work involving a higher risk of accidents or occupational diseases and work which young person might not be able to perform safely due to lack of experience or attention to safety.

Overtime work and night work is also prohibited for workers under the age of 18 years. Under the age of 18 years, overtime work and the night time work is prohibited.

The procedure of recruitment of young persons, their health surveillance and assessment of their capacity to perform specific work, working time, the list of works prohibited for them and that of dangerous, hazardous factors is approved by the Government.

Before hiring a young person, as well as upon the change in working conditions, the employer's representative must assess whether the work to which a young person is assigned is on the list of jobs prohibited for young persons and whether the work involves hazardous, dangerous factors; the workstation and the working environment with regard to compliance with the OSH requirements; the use of dangerous chemical substances in the undertaking and exposure to their potential effect; the

technical condition of work equipment, conditions of storage of dangerous substances, in order to avoid young person's exposure to them due to absence of awareness; and the ability of the young person to understand and fulfil the requirements of safety and health at work and his physical capacity to perform the assigned work.

Employer or his representative has to inform young persons of possible risks and the measures to avoid them, as well as the measures adopted concerning young people's safety and health.

Sources: Labour Code 2016; §36 of the Law on Occupational Safety and Health

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Lithuania has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of Lithuania 1992, last amended in 2006
- Criminal Code 1968, last amended in 2014
- Labour Code 2016

Prohibition on Forced and Compulsory Labour

According to Art. 48 of the Constitution, forced labour is prohibited, except military service or alternative service, as well as labour which is executed during war, natural calamity, epidemic or other urgent circumstances, or labour performed in places of confinement.

All forms of forced and compulsory labour are prohibited under the Labour Code.

A person who, by using physical violence or threats or by otherwise depriving of a possibility of resistance or by taking advantage of a person's dependence unlawfully forces him to perform a certain work or makes the person to do forced labour or begging is punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years. If a person commits these acts by forcing a person to work under the conditions of slavery or under other inhuman conditions is punished by arrest or by imprisonment for a term of up to eight years.

In case of human trafficking, a person is punished by imprisonment for a term of two up to ten years.

Sources: §48 of the Constitution of Lithuania 1992, last amended in 2006; §147

& 1471 of Criminal Code 1968, last amended in 2014

Freedom to Change Jobs and Right to Quit

An employee may terminate an indefinite contract of employment as well as a fixed-term employment contract prior to its expiry by giving the employer written notice thereof at least 14 days in advance (As of July 2017, the limit is 20 calendar days). In this case the employer must execute the termination of the employment contract and settle accounts with the employee. A collective agreement may set a different notice period which should not exceed one month.

In some cases, an employee may terminate an indefinite contract of employment by giving notice of at least 3 days in advance (As of July 2017, the limit is raised to 5 working days). This is the case if the request to terminate the employment contract is justified by the employee's illness or disability or where the employer fails to fulfill the obligations under the employment contract, laws or the collective agreement or there is long-lasting idle time at the employee's workstation. An employee may terminate an employment contract after serving 14 days' notice if he/she has become entitled to full old age pension working in that enterprise.

An employee may withdraw an application to terminate the contract within three days of its submission. Thereafter, it can be done only with employer's consent.

According to article 48 of the Constitution, each human being may freely choose a job or business, and there cannot be any forced labour.

Sources: § 48 of the Constitution of Lithuania 1992, last amended in 2006; Labour Code 2016

Inhuman Working Conditions

Working time may be extended beyond normal working hours of 40 per week. However, total hours of work inclusive of overtime must not exceed forty-eight hours over a 7-day period. For workers employed in more than one workplace or having an additional job contract in the same workplace, the daily working time (including breaks to rest and to eat) may not exceed 12 hours.

The average maximum working hours inclusive of overtime cannot exceed 48 hours per week over a 3-month period.

For more information on this, please refer to the section on compensation.

Source: §111-121 & 144 of Labour Code 2016

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Lithuania has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of Lithuania 1992, last amended in 2006
- Law on Trade Unions 1991, last amended in 2013
- Labour Code 2016

Freedom to Join and Form a Union

In accordance with the article 50 of the Constitution, freedom to form trade union and its independent functioning to defend the professional, economic and social rights and interests of employees is guaranteed. All trade unions have equal rights.

A worker may not be terminated for membership in a trade union or involvement in the activities of a trade union beyond the working time or even during the working time with the consent of the employer.

Citizens of the Republic of Lithuania, as well as other persons who are permanently residing in Lithuania, and who are working under employment contract or on other grounds provided by laws have the right to freely join trade unions and take part in their activities.

Trade unions have the right to maintain relations with trade unions of other states, international unions and other organisations, and to be members of international trade union organisations as well as to take part in their activities.

Trade unions may be established on the basis of professional, office, production, territorial, or other principles determined by the trade unions. A trade union may be established only if it has at least 30 founder

members which represent at least 20% of all the employees but in no case less than three employees.

