

REPUBLIC OF LITHUANIA
LAW ON SICKNESS AND MATERNITY SOCIAL INSURANCE

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Vilnius

CHAPTER I
GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law shall indicate persons who are 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 such allowances.

Article 2. Sickness and Maternity Social Insurance

In the cases prescribed by law the sickness and maternity social insurance shall compensate the persons insured under this insurance scheme a part of the lost income from work due to their own sickness or sickness of their family members, also due to maternity, paternity, maternity (paternity) or the income from work they have not received due to participation in a vocational rehabilitation programme.

Article 3. Definitions

As used in this Law:

1. **“The insured person”** means a natural person paying the state social insurance contributions for himself and for whom the 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 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 set by this Law and counted for the insured person, 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 on the basis of which sickness and maternity social insurance shall be calculated.

4. **“Sickness and maternity social insurance record”** means the periods during which state social insurance contributions for sickness and maternity social insurance are paid or had to be paid as required by law, as well as the periods during which the insured person was in receipt of a 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 Social Insurance of Occupational Accidents and Occupational Diseases, unemployment social allowances payable in accordance with the Law on Unemployment Social Insurance. The social insurance record of self-employed persons or persons who receive income from sport or performer’s activities, or under the copyright agreements shall be determined according to the paid social insurance contributions. If such contributions have been paid on the sum in the amount of a minimum monthly wage, the social insurance record of one month shall be acquired. In the cases when the contributions have been paid on the sum smaller or larger than the minimum monthly salary, the social insurance record shall be considered to be proportionally shorter or longer. The sickness and maternity social insurance record shall be calculated in accordance with the procedure laid down by the Regulations of Sickness and Maternity Social Insurance Allowances, approved by the Government.

5. **“Beneficiary of the allowance”** means a natural person entitled to sickness, vocational rehabilitation, maternity, paternity or maternity (paternity) allowances as established by law.

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 the methodology approved by the State Social Insurance Fund Council. The procedure of 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

1. The persons specified in paragraph 1 of Article 4 of the Law on State Social Insurance shall be compulsorily insured with the sickness and maternity social insurance when insuring for

sickness, vocational rehabilitation, maternity, paternity and maternity (paternity) social insurance allowances.

2. The persons specified in paragraphs 3 and 5 of Article 4 of the Law on State Social Insurance, with the exception of the person who receive income under the copyright agreement, shall be compulsorily insured with the sickness and maternity social insurance when insuring for maternity, paternity and maternity (paternity) social insurance allowances.

3. The persons who receive income under the copyright agreement shall be insured with the sickness and maternity social insurance for sickness, vocational rehabilitation, maternity, paternity and maternity (paternity) social insurance allowances.

4. 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.

5. Persons who receive income from sport or performer's activities, or under the copyright agreements, shall be considered to have been insured from the date of the beginning of social insurance until the day of the insured event, if during this period the social insurance contributions have been paid on the income amount which is not less than the amount of the minimum monthly wages of this period. The persons referred in this paragraph shall be considered insured for a period not exceeding 24 months from the date of the beginning of social insurance.

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 the 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 epidemics;

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 childcare of children educated in accordance with the pre-school curriculum and primary education curriculum if the regime for containing the spread of infection has been introduced in childcare institutions;

6) for childcare if the person who has been granted a maternity leave or a childcare leave (hereinafter referred to as a “childcare leave”) is unable to take care of the child due to her/his own sickness or trauma;

7) for the insured persons who have become temporarily incapable for work because of taking of the tissues, cells or organs for transplantation with the purpose of donation.

3. Maternity, paternity and maternity (paternity) allowances shall be granted to the insured persons entitled to this allowance in the following cases (with the exception of the cases provided for in paragraph 5 of this Law):

1) a maternity allowance shall be granted to women for the duration of the maternity leave;

2) a paternity allowance shall be granted to the insured person during his paternity leave to take care of the child until he reaches the age of 1 month;

3) a maternity (paternity) allowance shall be granted to the insured person for the duration of the childcare leave until the child is one or two years old, or for the duration of the childcare leave granted under Article 180(2) of the Labour Code, provided that the adoptive mother (adoptive father) has not previously received a maternity (paternity) allowance to provide care for the same child.

