

REPUBLIC OF LITHUANIA

LAW

ON SOCIAL INSURANCE OF

OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES

December 23, 1999, No. VIII-1509

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Vilnius

CHAPTER I. GENERAL PROVISIONS

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ARTICLE 1. Purpose of the Law

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This Law shall lay down the relations of social insurance of occupational accidents, accidents on the way to/from work, and occupational diseases (hereinafter referred to as “social insurance of occupational accidents”), the categories of persons who are insured with this type of social insurance, rights to such insurance benefits, conditions of awarding, calculation and payment of the benefits, and define insured and non-insured events.

ARTICLE 2. Social Insurance of Occupational

Accidents

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1. In certain cases stipulated by this Law, social insurance of occupational accidents shall compensate persons insured by this type of social insurance for the loss of income incurred due to insured events (occupational accidents, accidents on the way to/from work, or occupational diseases), and if they die because of the insured events shall compensate their family members.
2. Services related to medical treatment and rehabilitation of victims shall be compensated in accordance with the procedure established by the Law on Health Insurance.
3. This Law shall not apply to the persons who are insured with state funds in the manner prescribed by law with the office-related accident insurance and (or) whose professional activity regulating legal acts provide for the payment of compensations if they are injured or die in the line of duty.

ARTICLE 3. Basic Definitions in This Law

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1. "The insured" means a person who is compulsorily insured with social insurance of occupational accidents, when the insurer has submitted in the manner prescribed by legal acts a notification about the said insurance to a local office of the State Social Insurance Fund Board or when the insurer has paid or had to pay for him contributions of social insurance of occupational accidents.
2. "Insured income of the insured person" means all income on which state social insurance contributions were paid or had to be paid to social insurance of occupational accidents, as well as benefits payable in the case of an occupational accident, an accident on the way to/from work or an occupational disease as prescribed in this Law, sickness, occupational rehabilitation benefits, maternity, paternity, maternity (paternity) benefits as prescribed in the Law on Sickness and Maternity Social Insurance, as well as unemployment social insurance benefits payable to the unemployed under the Law on Unemployment Social Insurance. The sums on which the managers of state budget appropriations, specified in the Law on the Budget Structure, pay state social insurance contributions to the social insurance of occupational accidents for pupils of vocational schools, students of colleges and higher education

establishments, as well as for persons directed by local labour exchanges for vocational training or occupational rehabilitation shall be paralleled to the insured income of an insured person.

3. "Loss of capacity for work" means loss of capacity for work as a result of an occupational accident, an accident on the way to/from work or due to contracting an occupational disease. The incapacity for work shall be expressed in percentages. Should the victim die as a result of an occupational accident, an accident on the way to/from work or due to an acute occupational disease, it shall be considered as loss of a 100 per cent capacity for work. The Disability and Capacity for Work Establishment Office under the Ministry of the Social Security and Labour (hereinafter referred to as the "DCWEO") shall, in accordance with the procedure laid down by the Government or an institution authorised by it, establish the loss of capacity for work as a result of an occupational accident, an accident on the way to/from work, or due to contracting an occupational disease.

4. "Coefficient of the loss of capacity for work (d)" means the amount expressed in unit parts, calculated by dividing the incapacity for work percentage by 100.

5. "Workstation" means a place where the worker performs or must perform the work agreed under employment contract or performs the function of public administration.

6. "The insurer" means an employer as established in Article 16 of the Labour Code, as well as a state or municipal institution or agency and enterprise which pay or must pay state social insurance contributions to the social insurance of occupational accidents.

7. "Insured income (D)" means insured income of the current year approved in accordance with the procedure laid down by the Law on State Social Insurance Pensions.

8. "Compensation Coefficient (k) in the event of a chronic occupational disease" is calculated according to the formula $k = (K1 \cdot S1 + K2 \cdot S2) / (S1 + S2)$, when:

1) K1 and K2 are the coefficients of person's insured income, applied appropriately for the period from the year 1994 and the year 1994, calculated in accordance with the procedure laid down by the Law on State Social Insurance Pensions;

2) S1 is the number of years of the period of pensionable service according to which the coefficient K1 is calculated;

3) S2 is the number of years of the period of pensionable service, which are counted from the year 1994 and in the manner prescribed by the Law on State Social Insurance Pensions, in order to calculate an additional part of the state social insurance incapacity for work (disability) or old-age pension.

