

Translated from Lithuanian

REPUBLIC OF LITHUANIA
LAW ON EQUAL TREATMENT

18 November 2003 – No IX-1826

Vilnius

(As last amended on 17 June 2008 – No X-1602)

SECTION ONE
GENERAL PROVISIONS

Article 1. Purpose of the Law

The purpose of this Law shall be to ensure the implementation of the provisions of Article 29 of the Constitution of the Republic of Lithuania enshrining the equality of persons and prohibition against restrictions on human rights or extensions of privileges on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, as well as the implementation of the provisions of legal acts of the European Union referred to in the Annex to this Law and of other international legal acts.

Article 2. Definitions

1. Discrimination means any direct or indirect discrimination, harassment, instruction to discriminate on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

2. Ethos means the sum total of beliefs, values, moral attitudes and traditions determining the behaviour or standards of behaviour of a person or a group of persons.

3. Equal treatment means the implementation of human rights enshrined in international instruments on human and civil rights as well as laws of the Republic of Lithuania irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

4. **Indirect discrimination** means any act or omission, legal provision or assessment criterion, apparently neutral provision or practice that formally are the same but their implementation or application results or would result in *de facto* restrictions on the exercise of rights or extensions of privileges, preferences or advantages on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, unless that act or omission, legal provision or assessment criterion, provision or practice is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

5. **Harassment** means any unwanted conduct which occurs with the purpose, or effect, of violating the dignity of a person, and of creating an intimidating, hostile, humiliating or offensive environment on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

6. **Social status** means education or qualification acquired by a natural person or his studies at research and education establishments, his property, income, need for state support provided for in legal acts and/or other factors related to the financial/economic situation of the person.

7. **Direct discrimination** means any situation where one person is treated less favourably than another is, has been or would be treated in a comparable situation on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, except for the following cases:

- 1) restrictions on the grounds of age as established by laws where it is justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary;
- 2) requirement to know the state language as established by laws;
- 3) prohibition of participation in political activities in the cases specified by laws;
- 4) different rights applied on the basis of citizenship as established by laws;
- 5) special measures in the field of health care, safety at work, employment, labour market as established by laws with the view of creating and applying conditions and opportunities guaranteeing and promoting integration into the working environment;
- 6) special temporary measures, as established by laws, which are taken to ensure equality and prevent violation of equal treatment on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;

7) where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, a particular human characteristic constitutes an essential and determining occupational requirement, provided that the aim is legitimate and the requirement is proportionate;

8) where the legal regulation of restrictions, special requirements or certain conditions relating to the social status of a person is justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary;

9) organisation of separate sports competitions for the disabled.

8. An instruction to discriminate against a person on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion shall be deemed to be discrimination within the meaning of paragraphs 4 and 7 of this Article.

Article 3. Exemptions from the Provisions of this Law

The provisions of this Law shall not apply to:

1) family and private life;

2) employees or staff of religious communities, associations and centres, as well as of legal persons established by them for serving the purposes of the same religion (hereinafter referred to as “religious communities and associations”), and of organisations established by them or their members, the founding documents or equivalent documents of which specify that their ethos is based on religion or belief, as well as requirements for religion teachers of traditional religious communities and associations where, by reason of the nature of their activities or of the context in which they are carried out, requirements regarding a person’s religion, belief or convictions constitute a genuine, legitimate and justified requirement, having regard to the ethos of the said organisations;

3) cases where religious communities and associations, as well as organisations established by them or their members, the founding documents or equivalent documents of which specify that their ethos is based on religion or belief, supply products, goods and services for religious or belief purposes;

4) the admission of persons to study at schools of religious communities and associations, schools established by them or their members, as well as establishments, enterprises and organisations whose main activity is other than academic education, which have been established with the purpose of education in an environment fostering the

values of a religious community or association where refusal to admit a person is necessary in order to maintain the ethos of the said organisations;

5) the content of education programmes, textbooks and teaching aids where religious instruction of traditional religious communities and associations is provided;

6) requirements that persons carrying out occupational activities within religious communities and associations, as well as organisations established by them or their members, the founding documents or equivalent documents of which specify that their ethos is based on religion or belief, and persons studying at schools of religious communities and associations, schools established by them or their members, as well as establishments, enterprises and organisations whose main activity is other than academic education or taking part in organisations established with the purpose of education in an environment fostering the values of a religious community or association should act in good faith and with loyalty to the ethos of the said organisations;

7) cases where organisations uniting individuals on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion decide on membership of, or employment in, these organisations, provided it is genuine, legitimate and justified in relation to the common ground of an organisation;

8) education and training where the application of the provisions of this Law is inconsistent with the striving of communities of state or private pre-school education establishments, general education schools or other educational establishments, the founding documents or equivalent documents of which specify that their ethos is based on religion or belief, to educate children in an environment fostering the values of a religious community or association.

Article 4. Burden of Proof

Where in the course of the hearing of complaints, petitions, applications, notifications or claims of natural or legal persons about discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion before a court or other competent authority, the complainant establishes facts from which it may be presumed that there has been direct or indirect discrimination, it shall be presumed that direct or indirect discrimination, harassment or instruction to discriminate has occurred. The respondent shall have to prove that there has been no breach of the principle of equal treatment.

