

**REPUBLIC OF LITHUANIA**

**LAW ON SICKNESS AND MATERNITY SOCIAL INSURANCE**

21 December 2000 No IX-110

As amended by 20 December 2007 No X-1400

Vilnius

**CHAPTER I GENERAL PROVISIONS**

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**Article 1. Purpose of the Law**

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This Law shall indicate persons insured by sickness and maternity social insurance, establish their entitlement to allowances payable under this insurance scheme, conditions for the granting, calculation and payment of the allowances.

**Article 2. Sickness and Maternity Social Insurance**

Article 2. Sickness and Maternity Social Insurance

Sickness and maternity social insurance shall compensate for the insured in the cases prescribed by law for a part of the lost income from work under this insurance scheme due to their own sickness or sickness of their family members and also due to maternity, paternity, maternity (paternity) or due to participation in vocational rehabilitation programme.

**Article 3. Definitions**

### Article 3. Definitions

As used in this Law:

1. “The insured person” means a natural person paying compulsory state social insurance contributions for himself and for whom compulsory state social insurance contributions are paid or had to be paid under law according to the procedure established by the State Social Insurance Law.
2. “Insured income of the insured person” means all income of a person on which compulsory state social insurance contributions for sickness and maternity social insurance were paid or had to be paid as well as sickness allowances (including the first 2 days of sickness for which the employer pays), vocational rehabilitation, maternity, paternity, maternity (paternity) allowances, sickness due to occupational accidents or occupational disease allowances payable in accordance with the Law on Social Insurance of Occupational Accidents and Occupational Diseases, and also unemployment social insurance allowances payable in accordance with the Law on Unemployment Social Insurance.
3. “Reimbursed remuneration” means the sum total of the insured person’s insured income held in the calendar quarter preceding the calendar quarter that was before the establishment of the temporary incapacity for work, the month of beginning the vocational rehabilitation programme, pregnancy and childbirth, paternity leave or childcare leave.
4. “Sickness and maternity social insurance record” means the period during which compulsory state social insurance contributions for sickness and maternity social insurance are paid or had to be paid as required by laws, and also periods during which the insured person was in receipt of sickness allowance (including the first 2 days of sickness for which the employer pays), vocational rehabilitation, maternity, paternity and maternity (paternity) allowances, as established by this Law, sickness due to occupational accidents or occupational disease allowances payable in accordance with the Law on Occupational Accidents and Occupational Diseases, and also unemployment social insurance allowances payable in accordance with the Law on Unemployment Social Insurance.
5. “Beneficiary of the allowance ” means a natural person entitled to sickness, vocational rehabilitation, maternity, paternity or maternity (paternity) allowances as established by the legislation.
6. “Family member” means a spouse, child (adopted child), mother (father), and adoptive mother (adoptive father).

7. “Current year’ s insured income” means income calculated on the basis of methodology approved by the State Social Insurance Fund Council. The procedure for its calculation and approval shall be established by the Law on State Social Insurance Pensions.

## **Article 4. Persons Insured under Sickness and Maternity Social Insurance Scheme**

Article 4. Persons Insured under Sickness and Maternity Social Insurance Scheme

1. The persons specified in paragraph 1 of Article 4 of the Law of the Republic of Lithuania on State Social Insurance shall be compulsorily insured under sickness and maternity social insurance scheme.

2. Persons who are not compulsorily insured under sickness and maternity social insurance scheme shall have the right to be insured under this social insurance scheme on the voluntary basis in accordance with the procedure established by the Government.

## **Article 5. Sickness, Vocational Rehabilitation, Maternity, Paternity and Maternity (Paternity) Social Insurance Allowances**

Article 5. Sickness, Vocational Rehabilitation, Maternity, Paternity and Maternity (Paternity) Social Insurance Allowances

1. Sickness, vocational rehabilitation, maternity, paternity and maternity (paternity) social insurance allowances shall be granted and paid in accordance with this Law.