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.

5. The persons who are compulsorily insured with the sickness and maternity social insurance when insuring for maternity, paternity and maternity (paternity) social insurance allowances, as well as the persons referred to in paragraph 3 of Article 4 of this Law shall be granted allowances in the following cases:

1) a maternity allowance – according to a submitted certificate about a maternity leave issued pursuant to the procedure laid down in paragraph 5 of Article 16 of this Law;

2) a paternity allowance – one month from the birth of a child;

3) a maternity (paternity) allowance – until a child is one or two years old or for the duration of the childcare leave granted under Article 180(2) of the Labour Code.

6. The persons specified in subparagraphs 3 and 5 of Article 4 of the Law on the State Social Insurance, upon having submitted a certificate about a maternity leave (subparagraph 1 of paragraph 5 of this Article), shall be equated to the persons who have been granted a maternity leave, and upon having submitted a child's birth certificate (subparagraphs 2 and 3 of paragraph 5 of this Article) – to the persons who have been granted a parental leave or a childcare leave. For the persons referred to in this paragraph the beginning of a parental leave shall be the day of birth of a child, and the day of a childcare leave – the day following the paternity leave or maternity leave.

Article 6. Reimbursed Remuneration

1. The reimbursed remuneration on the basis of which the amount of sickness and vocational rehabilitation allowances is determined shall be calculated on the basis of the insured person's insured income during 3 consecutive calendar months before the calendar month preceding the month in which the temporary incapacity for work was established or the vocational rehabilitation programme began.

2. The reimbursed remuneration on the basis whereof the amount of maternity, paternity and maternity (paternity) allowances are determined shall be calculated according to the insured person's insured income possessed during twelve consecutive calendar months before the calendar month preceding the month in which a maternity leave, paternity leave or childcare leave began.

3. If an insured person was paid a maternity (paternity) allowance for the preceding child or he/she had a maternity leave, paternity leave or childcare leave in respect of the preceding child during the whole period of time referred to in paragraph 2 of this Article or a part thereof, at his/her request a new maternity, paternity or maternity (paternity) allowance may be calculated from the reimbursed remuneration on the basis of which the previous (preceding) maternity, paternity or maternity (paternity) allowance has been calculated.

4. The average monthly reimbursed remuneration for calculation of a sickness allowance is less than one quarter of the insured income approved by the Government for the current year valid at the month of the origin of the temporary disability for work, this allowance shall be calculated by applying the latter amount. If the average monthly reimbursed remuneration for calculation of a

maternity, paternity, maternity (paternity) allowance is less than one third of the insured income approved by the Government for the current year valid at the month when a maternity, paternity or childcare leave began, these allowances shall be calculated based on the latter amount. If the average monthly reimbursed remuneration of a beneficiary of a vocational rehabilitation allowance is less than the sum total of 2 base pensions of the state social insurance valid at the month when the vocational rehabilitation programme began, a vocational rehabilitation allowance shall be calculated on the basis of the latter amount.

5. The maximum reimbursed remuneration for calculation of allowances may not exceed the sum of the 3,2-fold amount of the insured income approved by the Government for the current year which was valid in the month of acquisition of the entitlement to an appropriate allowance.

6. The average monthly reimbursed remuneration for calculation of allowances shall be calculated in accordance with the procedure laws down by the Regulations of Sickness and Maternity Social Insurance Allowances.

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

1. The amounts of sickness, vocational rehabilitation and maternity, paternity, maternity (paternity) allowances 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. Repealed on 1 July 2006.

3. Repealed on 1 July 2005.

CHAPTER II SICKNESS ALLOWANCE

Article 8. Entitlement to a 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 a sickness allowance if:

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

2) they had the 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 beginning of temporary incapacity for work, except in the cases provided in paragraphs 2 and 3 of this Article .