9. "Compensation coefficient (k) in the event of an occupational accident, an accident on the way to/from work or an acute occupational disease" is the ratio of individual average monthly insured income over the past 12 consecutive months, counting backwards from the end of the last but one calendar quarter before the month in which an occupational accident, an accident on the way to/from work or an acute occupational disease was established, to the insured income of the current year in effect at the time of establishing an occupational accident, an accident on the way to/from work or occupational disease. This coefficient shall also apply while calculating a periodic compensation of incapacity for work, when a person to whom a chronic occupational disease is established, is not entitled to the incapacity for work (disability) or old-age pension under the Law on State Social Insurance Pensions.

10. "Limits of the compensation coefficient (k)" applies for calculating benefits fixed by this Law, which are not be less than 0.25 or in excess of 3.

11. "Occupational accident" means an event at work, including traffic accidents during working time, which is investigated in accordance with the established procedure and deemed an occupational accident, entailing a trauma (minor, serious or fatal injury). An event at work when a worker dies from illness not related to his employment, shall not be considered as an occupational accident.

12. "Accident on the way to/from work" means an event, including a traffic accident on the way to/from work, which takes place on employee' s working days on the way between an employee' s workplace and:

- 1) his residence;
- 2) the place outside the workplace, where the salary is paid to the employee;
- 3) the place outside the workplace, where the employee may be during his rest period or has his meals.

13. "The injured" means the insured whose health is harmed by reason of an occupational accident, an accident on the way to/from work which are deemed an insured event, or due to an established occupational disease which is deemed

an insured event.

14. "Occupational disease" means an acute or chronic health disorder of the employee caused by one or more hazardous and/or dangerous factors in the working environment, deemed an occupational disease in accordance with the established procedure.

ARTICLE 4. Persons Covered by Social Insurance of Occupational Accidents

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1. The following must be insured with the social insurance of occupational accidents:

- 1) persons employed under employment contracts at legal or natural persons, candidates to notaries (assessors), as well as those receiving salaries and holding an elective office in elective organisations as members, appointed to electoral and referendum commissions of constituencies, cities, regions, districts and receiving salaries for their work;
- 2) state politicians, judges, state officials, civil servants specified in the Law on Remuneration of State Politicians, Judges and State Officials and the Law on Civil Service (except the civil servants referred to in paragraph 2 of Article 4 of the Law on State Social Insurance), as well as persons appointed to the office by the Seimas, Seimas Speaker, President of the Republic or the Prime Minister and receiving salaries;
- 3) pupils of vocational schools, students of colleges and higher education establishments, as well as persons directed by local labour exchanges for vocational training or occupational rehabilitation for the period of their professional activity practice in an establishment or enterprise;
- 4) persons at institutions of social and psychological rehabilitation – for their work time;
- 5) those sentenced to imprisonment – for their work time.

2. The persons referred to in subparagraphs 1, 2, 4, 5 of paragraph 1 of this Article shall be insured if they receive salaries for their work or service. The persons referred to in subparagraph 3 of paragraph 1 of this Article shall be insured with the state budget funds, calculating contributions of the

social insurance of occupational accidents on a minimum monthly wage approved by the Government.

ARTICLE 5. Insurers

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The insurers of the persons specified in paragraph 1 of Article 4 of this Law shall be as follows:

- 1) employers of persons working under employment contracts;
- 2) State or municipal institutions and establishments which insures the persons referred to in subparagraphs 1 and 2 of paragraph 1 of Article 4 of this Law with the insurance of this type;
- 3) enterprises or institutions, whose pupils, students or persons directed by the labour exchange for training or rehabilitation are engaged in professional activity practice;
- 4) institutions of social and psychological rehabilitation;
- 5) penal institutions and establishments.

ARTICLE 6. Insured Events

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1. Insured events shall be accidents at work which happened to or occupational diseases which were established to the persons covered with the social insurance of occupational accidents, specified in subparagraphs 1 and 2 of paragraph 1 of Article 4 of this Law, upon the investigation of which it is established that their occurrence satisfied all of the following conditions:

- 1) while working during the working time fixed by the insurer, and if the working time is not fixed for an employee by the insurer, as well as during the time designated for work by a separate instruction of the insurer and while working during business travels;
- 2) while doing the work stipulated in an employment contract (including

preparation and clearing-up of a workstation), as well as doing other insurer assigned work related to his business for his benefit or while implementing public administration functions;

3) while doing the work for which the salary is paid and on which contributions of the social insurance of occupational accidents are paid or must be paid.