2. Sickness allowances shall be granted to the persons entitled to this type of allowance in the following cases:

1) to the insured persons who became temporarily incapacitated for work due to illness or trauma and therefore lost income from work, except for the cases of granting and payment of sickness allowances provided for by the Occupational Accidents and Occupational Diseases Social Insurance Law;

2) for nursing sick family members. This allowance shall be granted if on the doctor's instruction it is necessary to nurse a sick family member of the insured;

3) to the insured removed from the job due to the outbreak of infectious diseases or epidemic;

4) to the insured undergoing treatment at the health care institutions providing orthopaedic and/or prosthetic services. This allowance shall be granted to the insured persons for the entire duration of treatment at the said institution as well as for the period of travel to and from the health care institution;

5) for child care if the regime for containing the spread of infection has been introduced in child care institutions;

6) for child care if the person who has been granted pregnancy or child-birth leave or child care leave until the child is 3 years old (hereafter referred to as a child care leave) is unable to take care of the child due to his own sickness or trauma.

3. Maternity, paternity and maternity (paternity) allowances shall be granted to the insured persons entitled to this allowance in the following cases:

1) maternity allowance shall be granted to women for the duration pregnancy and childbirth leave;

2) paternity allowance shall be granted to the insured person during his paternity leave to take care of the child under 1 month;

3) maternity (paternity) allowance shall be granted to the insured person for the duration of child care leave until the child reaches the age of 2 years.

4. Vocational rehabilitation allowances shall be granted and paid to the insured persons entitled to the said allowances, for whom the need for vocational rehabilitation services has been determined by the Disability and Capacity for Work Establishment Office under the Ministry of Social Security and Labour (hereinafter referred to as the DCWEO) provided that these persons are taking part in the vocational rehabilitation programme.

## Article 6. The Reimbursed Remuneration

## Article 6. The Reimbursed Remuneration

1. If the allowance beneficiary's average monthly reimbursed remuneration is less than one quarter of the insured income approved by the Government for the current year valid at the month of establishment of the temporary disability for work and the granting of pregnancy and child-birth leave, the sickness and maternity allowances shall be calculated on the basis of the latter amount. If the allowance beneficiary's average monthly reimbursed remuneration is less than one third of the insured income approved by the Government for the current year valid at the month of granting of child care or paternity leave, the maternity (paternity) and paternity allowances shall be calculated based on the latter amount .

2. The allowance beneficiary's average monthly reimbursed remuneration on the basis whereof the allowances are calculated shall not exceed the total sum of the five-fold amount of the insured income approved by the Government for the current year.

3. The allowance beneficiary's average monthly reimbursed remuneration shall be calculated according to the procedure established in the regulations of sickness and maternity social insurance allowances.

4. The minimum and maximum average monthly reimbursed remuneration of the allowance beneficiary who is not on child care leave until the child is 1 year old, who, however, due to child care is working part time, shall be calculated according to the reduced amount of remuneration due to part-time work.

## Article 7. Allowance Payment in the Event of Death of the Person Entitled to Receive the Allowance

Article 7. Allowance Payment in the Event of Death of the Person Entitled to Receive the Allowance

1. The total amount of the sickness allowance, vocational rehabilitation allowance and maternity, maternity (paternity) allowance that the insured person was entitled to receive but did not receive because he died shall be paid to the persons who, upon submitting a certificate of the right of inheritance, inherit the property of the deceased.

2. Invalidated as of 1 July 2006.

3. Invalidated as of 1 July 2005.

## CHAPTER II SICKNESS ALLOWANCE

### CHAPTER II SICKNESS ALLOWANCE

#### Article 8. Entitlement to Sickness Allowance

##### Article 8. Entitlement to Sickness Allowance

1. In the cases specified in paragraph 2 of Article 5 of this Law the insured listed in paragraph 1 of Article 4 of this Law shall be entitled to sickness allowance if:

1) they become temporarily incapacitated for work and due to this lose their income from work and also if they are not in receipt of sickness allowance on the basis of the Law on Social Insurance of Occupational Accidents and Occupational Diseases;

2) they had sickness and maternity social insurance record of not less than 3 months during the last 12 months or not less than 6 months during the last 24 months before the day of establishment of temporary incapacity for work, except in cases provided in paragraphs 2 and 3 of this Article .

2. The insured persons under 26 years of age shall be entitled to receive sickness allowance if by the beginning of temporary incapacity for work they have not acquired the record set in subparagraph 2 of paragraph 1 of this Article because during the specified periods they were full time students of higher educational establishments, vocational schools and schools of general education, registered according to the established procedure, and the interval after the completion of studies (according to the document testifying completion of studies), when they became insured persons, does not exceed 3 months.

3. The insured persons shall also be entitled to receive sickness allowance if by the beginning of temporary incapacity for work they have not acquired the record set in subparagraph 2 of paragraph 1 of this Article because during the specified periods they were insured as persons listed in subparagraphs 1 or 2 of paragraph 2 of Article 4 of the Law on State Social Insurance and the interval after the change of their status does not exceed 3 months.