2. The insured persons under 26 years of age shall be entitled to a sickness allowance if by the beginning of temporary incapacity for work they have not acquired the sickness and maternity social insurance record set in subparagraph 2 of paragraph 1 of this Article because during the specified periods they studied according to the general education programme or the vocational training programme and were full time students of higher education institutions or studied according to a programme of full time study, if the temporary incapacity for work begins within 6 months after the completion of the general education programme or the vocational training programme or a programme of higher education study (according to the document attesting to the completion of studies).

3. Entitlement to a sickness allowance shall be enjoyed also by the insured persons, if by the beginning of temporary incapacity for work they did not acquire the record set in subparagraph 2 of paragraph 1 of this Article because during the specified periods they were insured as persons listed in subparagraph 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 sickness allowance shall be granted if the entitlement arose during the period of employment, including a probation period and the day of dismissal from work, with the exception of the persons specified in paragraph 3 of Article 4 of this Law.

5. The persons who receive income under copyright agreements (paragraph 3 of Article 4 of this Law) shall be entitled to a sickness allowance, provided that they have the sickness and maternity social insurance record defined in subparagraph 2 of paragraph 1 of this Article and the temporary incapacity for work has started within the period during which the said persons are considered insured.

6. A sickness allowance shall be granted on the basis of an incapacity for work certificate issued in accordance with rules for issuing electronic incapacity for work and electronic 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

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, a sickness allowance for the first 2 calendar days of incapacity for work shall be paid by the employer, with the exception of the persons referred to in paragraph 3 of Article 4 of this Law. The sickness allowance shall be paid with the resources of the State Social Insurance Fund from the third day of incapacity for work until the recovery of capacity for work or the day of establishment of a level of the capacity for work. In case the DCWEO establishes for persons the need for vocational rehabilitation services, the sickness allowance shall be paid until the first day of participation in the vocational rehabilitation programme. Following the dismissal from work, the sickness allowance shall be paid not longer than 5 calendar days of sickness.

2. For the insured persons in receipt of the state social insurance work incapacity (invalidity) 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 a 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 a calendar year.

4. The payment of a sickness allowance with the resources of the State Social Insurance Fund shall be commenced to be paid to the insured persons, who have become temporarily incapable for work because of taking of the tissues, cells or organs for transplantation with the purpose of donation, on the first day of incapacity for work and shall be paid until the day of recovery of capacity to work or the day of establishment of a level of the capacity for work.

5. The insured persons referred to in paragraph 3 of Article 4 of this Law, who have acquired the right to receive a sickness allowance, the sickness allowance shall be paid from the 3rd day of the temporary incapacity for work with the resources of the State Social Insurance Fund and shall be paid until the recovery or the day of establishment of a level of the capacity for work.

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 the 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 the allowance from the State Social Insurance Fund resources for the family member, guardian entitled to a sickness allowance according to the procedure established in Article 8 of this Law, 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 a maternity leave or childcare 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 a sickness allowance from the State Social Insurance Fund resources to the family member or guardian entitled to a sickness allowance according to the procedure laid down 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, outpatient treatment or/and in medical rehabilitation and sanatorium treatment facilities, who is sick with serious diseases (the list of which shall be approved by the Minister of Health and the Minister of Social Security and Labour), shall start from the first day of nursing and shall be paid for the whole 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

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, a sickness allowance shall be paid in accordance with the procedure 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 (invalidity) pension shall be paid in the cases provided for in subparagraph 3 of paragraph 2 of Article 5 of this Law the 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, a 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 educational institutions according to the procedure established by legal acts and, therefore, the necessity arises to nurse a child children educated in accordance with the pre-school curriculum and primary education curriculum, a 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

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 (invalidity) 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

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, a 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 a 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

1. The amount of a 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 the average salary of the allowance beneficiary, calculated in accordance with procedure established by the Government.

2. The amount of a sickness allowance paid with the State Social Insurance Fund resources shall make up 80 per cent of the reimbursed remuneration of the allowance beneficiary.