SECTION TWO

IMPLEMENTATION OF EQUAL TREATMENT

Article 5. Duty of State and Municipal Institutions and Agencies to Implement Equal Treatment

State and municipal institutions and agencies must, within their competence:

1) ensure that equal rights and opportunities are enshrined in all legal acts irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;

2) develop, approve and implement programmes and measures designed to ensure equal treatment irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;

3) in the manner prescribed by laws, support programmes of religious communities, associations and centres, public establishments, associations, as well as charitable and sponsorship foundations which assist in implementing equal treatment of persons on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

Article 6. Duty of Educational Establishments, Other Education Providers as well as Research and Education Establishments to Implement Equal Treatment

1. Educational establishments, other education providers as well as research and education establishments must ensure equal conditions for persons irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion when:

1) admitting to educational establishments, other education providers as well as research and education establishments, teaching and educating according to programmes of formal and non-formal education implemented therein;

2) granting scholarships or providing loans;

3) developing and approving education programmes;

4) evaluating learning achievements.

2. Educational establishments, other education providers as well as research and education establishments must, within their competence, ensure that education

programmes, textbooks and teaching aids do not contain or propagate discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

3. Educational establishments, other education providers as well as research and education establishments must preclude any harassment or instruction to harass on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion in the cases specified in paragraph 1 of this Article.

Article 7. Duty of the Employer to Implement Equal Treatment at the Workplace, in the Civil Service

When implementing equal treatment the employer, without regard to gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, must:

1) apply uniform selection criteria and conditions when employing, or recruiting to the civil service, except for the cases specified in paragraph 7 of Article 2 of this Law;

2) provide equal working and civil service conditions and opportunities for vocational training, advanced vocational training, retraining, practical work experience, as well as provide equal benefits;

3) apply uniform criteria for assessing the work of employees and the performance of civil servants;

4) apply uniform criteria for dismissal from work and from the civil service;

5) pay equal pay for the same work or for work of equal value;

6) take measures to prevent harassment or instructions to discriminate against any employee or civil servant at the workplace;

7) take measures to prevent sexual harassment against any employee or civil servant;

8) take measures to ensure that an employee or civil servant who has filed a complaint relating to discrimination or is participating in discrimination proceedings, his representative or any person who is testifying or making statements are not subjected to persecution and are protected from any adverse treatment or adverse consequence;

9) take appropriate measures to enable disabled persons to have access to, participate in, or advance in employment, or to undergo training, including adaptation of premises, unless such measures would impose a disproportionate burden on the employer.

Article 8. Implementation of Equal Treatment in the Field of Consumer Protection

When implementing equal treatment, a seller or producer of goods or a service provider, without regard to gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, must:

1) provide consumers with equal access to the same products, goods and services, including housing, as well as apply equal conditions of payment and guarantees for the same products, goods and services or for products, goods and services of equal value;

2) when providing consumers with information about products, goods and services or advertising them, ensure that such information does not convey humiliation, contempt or restriction of rights or extension of privileges on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion and that it does not form public opinion that these qualities make a person superior or inferior to another.

Article 9. Prohibition of Discrimination in Relation to Membership of, and Involvement in, Organisations

Discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion in relation to membership of, and involvement in, an organisation of employees or employers, or any organisation (association) whose members carry on a particular profession, including the benefits provided for by such organisations (associations) shall be prohibited.

SECTION THREE VIOLATION OF EQUAL TREATMENT

Article 10. Violation of Equal Treatment

Any non-compliance or improper compliance with the duties or non-compliance with the prohibitions set by this Law shall constitute a violation of equal treatment.

Article 11. Discriminatory Advertisements

In advertisements offering job, civil service or education opportunities, it shall be prohibited to specify requirements giving preference on the grounds of gender, race,

nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, except for the cases specified in paragraph 7 of Article 2 of this Law.

Article 12. Defence of Rights of a Person Discriminated Against

1. A person who considers himself wronged by failure to apply equal treatment to him shall have the right to appeal to the Equal Opportunities Ombudsman. An appeal to the Equal Opportunities Ombudsman shall not preclude the possibility of defending his rights in court.

2. Associations or other legal persons which have, in accordance with the legal act regulating their activities, the defence and representation in court of persons discriminated against on a particular ground as one of their activities may, on behalf of the person discriminated against, represent him in judicial or administrative procedures in the manner prescribed by laws.

Article 13. Compensation for Damage

A person who has suffered discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion shall have the right to claim compensation for economic and non-economic damages from the persons guilty thereof in the manner prescribed by laws.

SECTION FOUR

SUPERVISION OF THE IMPLEMENTATION OF THE LAW

Article 14. Supervision of the Implementation of the Law

The implementation of this Law shall be supervised by the Equal Opportunities Ombudsman in accordance with the procedure laid down by the Law of the Republic of Lithuania on Equal Opportunities for Women and Men.

SECTION FIVE

COMPLAINTS PROCEDURE

Article 15. Acceptance and Investigation of Complaints. Decisions

1. Complaints relating to violations of equal treatment shall be filed with the Equal Opportunities Ombudsman.

2. Complaints relating to violations of equal treatment shall be investigated and decided in accordance with the procedure laid down by the Law of the Republic of Lithuania on Equal Opportunities for Women and Men.

Annex to the Law of the
Republic of Lithuania on
Equal Treatment

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ 2004 special edition, Chapter 20, Volume 1, p. 23).

2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2004 special edition, Chapter 5, Volume 4, p. 79).

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

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS

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