4. Sickness allowance shall be granted if the entitlement arose during the

period of employment, including probation period and the day of dismissal from work.

5. Sickness allowance shall be granted on the basis of incapacity for work certificate issued in accordance with rules for issuing incapacity for work and maternity leave certificates approved by the Ministry of Health and the Ministry of Social Security and Labour.

## **Article 9. Duration of Payment of Sickness Allowance due to the Insured Person' s Sickness or Trauma**

Article 9. Duration of Payment of Sickness Allowance due to the Insured Person' s Sickness or Trauma

1. When the insured persons become temporarily incapacitated for work in the cases specified in subparagraphs 1, 3 and 4 of paragraph 2 of Article 5 of this Law, the sickness allowance for the first 2 calendar days of incapacity for work shall be paid by the employer. Sickness allowance shall be paid with the resources of the State Social Insurance Fund from the 3rd day of incapacity for work until the recovery or the day of establishment of the capacity for work. In case the DCWEO established the need for vocational rehabilitation services, the sickness allowance shall be paid until the first day of participation in the vocational rehabilitation programme.

2. For the insured persons in receipt of the state social insurance work incapacity pension the payment of the sickness allowance with the State Social Insurance Fund resources in the cases provided for in subparagraph 1 of paragraph 2 of Article 5 of this Law shall be started in accordance with procedure established in paragraph 1 of this Article; the allowance shall be paid for no longer than 90 calendar days over one calendar year.

3. For the insured persons undergoing on the voluntary basis specialised in-patient treatment for alcoholism, narcotic addiction or toxic substance addiction the payment of the sickness allowance with the resources of the State Social Insurance Fund shall be commenced in the manner set in paragraph 1 of this Article and shall be paid for no longer than 14 calendar days and only once over the calendar year.

## **Article 10. Duration of Payment of Sickness**

# Allowance for Nursing a Family Member or for Caring for the Child

## Article 10. Duration of Payment of Sickness Allowance for Nursing a Family Member or for Caring for the Child

1. When an insured person is nursing a sick family member the payment of allowance from the State Social Insurance Fund resources shall be started from the first day of nursing the sick family member but no longer than for 7 calendar days.
2. The payment of allowance from the State Social Insurance Fund resources for the family member entitled to receive sickness allowance according to the procedure established in Article 8 of this Law, the guardian who is nursing a sick child under 14 years of age or the mother (father), adoptive mother (adoptive father) who is taking care of the child, for whose care pregnancy and childbirth leave or child care leave has been granted to another person, who is unable to take care of the child due to his own sickness or trauma, shall start from the first day of nursing or taking care of the child and the said allowance shall be paid for no longer than 14 calendar days.
3. The payment of allowance from the State Social Insurance Fund resources to the family member or guardian entitled to receive sickness allowance according to the procedure established in Article 8 of this Law, who is nursing a sick child under 7 years of age undergoing in-patient treatment, as well as the family member, guardian or curator who is nursing a child under 18 years of age undergoing in-patient treatment or medical rehabilitation and sanatorium treatment, who is sick with serious diseases (the list of which shall be approved by the ministers of health and social security and labour), shall start from the first day of nursing and shall be paid for the period of the necessary treatment but for no longer than 120 days in a calendar year.

## Article 11. Duration of Sickness Allowance Payment in Case of Outbreaks or Epidemics of Infectious Diseases

### Article 11. Duration of Sickness Allowance Payment in Case of Outbreaks or Epidemics of Infectious Diseases

1. When, following the procedure set by legal acts, quarantine regime is

established in the focus of an outbreak of particularly dangerous infectious diseases or infectious diseases of unknown origin, sickness allowance shall be paid in accordance with procedures established in paragraph 1 of Article 9 of this Law to the insured removed from work due to this reason for the entire duration of removal from work until the lifting of the quarantine.

2. In the cases provided for in subparagraph 3 of paragraph 2 of Article 5 of this Law the insured persons in receipt of the state social insurance work incapacity pension shall be paid in the cases provided for in subparagraph 3 of paragraph 2 of Article 5 of this Law state social insurance sickness allowance from the State Social Insurance Fund resources according to the procedure set in paragraph 2 of Article 9 of this Law.