3. The amount of a sickness allowance paid upon having become temporarily incapable for work because of taking of the tissues, cells or organs for transplantation with the purpose of donation, shall make up 100 per cent of the reimbursed remuneration of the allowance beneficiary.

4. The amount of a sickness allowance paid with the State Social Insurance Fund resources shall make up 85 per cent of the reimbursed remuneration of the allowance beneficiary for nursing a sick family member or looking after a sick child.

5. A sickness allowance paid with the State Social Insurance Fund resources may not be less per month than a quarter of the current year's insured income valid during the month when incapacity for work occurred.

6. A 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

1. A sickness allowance shall not be paid if the competent authorities 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 rules of conduct during the incapacity for work, as established in the rules for issuing electronic incapacity for work and electronic maternity leave certificates approved by the Ministry of Health and the Ministry of Social Security and Labour shall

be refused a sickness allowance or the payment of the allowance may be terminated from the day of implementation 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

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

1. Persons insured in accordance with the procedure established in paragraphs 1-3 of Article 4 of this Law who were granted a maternity leave shall be entitled to a maternity allowance during the maternity leave if by the first day of the maternity leave they have the sickness and maternity social insurance record of not less than 12 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 a maternity allowance during the maternity leave if by the beginning of the maternity leave they have not acquired the sickness and maternity social insurance record set in paragraph 1 of this Article because during the specified periods they studied according to the general education programme or the vocational training programme and were full time students of higher education institutions or studied there according to a programme of full-time study, if the maternity leave is granted within 12 months after the completion of the general education programme or the vocational training programme or a programme of higher education study (according to the document attesting to the completion of studies). Doctor residents insured during the first year of medical residency shall be entitled to maternity allowance during the maternity leave, provided that they have not acquired the sickness and maternity social insurance record set in paragraph 1 of this Article because during the specified periods they were full time students of higher education institutions or studied there according to a programme of full-time study and/or studied in medical residency, if the maternity leave is granted within 12 months from the beginning of medical residency studies.

3. Entitlement to a maternity allowance during the maternity leave shall be enjoyed also by the insured persons if by the first day of the maternity leave they did not acquire the record set in paragraph 1 of this Article because during the specified periods they were insured as persons listed in subparagraph 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 who has the sickness and maternity social insurance record specified in paragraph 1 of this Article or who meets the requirements laid down in paragraph 2 or 3 of this Article and the duration of the employment contract of whom has expired or whose employment has been ended shall be paid a maternity allowance according to the procedure established in Article 17 of this Law. This provision shall also apply to any other maternity leave if it begins during the period of rearing of the preceding child until he reaches the age of three.

5. A maternity allowance shall be granted for the duration of a maternity leave on the basis of the certificate confirming a maternity leave issued in accordance with rules for issuing electronic 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 a Maternity Leave Period

1. A 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 a maternity leave before the date of childbirth shall be paid a maternity allowance for 56 calendar days after the childbirth.

2. Women who have not used the right to a maternity 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. A maternity allowance shall be payable to women who gave birth in the 22nd-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 22nd-30th week of pregnancy shall be paid a maternity allowance for 28 calendar days after the childbirth.

4. A maternity allowance shall be payable for extra 14 calendar days to women who gave birth in the 22nd-30th week of pregnancy, in the case of complicated childbirth and if more than one child was born.

5. The insured person who is appointed as a guardian of a newborn shall be paid a maternity allowance for the period from the date of establishment of the guardianship until the day the baby is 70 days old.

Article 18. Amount of a Maternity Allowance Paid during a Maternity Leave Period

1. The amount of a maternity allowance during a maternity leave period shall make 100 per cent of the allowance beneficiary's reimbursed remuneration. The amount of the allowance per month may not be lower than one-third of the current year's insured income valid in the month of the beginning of the maternity leave.