Trade unions have the right to form associations. Trade union associations may be established only on the basis of a free agreement between trade unions, and on their own initiative. Trade unions acquire legal personality after registration within one month of their formation. Trade unions have the right to negotiate and conclude collective agreements with employers and their organizations regarding employment, retraining, work organization, wages and other issues. Trade union work independent of employer influence. Employer is prohibited from making union membership or non-membership as a condition of employment or retention of jobs.

Employer is also prohibited to organize and fund organizations that seek to prevent the activities of a trade union or control it.

While Labour Code earlier did not require formation of works council at an enterprise and it was left to the initiative of workers, the amended Labour Code 2017 requires establishment of works councils in all those enterprises with 20 or more workers unless there is a trade union at the enterprise level which represents at least one-third of all employees. In such a case, trade union has all the powers of a works council. In smaller companies, workers may be represented by an employee trustee elected by the workers.

Even in the presence of works councils, trade unions still have the exclusive right to represent workers in collective bargaining. Works council are not entitled to negotiate enterprise level agreements in the absence of a trade union or higher-level agreement.

Sources: §50 of the Constitution of Lithuania 1992, last amended in 2006; §1-13 of Law on Trade Unions 1991, last amended in 2015

Freedom of Collective Bargaining

Collective bargaining in order to conclude a collective agreement is traditionally treated as a form of social partnership. The legal framework of collective bargaining and conclusion of the collective agreements is established by the Labour Code. Collective agreements may be concluded on the state (national) level; sectoral (production, services, professional) level or territorial (municipality, county) level; and enterprise (institution, organization) level or on the level of its structural subdivision.

The Labour Code contains no strict rules on the subject matters of collective agreements. It just gives a non-exhaustive list of matters that may be regulated by collective agreements. Sectoral or national collective agreements may regulate salaries, working time, health and safety conditions; payment system for the price, inflationary situations; the acquisition of specialty in-service training or re-training; and social partnership support measures to help prevent industrial disputes, and strikes.

A collective agreement must be registered within a certain time limit on its conclusion. A collective agreement is valid till the date specified therein or until the conclusion of a new national, sectoral or territorial collective agreement. If the provisions of a sectoral collective agreement are important for the respective economic sector or occupational groups in the sector, the Minister of Social Security and Labour

may extend the application of a sectoral collective agreement, or its specific provisions, to the entire sector, occupational groups or particular services in the sector. A collective agreement is valid for a maximum period of 4 years unless the agreement provides otherwise.

There are different regulations for national, sectoral (including territorial) and enterprise level collective agreements. The contents of these collective agreements vary and an enterprise level collective agreement does not need registration for its effectiveness rather it is effective once it is signed by the parties.

The Tripartite Council of the Republic of Lithuania is established under a 1995 agreement between the social partners. The Council issues recommendations on draft state laws and government decrees regarding socio-economic and labour matters, draw up at the request of government or at their own initiative the studies and reports on economic and social matters falling within their jurisdiction, discussion on ratified conventions reports, etc. The Council is tripartite in nature and there are 7 members from each group (worker, employer and government).

Sources: §186-202 of Labour Code 2016; Lietuvos respublikos trišalės tarybos (ekonominės Socialinės tarybos) darbo reglamentas; Lietuvos respublikos trišalės tarybos (ekonominės socialinės tarybos) nuostatai

Right to Strike

According to article 51 of the constitution of the Republic of Lithuania employees have the right to strike while defending their economic and social interests.

Trade unions have the right to hold meetings, as well as to organise rallies, demonstrations and other mass events in the manner established by law. While defending the rights of their members, trade unions have the right to stage strikes according to the procedure established by law.

Sources: §51 of the Constitution of Lithuania 1992, last amended in 2006; §243-254 of Labour Code 2016

A strike is declared only by a trade union in an enterprise once more than half of the employees have voted in favour of strike through a secret ballot. An employer must be informed about the trade union's decision to strike at seven days before its commencement. A strike may also be preceded by a warning strike of at most two hours. If a trade union decides to hold a strike (including a warning strike) in railway and public transport, civil aviation enterprises, medical institutions, water, electricity, heat and gas supply, sewage and waste collection enterprises, the employer must be given an at least fourteen days' written notice prior to the commencement of strike.

Strikes are prohibited in emergency medical services, areas of natural disasters and during the validity of a collective agreement if such agreement is complied with by the other party.

Employers are prohibited from employing new worker and replacing the striking workers unless certain conditions are met (security and health of people and property is threatened, resumption of work after strike is not possible, minimum service in enterprises of public importance is not ensured). The employers are also not allowed to prevent workers from participating in strike or use violent measures to end the strike.

QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

Decent Work Check Lithuania is a product of WageIndicator.org
and www.mysalary.lt/pagrindinis



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Lithuania scored 46 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.