3. During outbreaks or epidemics of infectious diseases, when the insured person is temporarily removed from work as the infectious disease carrier and therefore cannot be transferred to another job, sickness allowance shall be calculated on the basis of the reimbursed remuneration received only in the job where the insured had been temporarily removed from work and shall be paid in accordance with the procedure established in paragraph 1 of Article 9 of this Law.

4. When a regime to restrain the spread of infectious diseases is imposed in child care institutions according to the procedure established by legal acts and therefore the necessity arises to nurse a child, sickness allowance from the State Social Insurance Fund resources shall be paid in accordance with the procedure established in paragraph 2 of Article 10 of this Law.

## **Article 12. Duration of Sickness Allowance Payment to Persons Undergoing Treatment in Health Care Institutions Providing Orthopaedic and/or Prosthetic Services**

Article 12. Duration of Sickness Allowance Payment to Persons Undergoing Treatment in Health Care Institutions Providing Orthopaedic and/or Prosthetic Services

1. The insured person undergoing treatment in a health care institution providing orthopaedic and/or prosthetic services shall be paid the allowance in accordance with procedure established in paragraph 1 of Article 9 for the entire duration of treatment as well as for the travel days to and from the health care institution.

2. The insured persons in receipt of the state social insurance work incapacity pension shall be paid the sickness allowance with the resources of the State Social Insurance Fund in the cases provided for in subparagraph 4 of paragraph 2 of Article 5 of this Law according to the procedure established in paragraph 2 of Article 9 of this Law.

## **Article 13. Payment of Sickness Allowance during Leave**

### Article 13. Payment of Sickness Allowance during Leave

1. If the insured person becomes temporarily incapacitated for work due to sickness or trauma during the annual paid leave or if during the leave the insured person is undergoing medical treatment at the health care institution providing orthopaedic and/or prosthetic services, sickness allowance shall be paid in accordance with the procedure established in Articles 9 and 12 of this Law.

2. If the insured person during the unpaid leave becomes temporarily incapacitated for work due to the reasons specified in paragraph 2 of Article 5 of this Law, or if the insured person is removed from work without entitlement to remuneration, the payment of sickness allowance shall commence in accordance with the procedure established in Articles 9 to 12 of this Law from the day the insured person was to start working. The allowance shall be paid according to the same procedure if the insured person is removed from work during sickness.

## **Article 14. Amount of Sickness Allowance**

### Article 14. Amount of Sickness Allowance

1. The amount of sickness allowance for the first 2 calendar days of sick leave that is paid by the employer shall not be less than 80 per cent and not more than 100 per cent of allowance beneficiary' s average salary calculated in accordance with procedure established by the Government.

2. The amount of sickness allowance paid with the State Social Insurance Fund resources shall make up 85 per cent of the allowance beneficiary' s reimbursed remuneration. The amount of the allowance per month shall not be less than one

forth of the current year' s insured income valid in the month of commencement of the incapacity for work.

3. Sickness allowance shall be calculated and paid in accordance with procedure established by the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.

## **Article 15. Conditions under which Sickness Allowance shall not be Paid**

Article 15. Conditions under which Sickness Allowance shall not be Paid

1. Sickness allowance shall not be paid if the competent institutions establish that:

- 1) the insured person became temporarily incapacitated for work due to trauma received when committing a criminal act;
- 2) the insured person did damage to his health or pretended being sick;
- 3) the insured person became temporarily incapacitated for work due to insobriety (inebriety) or due to abuse of psychoactive substances.

2. The persons who violated the treatment and medical care regime prescribed by the doctor, failed to attend the appointment with the doctor or to did not undergo for any valid reason a medical checkup prescribed by law may be refused sickness allowance or the payment of the allowance may be terminated from the day of commission of the violation following the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.