2. If during period of payment of the maternity allowance the insured person has the income on which sickness and maternity social insurance contributions are being calculated or the income received from occupational activities carried out during that period, where such activities are not the insured income under this Law, or the said person receives a sickness allowance (including the first 2 days of sickness paid by the employer) or a vocational rehabilitation allowance, a sickness due to occupational accidents allowance or an occupational disease allowance paid pursuant to the Law on Social Insurance of Occupational Accidents and Occupational Diseases and the amount thereof is less than the maternity allowance, the said person shall be paid the difference between the maternity allowance and the income and (or) allowances received by the person in an appropriate month. If the amount of the abovementioned income and (or) allowances is bigger than or the same as the maternity allowance, the latter shall not be paid. When paying the maternity allowance the insured income shall not include the insured income received for the work done prior to the first day of the maternity leave. The maternity allowance or part thereof 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 18¹. Entitlement to Paternity Allowance

1. Entitled to a paternity allowance shall be the father who:

- 1) has been insured in accordance with paragraphs 1-3 of Article 4 of this Law;
- 2) has been granted in accordance with the procedure laid down by law a paternity leave until the child reaches the age of 1 month;
- 3) over the last 24 months before the first day of a paternity leave had the sickness and maternity social insurance record of not less than 12 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 a paternity allowance during the paternity leave if by the beginning of the paternity leave they have not acquired the sickness and maternity social insurance record set in subparagraph 3 of paragraph 1 of this Article because during the specified periods they studied according to the general education programme or the vocational training programme and were full time students of higher education institutions or

studied there according to a programme of full-time study, if the paternity leave is granted within 12 months after the completion of the general education programme or the vocational training programme or a programme of higher education study (according to the document attesting to the completion of studies). Doctor residents insured during the first year of medical residency shall be entitled to paternity allowance during the paternity leave, provided that they have not acquired the sickness and maternity social insurance record set in subparagraph 3 of paragraph 1 of this Article because during the specified periods they were full time students of higher education institutions or studied there according to a programme of full-time study and/or studied in medical residency, if the paternity leave is granted within 12 months from the beginning of medical residency studies.

3. Entitlement to a paternity allowance during the paternity leave period shall be enjoyed also by the insured persons if by the beginning of a paternity leave period they did not acquire the said record because during the specified periods they were insured as the persons listed in subparagraph 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

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

Article 18³. The Amount of Paternity Allowance

1. The amount of a paternity allowance shall make 100 per cent of the allowance beneficiary's reimbursed remuneration. The allowance per month shall not be lower than one-third of the current year's insured income valid for the month of the granting of a 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.

2. If during period of payment of the paternity allowance the insured person has the income on which sickness and maternity social insurance contributions are being calculated or the income received from occupational activities carried out during that period, where such activities are not treated as the insured income under this Law, or the said person receives a sickness allowance (including the first 2 days of sickness paid by the employer) or a vocational rehabilitation allowance, a sickness due to occupational accidents allowance or an occupational disease allowance paid pursuant to the Law on Social Insurance of Occupational Accidents and Occupational Diseases

and the amount thereof is less than the maternity allowance, the said person shall be paid the difference between the paternity allowance and the income and (or) allowances received by the person in an appropriate month. If the amount of the abovementioned income and (or) allowances is bigger than or the same as the paternity allowance, the latter shall not be paid. When paying the paternity allowance the insured income shall not include the insured income received for the work done prior to the first day of the paternity leave. The paternity allowance or part thereof 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

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

1) has been ensured according to paragraphs 1-3 of Article 4 of this Law, with the exception of the cases provided in paragraphs 6, 7 and 8 of this Article;

2) has been granted a childcare leave according to the procedure established by law, with the exception of the first year of child-rearing where the childcare leave is terminated because of the return to work or the second year of child-rearing as well as the cases provided for in paragraphs 6 and 7 of this Article;

3) over the last 24 months before the first day of a childcare leave has got not less than 12 months of the sickness and maternity social insurance record during the last 24 months, with the exception of the cases provided for in paragraphs 2 and 3 of this Article.