2. Insured events shall be accidents at work which happened to or occupational diseases which were established to the insured specified in subparagraphs 3-5 of paragraph 1 of Article 4 of this Law, upon the investigation of which it is established that their occurrence satisfied all of the following conditions:

1) while working during the working time fixed by the insurer, and if the working time is not fixed for an insured person by the insurer, as well as during the time designated for work by a separate instruction of the insurer;

2) while doing the work assigned by the insurer (including preparation and clearing-up of a workstation);

3) while doing the work for which the salary is paid and on which contributions of the social insurance of occupational accidents are paid or must be paid, or when contributions of the social insurance of occupational accidents are paid by the managers of appropriations from the state budget, referred to in the Law on the Structure of the Budget.

3. Chronic occupational diseases shall be deemed to be insured events when it is established that the victims, upon the entry into force of the Law on the Social Insurance of Occupational Accidents and Occupational Diseases, have been insured with the social insurance of occupational accidents as the persons referred to in Article 4 of this Law.

4. Insured events shall also be the accidents, which happened to the insured specified in Article 4 of this Law, upon the investigation of which it is established that they occurred in the following cases:

1) during rest and meal breaks, as well as, additional or special break times, while the employee is at the workstation, in the enterprise or within its area;

2) en route to and from work;

3) when an employee was seeking for a new job during the period of notice of the termination of his employment contract (according to paragraph 3 of Article 130 of the Labour Code);

4) while performing by the insured the state, public or civic duties set out by law, when the salary or an adequate compensation is paid for that period, on which contributions of the social insurance of occupational accidents are paid or must be paid.

5. For homeworkers, only those occupational accidents and acute occupational diseases shall be deemed to be insured events which, when working for employer' s benefit, were conditioned or caused by the materials or work equipment provided by the employer, as well as by the production process itself.

6. Decisions concerning recognition of occupational accidents, accidents on the way to/from work and occupational diseases as insured events, on the basis of investigation and confirmation documents pertaining to occupational accidents, accidents on the way to/from work and occupational diseases, as well as decisions regarding awarding and payment of benefits to the victims shall be adopted by local offices of the State Social Insurance Fund Board, in compliance with this Law, the Regulations of the Benefits of the Social Insurance of Occupational Accidents and Occupational Diseases, approved by a Government resolution, and other legal acts.

ARTICLE 7. Non-insured Events

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1. Occupational accidents, accidents on the way to/from work or established occupational diseases shall not be recognised as insured events if upon their investigation it is established that they do not meet the conditions laid down in Article 6 of this Law.

2. Occupational accidents, accidents on the way to/from work or established acute occupational diseases shall not be recognised as insured events even if upon their investigation it is established that they meet the conditions laid down in Article 6 of this Law, but their occurrence satisfies at least one of the following conditions:

1) the insured person was intoxicated from alcohol, narcotics, toxic or psychotropic materials and this did not have any connection with the technological peculiarities of the work assigned by the insurer;

2) the insured person was injured through his activities which, as has been

established by a pre-trial investigation institution or the court, contained the evidences of criminal act or these activities are related to administrative offences, with the exception of violations of the regulations concerning labour protection or occupational hygiene;

- 3) the victim consciously (intentionally) strived to bring about an accident;
- 4) the insured person was ill with a disease not related to his work;
- 5) the victim wilfully (without employer' s knowledge) performed work not for employer' s benefit (not in the employer' s interests);
- 6) violence was used against he insured person, if the circumstances and motives of the violence were not related to the work, except the cases, when an accident occurs on the way to/from work.