## **CHAPTER III MATERNITY, PATERNITY AND MATERNITY (PATERNITY) ALLOWANCES**

CHAPTER III MATERNITY, PATERNITY AND MATERNITY (PATERNITY) ALLOWANCES

### **Article 16. Entitlement to Maternity Allowance over the Duration of Maternity Leave**

## Article 16. Entitlement to Maternity Allowance over the Duration of Maternity Leave

1. Persons insured in accordance with the procedure established in paragraph 1 of Article 4 of this Law who were granted pregnancy and child-birth leave shall be entitled to receive maternity allowance during pregnancy and child-birth leave if by the first day of pregnancy and child-birth leave they have sickness and maternity social insurance record of not less than 3 months during the last 12 months or not less than 6 months during the last 24 months, except the cases provided for in paragraphs 2 and 3 of this Article.
2. The insured persons under 26 years of age shall be entitled to receive maternity allowance during pregnancy and child-birth leave if by the beginning of the pregnancy and child-birth leave they have not acquired the record set in paragraph 1 of this Article because during the specified periods they were full time students of higher educational establishments, vocational schools and schools of general education, registered according to the established procedure, and the interval after the completion of studies (according to the document testifying to completion of studies), when they became insured persons, does not exceed 3 months.
3. Entitled to receive maternity allowance during pregnancy and child-birth leave shall also be the insured persons if by the first day of pregnancy and child-birth leave they have not acquired the record set in paragraph 1 of this Article because during the specified periods they were insured as persons listed in subparagraphs 1 or 2 of paragraph 2 of Article 4 of the Law on State Social Insurance and the interval after the change of their status does not exceed 3 months.
4. A woman dismissed from work during her pregnancy or during the pregnancy and child-birth leave due to the liquidation or bankruptcy of the enterprise, establishment, organisation as well as due to the termination of the fixed-term employment contract or due to the expiry of the term of appointment to office or term of powers of the persons specified in the Law on Civil Service or the Law on Remuneration for Work of State Politicians, Judges and State Officials, provided she has sickness and maternity social insurance record specified in paragraph 1 of this Article, shall be paid maternity allowance according to the procedure established in Article 17 of this Law.
5. Maternity allowance shall be granted during pregnancy and child-birth leave on the basis of the certificate confirming pregnancy and maternity leave certificate issued in accordance with rules for issuing incapacity for work and maternity leave certificates approved by the minister of health and the minister of social security and labour.

## **Article 17. Duration of Maternity Allowance Payment during Pregnancy and Child-Birth Leave Period**

Article 17. Duration of Maternity Allowance Payment during Pregnancy and Child-Birth Leave Period

1. Maternity allowance shall be paid to women for 126 calendar days after 30 or more weeks of pregnancy. In the case of complicated childbirth and if more than one child was born, the allowance shall be paid for extra 14 calendar days. Women who have not used the right to pregnancy and child-birth leave before the date of childbirth shall be maternity allowance for 56 calendar days after the childbirth.
2. Women who have not used the right to pregnancy and child-birth leave before the date of childbirth (30 or more weeks of pregnancy), in case of complicated childbirth and if more than one child was born the maternity allowance shall be paid for 70 calendar days after the childbirth.
3. Maternity allowance shall be payable to women who gave birth in the 28th-30th week of pregnancy for 28 calendar days after the childbirth. If the baby survives for 28 days or more, the allowance shall be payable for 126 calendar days after the childbirth. The women who gave birth to a stillborn baby in the 28th-30th week of pregnancy shall be paid maternity allowance for 28 calendar days after the childbirth.
4. Maternity allowance shall be payable for extra 14 calendar days to women who gave birth in the 28th-30th week of pregnancy, in the case of complicated childbirth and if more than one child was born.
5. The insured person who adopted a newborn baby or is appointed as its guardian shall be paid maternity allowance for the period from the date of adoption or day of establishment of guardianship until day the baby is 70 days old.

## **Article 18. Amount of Maternity Allowance Paid during Pregnancy and Child-Birth Leave Period**

Article 18. Amount of Maternity Allowance Paid during Pregnancy and Child-Birth Leave Period

1. The amount of maternity allowance during the pregnancy and child-birth leave period shall make 100 per cent of the allowance beneficiary's reimbursed remuneration. The amount of the allowance per month though shall not be lower than one-third of the current year's insured income valid for the beginning month of the pregnancy and child-birth leave had been granted. If more than one child is born, the maternity allowance shall be increased taking into account the number of children born at the same time (twice, if twins are born, three times, in case triplets are born, etc.)

2. Maternity allowance shall be calculated and paid in accordance with procedures established by the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.

## Article 181. Entitlement to Paternity Allowance

### Article 181. Entitlement to Paternity Allowance

1. Entitled to paternity allowance shall be the parent who:

- 1) has been insured in accordance with provisions of paragraph 1 of Article 4 of this Law;
- 2) has been granted a child care leave before the child is 1 month old;
- 3) over the last 24 months before the first day of child care leave had not less than 7 months of sickness and maternity social insurance record;
- 4) has recognised paternity.