2. Entitled to a maternity (paternity) allowance shall be the insured persons under 26 years (one of the parents (adoptive parents) or a guardian), if by the beginning of childcare leave they have not acquired the record set in subparagraph 3 of paragraph 1 of this Article because during the specified periods they studied according to the general education programme or the vocational training programme, or were full time students of higher education institutions, if the childcare leave is granted within 12 months after the completion of the general education programme or the vocational training programme or a programme of higher education study (according to the document attesting to the completion of studies) or the childcare leave is granted from the day following the day on which the maternity or paternity leave ends where the maternity or paternity allowance was paid to the insured person for the same child pursuant to paragraph 2 of Article 16 or paragraph 2 of Article 18¹. Doctor residents insured during the first year of medical residency shall be entitled to a maternity (paternity) allowance during the childcare leave, provided that they have

not acquired the sickness and maternity social insurance record set in subparagraph 3 of paragraph 1 of this Article because during the specified periods they were full time students of higher education institutions or studied there according to a programme of full-time study and/or studied in medical residency, if the childcare leave is granted within 12 months from the beginning of medical residency studies or the childcare leave is granted from the day following the day on which the maternity or paternity leave ends where the maternity or paternity allowance was paid to the insured person for the same child pursuant to paragraph 2 of Article 16 or paragraph 2 of Article 18¹.

3. Entitlement to a maternity (paternity) allowance shall be enjoyed also by the insured persons who by the beginning of childcare leave period did not acquire the insurance record set in subparagraph 3 of paragraph 1 of this Article because during the specified periods they were insured as persons listed in subparagraph 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. Where an insured person who receives a maternity (paternity) allowance, becomes entitled to a maternity or maternity (paternity) allowance because of the birth of another child or the adoption, she/he shall be paid both the allowances, however the sum total of the allowances may not exceed 100 per cent of the reimbursed remuneration of the allowance beneficiary. Maternity (paternity) allowances shall be paid irrespective of the fact for taking care of which child a childcare leave has been granted.

5. The person who is not entitled to a 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 a child caring leave according to the procedure established by the law and receives a maternity (paternity) allowance, is dismissed from work due to the liquidation or bankruptcy of the enterprise, establishment, organisation, also due to the expiration of the duration of the employment contract or due to the expiration of the term of appointment to office or the term of powers of the persons specified in the Law on Civil Service, the Law on Remuneration of State Politicians and State Officials, and the Law on Remuneration of Judges, shall be paid a maternity (paternity) allowance according to the procedure established in Articles 20 and 21 of this Law. The abovementioned provision shall also apply when granting a maternity (paternity) allowance, if the entitlement to it arose during the rearing of the child, who was born or adopted before that, until he reaches the age of three.

Version valid as of 1 January 2016:

6. When one of the parents (adoptive parents) or guardians, who is released from work on a child caring leave according to the procedure established by the law and receives a maternity (paternity) allowance, is dismissed from work or the duration of such person's employment contract has expired, he or she shall be paid the maternity (paternity) allowance according to the procedure established in Articles 20 and 21 of this Law. The abovementioned provision shall also apply when granting a maternity (paternity) allowance, if the entitlement to it arose during the rearing of the child, who was born or adopted before that, until he reaches the age of three.

7. When one of the parents (adoptive parents) or guardians, who has the sickness and maternity social insurance record specified in paragraph 1 of this Article or satisfies 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, also due to the expiration of the duration of the employment contract or due to the expiration of the term of appointment to office or term of powers of the persons specified in the Law on Civil Service, the Law on Remuneration of State Politicians and State Officials, and the Law on Remuneration of Judges and for that reason has not been granted a childcare leave, shall be paid a maternity (paternity) allowance according to the procedure established in Articles 20 and 21 of this Law. The abovementioned provision shall also apply when granting a maternity (paternity) allowance, if the entitlement to it arose during the rearing of the child who was born or adopted before that until he reaches the age of three.