ARTICLE 8. Obligations and Liability of Insurers

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1. Insurers must:

- 1) ensure that requirements of legal acts concerning safety and health at work are met in enterprises;
- 2) ensure first aid medical assistance for the victim of an occupational accident or an acute occupational disease, as well as transporting the victim to a health care institution, if needed;
- 3) inform about an occupational accident, an accident on the way to/from work, an acute occupational disease in accordance with the procedure laid down by legal acts concerning health and safety at work, to the institutions specified by the Law on Health and Safety at Work as well as to a local office of the State Social Insurance Fund Board, within the territory of which the insurer is located;
- 4) organise investigation of occupational accidents, accidents on the way to/from work in the manner prescribed by the Government, and participate in the investigation of occupational diseases;
- 5) timely and correctly calculate and pay contributions of the social insurance of occupational accidents. The obligations for insurers referred to in this subparagraph shall not apply to for the persons specified in

subparagraph 3 of paragraph 1 of Article 4 of this Law, who are insured with the funds of the state budget.

2. If after the investigation of an occupational accident, an accident on the way to/from work or an occupational disease, it is not recognised as an insured event, an injured person or a person who become ill with an occupation disease and (or) his family members shall be compensated in accordance with the procedure laid down by the Civil Code.

3. For failure to fulfil the duties defined by this Law, the insurer shall be held liable according to the procedure established by law.

ARTICLE 9. The Rights of Insured Persons

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1. The insured, whose health, due to an occupational accident, an accident on the way to/from work or contracting an occupational disease, has suffered damage as a result of an insured event, recognised as such under Article 6, shall be entitled to insurance benefits stipulated in this Law.

2. The insured shall have the right to obtain information from the insurer concerning the payment of contributions of the state social insurance for them, and following the occurrence of an insured event, the insured and their family members shall have the right to obtain information from the State Social Insurance Fund Board under the Ministry of Social Security and Labour, as well as from its local offices regarding the application of the guarantees laid down by this Law.

ARTICLE 10. Duties of Insured Persons

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Insured persons must adhere to requirements laid down by the legal acts concerning health and safety at work, and the persons who have got injured as a result of an occupational accident, an accident on the way to/from work, or an occupational disease, must immediately approach a healthcare institution and follow doctor's recommendations.

CHAPTER II INSURANCE BENEFITS

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ARTICLE 11. Benefits of the Social Insurance of Occupational Accidents

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1. An insured person who as a result of an insured event, recognised according to Article 6, has become partially or totally incapacitated for work, shall, under this Law, be paid the following benefit from the funds allocated for social insurance from the budget of the State Social Insurance Fund:

- 1) a benefit for illness resulting from an occupational accident, an accident on the way to/from work, or an occupational disease (hereinafter referred to as a "sickness benefit");
- 2) lump-sum compensation for loss of capacity for work;
- 3) periodic compensation for loss of capacity for work.

2. Upon the death of an insured as a result of an insured event, a lump-sum insurance benefit shall be paid in equal parts to his family members, as set forth in Article 27 of this Law.

3. Upon the death of an insured as a result of an insured event, a periodic insurance benefit shall be paid in equal parts to his family members, as set forth in Article 26 of this Law.

4. For persons who have been given prison sentences (subparagraph 5 of Article 4 of this Law), the benefits indicated in subparagraphs 2 and 3 of paragraph 1 of this Article shall be paid upon their release from a penal institution.

ARTICLE 12. Sickness Benefit

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1. A sickness benefit shall be awarded to persons specified in subparagraphs 1, 2 and 3 of paragraph 1 of Article 4 of this Law, who temporarily lose their capacity for work as a result of an occupational accident, an accident on the

way to/from work, or an occupational disease, which are recognised as insured events.

2. A sickness benefit shall be awarded if the entitlement to it has arisen during the insurance period.

3. A certificate of incapacity for work, issued in a prescribed manner, and the documents confirming an insured event, shall be the grounds for awarding of a sickness benefit.

ARTICLE 13. Compensatory Salary Applied to Calculation of Sickness Benefits

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1. Compensatory salary for sickness benefits shall be calculated in accordance with the procedure laid down by the Regulations of the Benefits of the Social Insurance of Occupational Accidents and Occupational Diseases, according to the insured income of an insured person, which he had in the last but one calendar quarter before the month of establishment of temporary incapacity for work.

2. A monthly compensatory salary for the calculation of sickness benefits may not exceed the sum equal to five times of the amount of the insured income of the current year, approved by the Government, which was valid in the month of the establishment of temporary incapacity for work.

3. A monthly compensatory salary for the calculation of a sickness benefit may not be less than a quarter of the insured income of the current year, approved by the Government, which was valid in the month of the establishment of temporary incapacity for work.