2. Entitled to paternity allowance during paternity leave shall be insured persons under 26 years of age if by the beginning of paternity leave they have not acquired the record set in subparagraph 3 of paragraph 1 of this Article because during the specified periods they were full time students of higher educational establishments, vocational schools and schools of general education, registered according to the established procedure, and the interval after the completion of studies (according to the document testifying completion of studies), when they became insured persons, does not exceed 3 months.

3. Entitled to paternity allowance during the paternity leave period shall also be the insured persons if by the beginning of paternity leave period they have not acquired the said record as during the specified periods they were

insured as persons listed in subparagraphs 1 or 2 of paragraph 2 of Article 4 of the Law on State Social Insurance and the interval after the change of their status does not exceed 3 months.

## **Article 182. Duration of Paternity Allowance Payment**

Article 182. Duration of Paternity Allowance Payment

Paternity allowance shall be paid for the period of paternity leave from the day of childbirth until the child is 1 month old.

## **Article 183. The Amount of Paternity Allowance**

Article 183. The Amount of Paternity Allowance

The amount of paternity allowance shall make 100 per cent of the allowance beneficiary's reimbursed remuneration. The allowance shall not be lower per month than one-third of the current year's insured income valid for the month of the granting of paternity leave. The allowance shall be calculated and paid in accordance with the procedure established by the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.

## **Article 19. Entitlement to Maternity (Paternity) Allowance**

Article 19. Entitlement to Maternity (Paternity) Allowance

1. Entitled to be paid maternity (paternity) allowance shall be one of the parents (adopted parents) or guardian who:

1) has been ensured according to paragraph 1 of Article 4 of this Law, except in cases provided in paragraphs 6 and 7 of this Article;

2) has been granted a child care leave according to the procedure established by laws, except in the case provided for in paragraph 4 of Article 21 of this Law;

3) over the last 24 months before the first day of child care leave had not

less than 7 months of sickness and maternity social insurance record, except in cases provided for in paragraphs 2 and 3 of this Article.

2. Entitled to maternity (paternity) allowance shall be insured persons under 26 years (one of the parents (adoptive parents) and guardian), if by the beginning of child care leave they have not acquired the record set in subparagraph 3 of paragraph 1 of this Article because during the specified periods they were full time students of higher educational establishments, vocational schools and schools of general education, registered according to the established procedure, and the interval after the completion of studies (according to the document testifying completion of studies), when they became insured persons, does not exceed 3 months.

3. Entitled to maternity (paternity) allowance shall also be those insured persons who by the beginning of child care leave period have not acquired the insurance record set in subparagraph 3 of paragraph 1 of this Article as during the specified periods they were insured as persons listed in subparagraph 1 or 2 of paragraph 2 of Article 4 of this Law and the interval after the change of their status does not exceed 3 months.

4. When a woman in receipt of a maternity (paternity) allowance is granted a pregnancy and child-birth leave, and she becomes entitled to receive maternity allowance during the period of pregnancy and child-birth leave, she shall be paid both the allowances.

5. The person who is not entitled to receive maternity (paternity) allowance from the State Social Insurance Fund resources shall be paid the allowance according to the Law on Benefits to Children.

\*6. When one of the parents (adoptive parents) or guardians who is released from work on child caring leave according to the procedure established by law and receiving maternity (paternity) allowance is dismissed from work due to the liquidation or bankruptcy of the enterprise, establishment, organisation as well as due to the termination of the fixed-term employment contract or due to the expiry of the term of appointment to office or term of powers of the persons specified in the Law on Civil Service or the Law on Remuneration for Work of State Politicians, Judges and State Officials shall be paid maternity (paternity) allowance according to the procedure established in Articles 20 and 21 of this Law.

\*7. When one of the parents (adoptive parents) or guardians who has sickness and maternity social insurance record specified in paragraph 1 of this Article or meets the requirements of paragraphs 2 and 3 of this Article has been dismissed from work due to the liquidation or bankruptcy of the enterprise, establishment, organisation as well as due to the termination of the fixed-

term employment contract or due to the expiry of the term of appointment to office or term of powers of the persons specified in the Law on Civil Service or the Law on Remuneration for Work of State Politicians, Judges and State Officials and for that reason has not been granted child care leave shall be paid maternity (paternity) allowance according to the procedure established in Articles 20 and 21 of this Law.