Version valid as of 1 January 2016:

7. When one of the parents (adoptive parents) or guardians, who has the sickness and maternity social insurance record specified in paragraph 1 of this Article or satisfies the requirements of paragraphs 2 and 3 of this Article, has been dismissed from work or when the duration of such person's employment contract expired and for that reason the person has not been granted a childcare leave, he or she shall be paid a maternity (paternity) allowance according to the procedure established in Articles 20 and 21 of this Law. The abovementioned provision shall also apply when granting a maternity (paternity) allowance, if the entitlement to it arose during the rearing of the child, who was born or adopted before that, until he reaches the age of three.

8. One of the parents (adoptive parents) or guardians who receives income from sports or as a performer, or pursuant to copyright agreements and who is not insured in accordance with paragraphs 1, 2 and 3 of Article 4 of this Law shall be paid a maternity (paternity) allowance shall be paid according to the procedure laid down in Articles 20 and 21 of this Law if he was paid a

maternity or parental allowance and he has the sickness and maternity social insurance record set out in paragraph 1 of this Article or meets the requirements laid down in paragraphs 2 or 3 of this Article.

Article 20. Duration of Maternity (Paternity) Allowance Payment

1. A maternity (paternity) allowance shall be paid for the period of a childcare leave after the end of a maternity leave until the child is one or two years old, or for the period of a childcare leave granted under Article 180(2) of the Labour Code.

2. If the mother was not in receipt of a maternity allowance for the duration of a maternity leave, a 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 a pregnancy and childbirth allowance for the duration of a maternity leave dies, a 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 a paternity allowance, shall not be paid maternity (paternity) allowance.

5. When a temporary or permanent guardianship is established in accordance with the procedure laid down by legal acts for a child of an insured person who is entitled to a maternity (paternity) allowance or the parental authority (that of the father or the mother) of an insured person who is entitled to a maternity (paternity) allowance is restricted by a court decision, or an insured person is relieved or removed of the duties of a guardian by a court ruling, the above-mentioned allowance shall not be granted or the payment thereof shall be terminated on the day following the day of the coming into effect of the court decision or ruling, if the court does not decide to enforce them urgently, in accordance with the procedure laid down by the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.

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

1. The amount of a maternity (paternity) allowance from the end of a maternity leave until the child turns one year old shall make up 100 per cent of the allowance beneficiary's reimbursed remuneration, if the insured person chooses to receive this allowance until the child turns one year old. If the insured person chooses to receive a maternity (paternity) allowance until the child turns two years old, the amount of the said allowance from the end of a maternity leave until the child turns one year old shall make up 70 per cent of the allowance beneficiary's reimbursed

remuneration and until the child turns two years old – 40 per cent of the allowance beneficiary's reimbursed remuneration. The amount of a maternity (paternity) allowance for the period of a childcare leave granted under Article 180(2) of the Labour Code shall make up 70 per cent of the allowance beneficiary's reimbursed remuneration.

2. The amount of a 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 a childcare leave.

3. When two or more children are born to the insured person or when the insured person adopts two and more children and the said person is on a childcare leave, the maternity (paternity) allowance shall be increased (paragraphs 1 and 2 of this Article) taking into account the number of children born or adopted simultaneously, however the sum total of the paid allowances may not exceed 100 per cent of the allowance beneficiary's reimbursed remuneration.

4. If an insured person, who has been or is on childcare leave, until the child turns one year old possesses income on which sickness and maternity social insurance contributions are being calculated or the income received from occupational activities carried out during that period, where such activities are not the insured income under this Law, or such a person receives a sickness allowance (including the first 2 days of sickness paid by the employer) or a vocational rehabilitation allowance, a sickness due to occupational accidents allowance or an occupational disease allowance paid pursuant to the Law on Social Insurance of Occupational Accidents and Occupational Diseases and the amount thereof is less than the maternity (paternity) allowance (than the total of these sums), the above-mentioned person shall be paid the difference between the maternity (paternity) allowance (the total of these sums) and the income and (or) allowances received by the person in an appropriate month in accordance with the procedure established by the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government. If the amount of the said income and (or) allowances is bigger than or the same as the maternity (paternity) allowance, the latter shall not be paid. When paying the maternity (paternity) allowance the insured income shall not include the insured income received for the work done prior to the first day of the childcare leave. The maternity (paternity) allowance shall be paid without taking into account the income and (or) allowances received during that period.