ARTICLE 14. Duration of Payment of Sickness Benefit

ARTICLE 14. Duration of Payment of Sickness Benefit

1. Sickness benefit shall be paid for the whole period which is confirmed by a certificate of incapacity for work issued in a prescribed manner, from the first day of temporary incapacity for work until the day of recovery of capacity for work or the day of the establishment of a level of capacity for

work, as well as for the period of medical treatment in a healthcare institution which provides services of orthopaedics and (or) prosthesis. In the case when the DCWEO establishes the need for professional rehabilitation services, a sickness benefit shall be paid until the first day of participation in the professional rehabilitation programme.

2. Should an insured person become temporarily incapacitated due to the exacerbation of an occupational disease, or due to the consequences of an occupational accident, an accident on the way to/from work while on annual holiday, a sickness benefit shall be paid for all days of temporary incapacity, which are confirmed by a certificate of incapacity for work.

3. Should an insured person become temporarily incapacitated for work due to the exacerbation of an occupational disease or due to the consequences of an occupational accident, an accident on the way to/from work while on unpaid holiday or after an employee has been removed from work, a benefit shall be paid from the day on which the employee must have commenced work after the end of the holiday or the expiration of the period of removal from work.

ARTICLE 15. Amount of Sickness Benefit

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The insured having become temporarily incapacitated for work due to an insured event, which is recognised under Article 6, shall be paid a sickness benefit in the amount of 100 per cent of the compensatory salary applied for the calculation of sickness benefits. The benefit shall be paid for working days according to the calendar (five-day working week shall apply), taking into account the rest days transferred by a resolution of the Government.

ARTICLE 16. Sources of Payment of Sickness Benefits

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Having suffered an occupational injury, being injured on the way to/from work or having contracted an occupational disease, sickness benefits shall be paid from the first day of temporary incapacity for work from the funds allocated to social insurance of occupational accidents from the budget of the State Social Insurance Fund.

ARTICLE 17. Conditions under which Sickness Benefits are not Paid

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For persons with temporary incapacity for work due to an insured event, who have violated the course of treatment prescribed by the doctor, failed to arrive at the appointed time without a valid reason or to check on capacity for work as prescribed by legal acts, the sickness benefit, on the decision of a local office of the State Social Insurance Fund Board, shall not be awarded or its payment may be terminated from the day the violation was committed according to the procedure laid down by the Regulations of the Benefits of the Social Insurance of Occupational Accidents and Occupational Diseases.

ARTICLE 18. Posthumous Payment of Sick Benefits to the Person Entitled to Such

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Sickness benefits which have not been received prior to the day of death of the person entitled to such shall be paid to the persons to whom the estate of the deceased devolves under the order of succession, and who submit the certificate of the right of inheritance.

ARTICLE 19. Lump-sum Compensation for Lost Capacity for Work

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1. If the victim has temporarily lost up to 20 per cent of capacity for work due to an insured event, he shall be paid a lump-sum compensation for lost capacity for work, amounting to 10 per cent of his 24-month compensatory salary applied for the calculation of a lump-sum compensation.
2. If the victim has temporarily lost over 20 per cent of capacity for work, but less than 30 per cent of capacity for work, he shall be paid a lump-sum compensation for lost capacity for work, amounting to 20 per cent of his 24-

month compensatory salary applied for the calculation of a lump-sum compensation.

3. If unlimited incapacity for work is established for the victim, as referred to in paragraphs 1 and 2 of this Article, a lump-sum compensation for lost capacity for work shall be three times larger than that indicated in paragraph 1 or 2 of this Article respectively.

4. A monthly compensatory salary for a lump-sum compensation shall be calculated in accordance with the procedure laid down in the Regulations of the Benefits of the Social Insurance of Occupational Accidents and Occupational Diseases, according to the victim's insured income during the last twelve months running, calculating backwards from the end of the last but one calendar quarter preceding the establishment of the occupational accident, the accident on the way to/from work or the occupational disease.

5. A monthly compensatory salary for the calculation of a lump-sum compensation may not be less than one-fourth of the insured income of the current year, valid on the day of the establishment of an occupational accident, an accident on the way to/from work or an occupational disease, and may not exceed the sum equal to three and a half times of the amount of the insured income.

6. If the lost capacity for work of the insured person, to whom a lump-sum compensation for lost capacity for work has already been paid, changes and does not exceed the amount set under this Article, and a newly calculated lump-sum compensation is larger than the received, the difference between a newly calculated compensation and the already paid compensation shall be paid to him.

ARTICLE 20. Periodic Compensation for Lost Capacity for Work

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1. Should it be determined that the victim has lost 30 or more per cent of capacity for work due to an insured event, he shall be paid periodic compensations for lost capacity for work.

2. Periodic compensations for lost capacity for work shall be paid to the victim on a monthly basis. It shall be calculated as half of the product of the coefficient of the loss of capacity for work (d) (paragraph 4 of Article 3

of this Law), the compensation coefficient (k) (paragraphs 8, 9 and 10 of Article 3 of this Law) and the insured income of the current year valid in the month of payment (D) (paragraph 7 of Article 3 of this Law), i.e., according to the formula $0.5 \times d \times k \times D$.

ARTICLE 21. Payment of Compensations Following a Change in the Incapacity for Work of the Insured

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1. Should the DCWEO establish anew, that the victim, who was entitled to a lump-sum compensation for lost capacity for work, has lost 30 or more per cent of capacity for work disablement, the periodic compensations for lost capacity for work shall be paid in accordance with the procedure established in Article 20 of this Law from the day of change in the lost capacity for work.

2. Should the DCWEO establish anew that the victim who was entitled to periodic compensations of lost capacity for work (Article 20 of this Law), has lost less than 30 per cent of capacity for work, he shall be paid a lump-sum compensation for lost capacity for work (Article 19 of this Law), while the payment of periodic compensations for lost capacity for work shall be terminated from the day of change in the lost capacity for work.

3. Should the incapacity for work of the victim who is receiving a periodic compensation for lost capacity for work, repeatedly diminish to the levels set out in Article 19 of this Law, a lump-sum compensation for lost capacity for work for the same occupational accident, the same accident on the way to/from work or the same occupational disease, shall be paid in accordance with the procedure laid down in paragraph 6 of Article 19 of this Law.

4. Should the lost capacity for work of the victim who received periodic and lump-sum compensations for lost incapacity for work (or the difference of the lump-sum compensation), has repeatedly increased up to 30 or more per cent before the end of a 24-month period from the day of the arising of the right to a lump-sum compensation, the part of the lump-sum compensation for lost capacity for work (or its difference) for the remaining part of the 24-month period shall, in accordance with the procedure laid down by the Regulations of the Benefits of the Social Insurance of Occupational Accidents and Occupational Diseases, be deducted from the sum of the calculated compensation for lost capacity for work.

5. The DCWEO shall fix for a victim of several events the per cent of incapacity for work for each event.

ARTICLE 22. Duration of Payment of Periodic Compensations for Lost Capacity for Work

ARTICLE 22. Duration of Payment of Periodic Compensations for Lost Capacity for Work

Periodic compensations for lost capacity for work shall be paid up to the end of the period of the loss of capacity for work, established by the DCWEO.

ARTICLE 23. Reduction in the Amount of an Insurance Benefit

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A local office of the State Social Insurance Fund Board shall appropriately reduce benefits on an occupational accident, an accident on the way to/from work or contracting of occupational diseases for the insured, should the DCWEO determine anew that the lost capacity for work of the insured has decreased. If the loss of capacity for work as a result of an insured event has been determined by the court decision, the benefit payment in an instance stipulated in this Article may be correspondingly reduced only by judicial procedure.

ARTICLE 24. Increase in the Amount of an Insurance Benefit

ARTICLE 24. Increase in the Amount of an Insurance Benefit

A local office of the State Social Insurance Fund Board shall appropriately increase the amount of a benefit for the insured who has lost capacity for work as a result of an occupational accident, an accident on the way to/from work or contracting of occupational diseases, if the DCWEO determines anew that the lost capacity for work of the insured has increased.

ARTICLE 25. Terms of Insurance Benefit Payment

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1. Sickness benefit shall be awarded from the day of establishment of temporary incapacity for work, if the victim applies for it not later than within 3 years from the end of temporary incapacity for work.
2. A lump-sum compensation for lost incapacity for work shall be awarded, if the victim applies for it within 3 years of the day on which the DCWEO established the loss of capacity for work.
3. Periodic compensations for lost capacity for work shall be awarded from the day on which the DCWEO established the loss of capacity for work, if the victim applies for it within 3 years from the day on which the right to such benefit arose. Should the person apply for periodic compensations for the loss of capacity for work after three years have elapsed, the benefit for the past time shall be paid for 12 months calculating backwards from the day of application.
4. Periodic insurance benefits in the event of death of the insured shall be paid from the day on which the right to such benefit arose, if the benefit is claimed within 3 years from the day of arising of the right to such benefit. If a person applies for periodic insurance benefits in the event of death of the insured after three years have elapsed, the benefit for the past time shall be paid for 12 months calculating backwards from the day of application, provided such benefit has not been awarded to any of the persons specified in paragraph 1 of Article 26 of this Law. When a person, entitled to periodic insurance benefits in the event of death of the insured, applies for this benefit after it has been awarded to other persons, entitled to it, periodic insurance benefit in the event of death of the insured shall be calculated anew and shall be paid to all benefit recipients from the first day of the month following the month in which the last application was received.
5. A lump-sum insurance benefit in the event of death of the insured shall be awarded not earlier than after the expiration of a three-month time limit designated for applying, from the day of arising of the right to this benefit. When none of the persons entitled to such benefit applied for it within the abovementioned time limit, this benefit shall be awarded to the person who submitted an application first and who is entitled to such benefit, provided that he applied within 3 years from the day of death of the insured.

ARTICLE 26. Periodic Insurance Benefit in the Event of Death of the Insured

ARTICLE 26. Periodic Insurance Benefit in the Event of Death of the Insured

1. Should the insured die as a result of an occupational accident, an accident on the way to/from work, or an occupational disease, which have been recognised as insured events, the right to periodic insurance benefits shall belong to the persons with incapacity for work, who had been maintained by the deceased or, on the day of his death, had the right to be maintained by him, also the child (children) of the deceased, born not later than 300 days after his death. The right to periodic insurance benefits shall also belong to the children (adopted children) of the deceased, who had been maintained by the deceased or have acquired the right to be maintained by him after his death. The insurance benefit shall be paid to:

- 1) to children (adopted children) until they reach the age of 18 years, and if they are full-time pupils or students of establishments of secondary, vocational, post-secondary or higher education, registered in the prescribed manner, until they reach the age of 24 years;
- 2) the spouse of the deceased or his father (mother), adoptive father (adoptive mother), regardless of their age and capacity for work, if he (she) does not work and is caring for the children (adoptive children), grandchildren, brothers or sisters of the deceased, until these reach 8 years of age;
- 3) the deceased' s spouse who has reached the pensionable age fixed by the Law on State Social Insurance Pensions, for the rest of their life;
- 4) the spouse of the deceased who is recognised incapacitated for work or partially incapacitated for work (prior to 1 July 2005 an invalid), and the children (adopted children) above the age of 18 years who had been recognised as disabled (prior to 1 July 2005 invalids) before they reached the age of 18, as long as they are incapacitated for work or partially incapacitated for work (invalids);
- 5) other persons who are recognised incapacitated for work or partially incapacitated for work (prior to 1 July 2005 invalids), or the persons who have reached the pensionable age and who were maintained by the deceased, or were entitled to his maintenance on the day of his death. The fact of maintenance of such persons or the right to maintenance shall be proved in the judicial procedure, and the fact of their incapacity for work shall be

established by the DCWEO or by the court's decision.

2. An insurance benefit, equivalent to the periodic compensation for lost capacity for work (Article 20 of this Law), divided by the number of the persons set out in paragraph 1 of this Article increased by one person, shall be paid monthly to the persons specified in paragraph 1 of this Article.
3. The benefit indicated in this Article shall be paid regardless of other income received by the recipients.

ARTICLE 27. Lump-sum Insurance Benefit in the Event of Death of the Insured

ARTICLE 27. Lump-sum Insurance Benefit in the Event of Death of the Insured

1. When the insured dies as a result of an occupational accident, and accident on the way to/from home or an acute occupational disease, which are recognised as insured events, the family of the deceased shall be paid a lump-sum insurance benefit, equivalent to 100 insured income of the current year, valid in the month of death of the insured as a result of the occupational accident, the accident on the way to/from home or the acute occupational disease. This benefit shall be paid in equal amounts to each member of the family of the deceased.

2. Included among the family members of the deceased are: his spouse, minor children (adoptive children), until they reach the age of 18, also children (adoptive children), who are full-time pupils or students of establishments of secondary, vocational, post-secondary or higher education, registered in the prescribed manner, until they reach the age of 24 years, children (adoptive children) of the deceased older than 18 years of age, if they were recognised disabled (prior to 1 July 2005 invalids) before they reached the age of 18 years, children of the deceased born after his death, father (adoptive father) and mother (adoptive mother).

CHAPTER III FUNDS OF THE SOCIAL INSURANCE OF OCCUPATIONAL ACCIDENTS

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ARTICLE 28. Funds of the Social Insurance of Occupational Accidents

ARTICLE 28. Funds of the Social Insurance of Occupational Accidents

1. The funds designated for social insurance of occupational accidents shall be included in the budget of the State Social Insurance Fund according to the procedure established by law, based upon the rates of contributions set for this type of state social insurance by the Seimas of Republic of Lithuania.
2. Income of the social insurance of occupational accidents shall consist of contributions of the state social insurance paid for this type of insurance by the insurers and managers of state budgetary appropriations, specified in the Law on the Structure of the Budget, surcharges for late payment, fines and money received by way of recourse from guilty persons or their insurance bodies. A portion of the funds of the social insurance of occupational accidents may also be comprised of the funds designated from the reserve of the State Social Insurance Fund.
3. Funds of the social insurance of occupational accidents may be used for the prevention of occupational accidents and occupational diseases. The amount of funds of the social insurance of occupational accidents shall be each year fixed by the Seimas, which, by the Law on Approval of Indices of the Budget of the State Social Insurance Fund, approves the rates of contributions of the social insurance of occupational accidents and occupational diseases.
4. The procedure for using the funds allocated for the prevention of occupational accidents and occupational diseases shall be laid down by the Government.

ARTICLE 29. Rates of Contributions of the Social Insurance of Occupational Accidents

ARTICLE 29. Rates of Contributions of the Social Insurance of Occupational Accidents

The number of groups of rates of contributions of the social insurance of occupational accidents and the rates of the groups shall be approved by the Law on Approval of Indices of the Budget of the State Social Insurance Fund. Assignment of insurers to a group of rates of contributions of the social insurance of occupational accidents shall be approved by the State Social

Insurance Fund Board, taking into consideration the rate of traumatism and occupational morbidity, and complying with the methodology approved by the Government or an institution authorised by it.

ARTICLE 30. Procedure of Paying Contributions of the State Social Insurance

ARTICLE 30. Procedure of Paying Contributions of the State Social Insurance

1. Contributions of the state social insurance of the type of the state social insurance, set out in this Law, for every insured person specified in subparagraphs 1 and 2 of paragraph 1 of Article 4 of this Law, shall be calculated and paid in accordance with the procedure laid down by law, along with the other contributions of the state social insurance.

2. Contributions of the state social insurance for the insured indicated in subparagraph 3 of paragraph 1 of Article 4 of this Law shall be paid for the period of their professional activity practice. Contributions of the state social insurance for the insured indicated in subparagraphs 4 and 5 of paragraph 1 of Article 4 of this Law shall be paid for the period when they receive salaries for their work.

ARTICLE 31. Recovery of Funds from Guilty Persons

ARTICLE 31. Recovery of Funds from Guilty Persons

If after the investigation of an occupational accident, an accident on the way to/from work, it is established that it has happened through the fault of the third party, a local office of the State Social Insurance Fund Board shall, by the right of recourse, recover the paid sums of benefits from the guilty person in accordance with the procedure laid down by the Civil Code. Insurance companies shall compensate to the budget of the State Social Insurance Fund the sums of benefits subject to inclusion in the amount of reparable damage paid under the Law on Compulsory Insurance against Civil Liability in Respect of the Use of Motor Vehicles.

CHAPTER IV FINAL PROVISIONS

ARTICLE 32. Implementation of the Social Insurance of Occupational Accidents

ARTICLE 32. Implementation of the Social Insurance of Occupational Accidents

Social insurance of occupational accidents shall be implemented by the State Social Insurance Fund Board under the Ministry of Social Security and Labour, as well as by its local offices.

ARTICLE 33. Dispute Settlement

ARTICLE 33. Dispute Settlement

Disputes regarding the application of this Law shall be resolved according to the procedure established by law.