\*Note. To insured persons who are on child care leave (regardless of whether the child care leave is extended or newly granted) and persons referred to in paragraphs 6 and 7 of Article 19 of the Law of the Republic of Lithuania on Sickness and Maternity Social Insurance, to whom the period of payment of maternity (paternity) social insurance allowances has already expired as the child (children) has/have reached the age of 1 year, the payment of allowances shall be continued from 1 January 2008, if the child (children) has/have not yet turned 2 years old.

## **Article 20. Duration of Maternity (Paternity) Allowance Payment**

### **Article 20. Duration of Maternity (Paternity) Allowance Payment**

1. Maternity (paternity) allowance shall be paid from the period of child care leave after the end of pregnancy and childbirth leave until the child reaches the age of 2 years.
2. If the mother was not in receipt of maternity allowance for the duration of pregnancy and childbirth leave, maternity (paternity) allowance shall be granted to the persons entitled to it as specified in Article 19 of this Law from the day of birth of the child.
3. If the mother in receipt of pregnancy and childbirth allowance for the duration of pregnancy and childbirth leave dies, maternity (paternity) allowance shall be granted to the persons entitled to it as specified in Article 19 of this Law from the day of the mother's death.
4. During the paternity leave the father, in receipt of paternity allowance, shall not be paid maternity (paternity) allowance.

## **Article 21. The Amount of Maternity (Paternity)**

# Allowance

## Article 21. The Amount of Maternity (Paternity) Allowance

1. The amount of the maternity (paternity) allowance from the end of the pregnancy and childbirth leave until the child turns 1 year old shall make up 100 per cent , and until he child turns 2 years old 85 per cent of the allowance beneficiary' s reimbursed remuneration.
2. The amount of the maternity (paternity) allowance per month shall not be less than one third of the current year' s insured income valid at the beginning month of childcare leave.
3. When two or more children are born to the insured person and the person is on the childcare leave, the maternity (paternity) allowance shall be increased (paragraphs 1 and 2 of this Article) taking into account the number of children born simultaneously (twice, if twins are born, three times, if triplets are born, etc.).
4. If the insured person who has been or is on childcare leave possesses insurable income the amount whereof is less than maternity (paternity) allowance, he shall be paid the difference of the allowance and the insurable amount held by him the appropriate month according to the procedure established in the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.
5. The maternity (paternity) allowance shall be calculated and paid according to the procedure established in the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.
6. If the insured person who is on childcare leave is employed in another place of employment and he is granted childcare leave in this place of employment, the maternity (paternity) allowance shall not be newly granted.

## CHAPTER IV VOCATIONAL REHABILITATION ALLOWANCE

### CHAPTER IV VOCATIONAL REHABILITATION ALLOWANCE

#### Article 21 (1) . Entitlement to Vocational

# Rehabilitation Allowance

## Article 21 (1) . Entitlement to Vocational Rehabilitation Allowance

1. The insured persons listed in paragraph 1 of Article 4 of this Law shall be entitled to the receipt of vocational rehabilitation allowance in the case specified in paragraph 4 of Article 5 of this Law provided that they:

- 1) take part in the vocational rehabilitation programme and for this reason do not receive remuneration for work;
- 2) have sickness and maternity social insurance record of not less than 3 months during the last 12 months or not less than 6 months during the last 24 months before the commencement of the rehabilitation programme.

2. Vocational rehabilitation allowance shall be granted on the grounds of the decision of the DCWEO regarding the need for vocational rehabilitation services and the vocational rehabilitation certificate issued on the basis of the Rules of the Issue of Vocational Rehabilitation Certificates approved by the Ministry of Social Security and Labour.

## Article 21 (2) .Payment of Vocational Rehabilitation Allowance

### Article 21 (2) .Payment of Vocational Rehabilitation Allowance

1. The person entitled to the vocational rehabilitation allowance shall be granted the allowance for the period of participation in the vocational rehabilitation programme and shall be paid from the first day of the person's participation in the vocational rehabilitation programme until the person gains capacity for work or is recognised as fully or partially incapacitated for work, but not for longer than 180 calendar days. The allowance shall be paid every month (for the preceding month).

2. The person not entitled under this Law to vocational rehabilitation allowance shall be granted the allowance for the period of participation in the vocational rehabilitation programme and shall be paid with the State Budget resources according to the procedure established by the Government.