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 a 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 granted anew.

CHAPTER IV

VOCATIONAL REHABILITATION ALLOWANCE

Article 21⁽¹⁾. Entitlement to Vocational Rehabilitation Allowance

1. The insured persons listed in paragraphs 1 and 3 of Article 4 of this Law shall be entitled to the 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. A 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

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 a 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

1. The amount of a 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 a 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. A 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

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 Vocational Rehabilitation Allowance Payment

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**

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 consist of the 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, paternity and maternity (paternity) allowances defined in Article 5 of this Law.

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 Paying State Social Insurance Contributions and Calculating Allowances

1. State social insurance contributions intended for the sickness and maternity social insurance for each insured person specified in paragraphs 1-3 of Article 4 of this Law shall be calculated and paid in accordance with the procedure established by the law together with other state social insurance contributions.

2. Sickness, vocational rehabilitation, maternity, paternity, maternity (paternity) allowances shall be calculated and paid and the income for work done prior to the first day of maternity leave, paternity leave or childcare leave shall be fixed according to the data of the Register of the Republic of Lithuania of Persons Insured with the State Social Insurance and Beneficiaries of State Social Insurance Contributions and (or) other additional documents in accordance with the procedure laid down by the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.

Article 24¹ . Granting and Payment of Allowances, Recovery of Overpaid Allowances

1. Allowances provided for in this Law, except sickness allowances paid by the employer for the first 2 calendar days of incapacity for work shall be granted and paid by territorial offices of the

State Social Insurance Fund Board under the Ministry of Social Security and Labour (hereinafter: 'territorial offices of the Fund Board') in accordance with this Law and the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.

Version valid as of 1 January 2016:

1. Allowances provided for in this Law, except sickness allowances paid by the employer for the first 2 calendar days of incapacity for work shall be granted and paid by territorial offices of the State Social Insurance Fund Board under the Ministry of Social Security and Labour or the Military and Similar Structures Local Office of the State Social Insurance Fund Board under the Ministry of Social Security and Labour (hereinafter: 'territorial offices of the Fund Board') in accordance with this Law and the Regulations of Sickness and Maternity Social Insurance Allowances approved by the Government.

2. A territorial office of the Fund Board shall adopt a decision on granting the allowances not later than ten working days after the receipt of the application and all required documents and (or) data at the territorial office of the Fund Board.

3. Upon taking a decision not to grant an allowance, a territorial office of the Fund Board shall send (hand in) the decision or a copy thereof to the applicant not later than within 5 working days from the adoption of the decision. The decision shall specify the reasons for not granting the allowance and the procedure and time limit of appeal against this decision. The decision to grant an allowance shall be sent (handed in) only at the individual's request.

4. Sickness, vocational rehabilitation, maternity and paternity social insurance allowances shall be granted and paid from the occurrence of the right to receive the allowance, if they are applied for not later than within 12 months after end of the sickness, vocational rehabilitation, maternity or paternity leave. Where an electronic incapacity for work certificate is issued upon the end of the illness, a sickness allowance shall be granted and paid from the day of the occurrence of the right to receive the allowance, if it is applied for not later than within 12 months after day of issuing of the electronic incapacity for work certificate. A maternity (paternity) allowance shall be granted and paid from the day of the occurrence of the right to receive the allowance, if it is applied for not later than within 12 months from the end of the period for which the person is entitled to receive the allowance.

5. Overpaid allowances shall be recovered in accordance with the procedure laid down by the Law on the State Social Insurance.

CHAPTER VI

FINAL PROVISIONS

Article 25. Resolution of Disputes

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

Article 26. Proposal to the Government

Within 2 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

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.