## **Article 21 (3) . Amount Vocational Rehabilitation Allowance**

### **Article 21 (3) . Amount Vocational Rehabilitation Allowance**

1. The amount of vocational rehabilitation allowance paid under this Law shall be equal to 85 per cent of the allowance beneficiary' s reimbursed remuneration.
2. The amount of the vocational rehabilitation allowance per month shall not be less than the double amount of the state social insurance basic pension valid at the beginning of the vocational rehabilitation programme.
3. Vocational rehabilitation allowance shall be calculated and paid according to the procedure established by the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government. The allowance shall be paid with the State Social Insurance Fund resources.

## **Article 21 (4) . Non-payment of Vocational Rehabilitation Allowance**

### **Article 21 (4) . Non-payment of Vocational Rehabilitation Allowance**

If a person does not participate in the vocational rehabilitation programme the vocational rehabilitation allowance shall not be granted regardless of the fact that the need for vocational rehabilitation services has been established for the person and he has been issued the vocational rehabilitation certificate, while the payment of the granted allowance shall be terminated in accordance with the procedure established by the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.

## **Article 21 (5) . Renewal of Payment of Vocational Rehabilitation Allowance**

### **Article 21 (5) . Renewal of Payment of Vocational Rehabilitation Allowance**

The payment of the terminated vocational rehabilitation allowance shall be renewed in accordance with the procedure established by the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government

as from the day the person resumed the formerly started vocational rehabilitation programme.

## **CHAPTER V STATE SOCIAL INSURANCE FUND RESOURCES FOR SICKNESS AND MATERNITY SOCIAL INSURANCE**

### **CHAPTER V STATE SOCIAL INSURANCE FUND RESOURCES FOR SICKNESS AND MATERNITY SOCIAL INSURANCE**

#### **Article 22. State Social Insurance Fund Resources for Sickness and Maternity Social Insurance**

Article 22. State Social Insurance Fund Resources for Sickness and Maternity Social Insurance

1. The resources designated for sickness and maternity social insurance shall be included in the State Social Insurance Fund budget following the procedure established by laws and in accordance with the Law on the Approval of the Indicators of the Budget of the State Social Insurance Fund which establishes contribution rates for this state social insurance scheme.

2. Sickness and maternity social insurance revenues shall be composed of employers' and employees' compulsory state social insurance contributions to this insurance scheme, late payment interest and penalty charges. A certain portion of sickness and maternity social insurance income may be comprised of funds allocated from the State Social Insurance Fund budget reserve.

3. Sickness and maternity social insurance expenses shall comprise the funds designated for the payment of sickness, vocational rehabilitation, maternity and maternity (paternity) allowances defined in Article 5 of this Law.

#### **Article 23. State Social Insurance Contribution Rates for Sickness and Maternity Social Insurance**

Article 23. State Social Insurance Contribution Rates for Sickness and Maternity Social Insurance

State social insurance contribution rates for sickness and maternity social insurance shall be approved by the Law on the Approval of the Indicators of the Budget of the State Social Insurance Fund.

## **Article 24. Procedure for the Payment of State Social Insurance Contributions**

Article 24. Procedure for the Payment of State Social Insurance Contributions

State social insurance contributions for sickness and maternity social insurance scheme for each employee specified in paragraph 1 of Article 4 of this Law shall be calculated and paid in accordance with the procedure established by laws together with other compulsory state social insurance contributions.

# **CHAPTER VI FINAL PROVISIONS**

CHAPTER VI FINAL PROVISIONS

## **Article 25. Resolution of Disputes**

Article 25. Resolution of Disputes

Disputes regarding application of this Law shall be resolved in accordance with the procedure established by laws.

## **Article 26. Proposal to the Government**

Article 26. Proposal to the Government

Within two months after the coming into force of this Law the Government shall approve the Regulations of Sickness and Maternity Social Insurance Allowances.

## **Article 27. Coming into Force of the Law**

## Article 27. Coming into Force of the Law

1. This Law shall come into force as of 1 January 2001.
2. The provisions of this Law shall apply to persons who became temporarily incapacitated for work after the coming into force of this Law due to maternity, maternity (paternity) and also due to sickness or trauma, except for the cases provided for by the Law on Social Insurance of Occupational Accidents and Occupational Diseases.
3. Sickness, maternity, and maternity (paternity) allowances granted before the coming into force of this Law shall not be recalculated and shall be paid in accordance with procedure set prior to the coming into force of this Law.
4. Until the Regulations of Sickness and Maternity Social Insurance Allowances are approved, the State Social Insurance Allowances Regulations shall be applied to the extent they do not contradict this Law.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania*

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS