

Translated by the Ministry of Social Security and Labour



**REPUBLIC OF LITHUANIA
LAW
ON AMENDMENT
OF LAW NO IX-110 ON SICKNESS AND MATERNITY SOCIAL INSURANCE**

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Vilnius

**Article 1. New Version of the Republic of Lithuania Law No IX-110 on Sickness and
Maternity Social Insurance**

The Republic of Lithuania Law No IX-110 on Sickness and Maternity Social Insurance shall be amended to read as follows:

**“REPUBLIC OF LITHUANIA
LAW
ON SICKNESS AND MATERNITY SOCIAL INSURANCE**

**CHAPTER I
GENERAL PROVISIONS**

Article 1. Purpose of the Law

This Law shall specify the persons who are covered by sickness social insurance and maternity social insurance and establish the right to benefits for these types of insurance as well as the conditions for the allocation, calculation and payment thereof.

Article 2. Sickness Social Insurance and Maternity Social Insurance

Sickness social insurance shall, in the cases prescribed by law, compensate individuals covered by this type of insurance for full or partial income that was lost due to their own illness or that of their family members, or due to participation in a vocational rehabilitation programme. Maternity social insurance shall, in the cases prescribed by law, compensate individuals covered by this type of insurance for full or partial income that was lost due to maternity, paternity or childcare.

Article 3. Definitions

1. **Insured person** means a natural person who pays and/or for whom state social insurance contributions are paid or should have been paid by law, in the procedure established by the Republic of Lithuania Law on State Social Insurance.

2. **Insured income of an insured person** means a person's entire income and other amounts for which state social insurance contributions were paid or should have been paid for sickness social insurance and/or maternity social insurance, as well as sickness (including the first two days of incapacity paid by the employer), vocational rehabilitation, maternity, paternity and childcare benefits established by this Law and calculated for the insured person, benefits calculated for sickness due to an accident at work or occupational disease and paid in accordance with the Republic of Lithuania Law on Social Insurance for Accidents at Work and Occupational Diseases, and unemployment social insurance benefits as well as partial unemployment benefits calculated and paid in accordance with the Republic of Lithuania Law on Unemployment Social Insurance.

3. **Beneficiary** means a natural person who is entitled to receive the sickness, vocational rehabilitation, maternity, paternity or childcare benefits established by law.

4. **Compensatory wage** means the sum total of an insured person's insured income, on the basis of which sickness social insurance and maternity social insurance benefits are calculated.

5. **Sickness Social Insurance and maternity social insurance record** means the periods during which state social insurance contributions were paid or should have been paid by law for sickness social insurance and/or maternity social insurance, as well as during which an insured person received the sickness (including the first two days of incapacity paid by the employer), vocational rehabilitation, maternity, paternity or childcare benefits established by this Law, benefits for sickness due to an accident at work or occupational disease paid in accordance with the Republic of Lithuania Law on Social Insurance for Accidents at Work and Occupational Diseases, or unemployment social insurance benefits or partial unemployment benefits paid in accordance with the Republic of Lithuania Law on Unemployment Social Insurance. Social insurance records for self-employed persons and persons who receive income from sports or performer's activities or under copyright license agreements shall be established according to the amount of social insurance contributions paid. If these contributions are paid based on minimum monthly wage, a social insurance record of one month shall be obtained. In cases when contributions are paid based on an amount less than or greater than minimum monthly wage, the social insurance record shall be considered proportionally shorter or longer. Sickness social

insurance and maternity social insurance records shall be calculated in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits approved by the Government of the Republic of Lithuania (hereinafter – the Government).

6. Persons who do not have an employment or service relationship mean the persons specified in Articles 5(1), 5(2), 6(1) and 6(7) of the Law on State Social Insurance.

7. Country's average monthly wage means the average monthly wage (including wage data for individual undertakings) in the country's economy as published by Statistics Lithuania.

8. Family member means a spouse, child/adopted child, mother/father or adoptive mother/adoptive father.

9. Persons who have an employment or service relationship means the persons specified in paragraphs 1–4 of Article 4 and paragraph 4 of Article 6 of the Law on State Social Insurance.

Article 4. Persons Covered by Sickness social insurance and Maternity Social Insurance

1. The persons who are covered by mandatory sickness social insurance and maternity social insurance as well as the procedure for payment of sickness social insurance and maternity social insurance contributions shall be established by the Law on State Social Insurance.

2. Persons who are not covered by mandatory sickness social insurance and maternity social insurance have the right to take out this type of insurance voluntarily in accordance with the procedure established by the Government.

3. Persons who receive income from sports or performer's activities or under copyright license agreements shall be considered to be insured from the date of the commencement of state social insurance until the day of the insured event, provided that state social insurance contributions were paid during this period based on an amount of income no less than the minimum monthly wage for this period. The persons specified in this paragraph shall be considered to be insured for a period of no more than 24 months from the date of the commencement of state social insurance.

Article 5. Sickness, Vocational Rehabilitation, Maternity, Paternity and Childcare Benefits

1. Sickness, vocational rehabilitation, maternity, paternity and childcare benefits shall be allocated and paid in accordance with this Law.

2. Sickness benefits shall be allocated to persons entitled to receive them in the following cases:

1) to insured persons who have become temporarily unable to work due to illness or injury and have therefore lost employment income, with the exception of the cases for allocating and paying sickness benefits provided for by the Law on Social Insurance for Accidents at Work and Occupational Diseases;

2) for nursing sick family members. This benefit shall be granted if a doctor asserts that a sick family member of the insured person requires nursing;

3) to insured persons who have been suspended from work due to an infectious disease outbreak or epidemic;

4) to insured persons who are undergoing treatment at a health care facility providing orthopaedic and/or prosthetic services. This benefit shall be allocated to insured persons for the entire duration of treatment at said facility, including travel to and from;

5) for the care of children enrolled in pre-school or pre-primary education programmes if a regimen to contain the spread of infection has been established at the educational institution;

6) for childcare if a person who has been granted pregnancy and childbirth leave or leave to care for a child (hereinafter – childcare leave) is unable to take care of this child due to his or her own illness or that of another child under the age of three for whose care he or she has been granted childcare leave;

7) to insured persons who have become temporarily unable to work due to the removal of tissues, cells or organs for the purpose of living-donor transplantation.

3. Maternity, paternity and childcare benefits shall be allocated to insured persons entitled to receive them in the following cases:

1) maternity benefits – to an insured person during pregnancy and childbirth leave;

2) paternity benefits – to an insured person during paternity leave;

3) childcare benefits – to an insured person during childcare leave until the child reaches one or two years of age, except in the cases provided for in Article 22(1)(2) of this Law, or during childcare leave granted according to Article 134(2) of the Labour Code of the Republic of Lithuania, if the adoptive mother/father did not already receive childcare benefits for the care of the same child.

4. Persons covered by maternity social insurance according to the Law on State Social Insurance who, in the procedure laid down by law, are not entitled to pregnancy and childbirth, paternity or childcare leave, shall, based on a pregnancy and childbirth certificate, be treated as persons who are granted pregnancy and childbirth leave, and based on data of the Register of Residents of the Republic of Lithuania on the birth of a child – as persons who are granted paternity or childcare leave.

5. Vocational rehabilitation benefits shall be allocated and paid to insured persons entitled to receive them who have been identified by the Disability and Working Capacity Assessment Office under the Ministry of Social Security and Labour (hereinafter – the Disability and Working Capacity Assessment Office) as being in need of vocational rehabilitation services, provided that these persons are participating in a vocational rehabilitation programme.

Article 6. Compensatory Wage

1. The compensatory wage based on which the amount of sickness and vocational rehabilitation benefits is established shall be calculated according to the insured income that the insured person had over the three consecutive calendar months before the calendar month preceding the month during which the temporary incapacity for work was established or the vocational rehabilitation programme began.

2. The compensatory wage based on which the amount of maternity, paternity and childcare benefits is established shall be calculated according to the insured income that the insured person had over the 12 consecutive calendar months before the calendar month preceding the month during which the right to receive maternity, paternity or childcare benefits arose.

3. If an insured person was being paid childcare benefit for the entire period specified in paragraph 2 of this Article or part thereof for a child who was born (or taken into care or adopted) prior thereto, or was granted pregnancy and childbirth, paternity or childcare leave for a child who was born prior thereto, pregnancy and childbirth or childcare leave for a child who was taken into care, or paternity or childcare leave for a child who was adopted, a new maternity, paternity or childcare benefit may, at the request of the insured person, be calculated based on the compensatory wage according to which the respective previous (preceding) maternity, paternity or childcare benefit was calculated for the child who was born (or taken into care or adopted) prior thereto.

4. If the average monthly compensatory wage for the calculation of sickness benefit is less than 15 per cent of the country's average monthly wage for the quarter two quarters preceding the month of the onset of incapacity for work, this benefit shall be calculated based on the size of the latter. If the average monthly compensatory wage for the calculation of maternity, paternity or childcare benefit is less than 20 per cent of the country's average monthly wage for the quarter two quarters preceding the day on which the right to receive maternity, paternity or childcare benefits arose, this benefit shall be calculated based on the size of the latter. If the average monthly compensatory wage of a recipient of vocational rehabilitation benefit is less than the sum total of two basic State Social Insurance Pensions for the month during which the

vocational rehabilitation programme began, the vocational rehabilitation benefit shall be calculated based on the size of the latter.

5. The maximum compensatory wage for the calculation of sickness, vocational rehabilitation, paternity or childcare benefits cannot exceed the size of two country's average monthly wages for the quarter two quarters preceding the month of the onset of incapacity for work, the month during which the vocational rehabilitation programme began, or the day on which the right to receive paternity or childcare benefits arose. The compensatory wage for maternity benefits is calculated according to paragraphs 2 and 3 of this Article.

6. The average monthly compensatory wage for the calculation of benefits shall be determined in accordance with the procedure established by the Regulations for Sickness and Maternity Social Insurance Benefits.

Article 7. Payment of Benefits upon the Death of a Person Entitled Thereto

The amount of sickness, vocational rehabilitation and maternity, paternity or childcare benefits which an insured person was entitled to but did not receive due to the death thereof shall be paid to the persons who inherit the property of the deceased provided that they submit a certificate of inheritance.

CHAPTER II SICKNESS BENEFIT

Article 8. The Right to Receive Sickness Benefit

1. Persons are entitled to receive sickness benefit in the cases specified in Article 5(2) of this Law if they:

- 1) are covered by sickness social insurance;
- 2) become temporarily unable to work and therefore lose earned income, and are not receiving sickness benefit according to the Law on Social Insurance of Accidents at Work and Occupational Diseases during this period as well;
- 3) had, prior to the onset of temporary incapacity for work, a sickness social insurance record of at least three months over the past 12 months or at least six months over the past 24 months, except in the cases provided in paragraphs 2 and 3 of this Article.

2. Insured persons under 26 years of age who have not obtained the record specified in paragraph 1(3) of this Article by the onset of temporary incapacity for work shall also be entitled to sickness benefit if this was due to the fact that during the periods specified, they were enrolled in a general education programme, a vocational training programme, or a full-time study

programme at an institution of higher education, and the temporary incapacity for work began within six months of completing the general education programme, vocational training programme, or full-time study programme at an institution of higher education and attaining the corresponding level of education (according to the document attesting said achievements in education and/or qualification).

3. Insured persons shall also be entitled to sickness benefit if they did not obtain the record specified in paragraph 1(3) of this Article by the onset of temporary incapacity for work due to the fact that during the periods specified, they were insured as persons listed in Article 6(4) of the Law on State Social Insurance and no more than three months have passed since their change of status.

4. Sickness benefits shall be granted to persons who have an employment or service relationship if the right to receive them arose during the period of employment or service, including the probationary period, or on the day of dismissal from employment or service.

5. Persons who do not have an employment or service relationship are also entitled to receive sickness benefits if they have the record specified in paragraph 1(3) of this Article and their temporary incapacity for work began during the period when said persons were considered insured.

6. The basis for granting sickness benefit shall be the certificate of incapacity issued in accordance with the Rules for Issuing Electronic Certificates of Incapacity and Electronic Pregnancy and Childbirth Certificates approved by the Minister of Health and the Minister of Social Security and Labour.

Article 9. Duration of the Payment of Sickness Benefits for the Illness or Injury of an Insured Person

1. For persons who have an employment or service relationship and who have become temporarily unable to work in the cases specified in points 1, 3 or 4 of Article 5(2) of this Law, the sickness benefit for the first two calendar days of incapacity shall be paid by the employer. Sickness benefits shall begin to be paid by the State Social Insurance Fund on the third day of incapacity and shall be paid until the day capacity for work is regained or the day the level of capacity for work is established. In cases when the Disability and Working Capacity Assessment Office identifies a person as being in need of vocational rehabilitation services, the sickness benefit shall be paid until the first day of participation in the vocational rehabilitation programme. After dismissal from employment or service due to an illness or injury which caused the person to become unable to work prior to dismissal from employment or service, the sickness benefit shall be paid for no more than five calendar sick days if the insured person's temporary

incapacity which began during the insured period continues after dismissal from employment or service.

2. For insured persons who are receiving work incapacity social insurance pension sickness benefits shall, in the cases provided for in Article 5(2)(1) of this Law, begin to be paid by the State Social Insurance Fund in accordance with the procedure established in paragraph 1 of this Article and shall be paid for no more than 90 calendar days over the course of a calendar year.

3. For insured persons who are voluntarily undergoing treatment for alcoholism or substance dependence at specialised inpatient facilities, sickness benefits shall begin to be paid by the State Social Insurance Fund in accordance with the procedure established in paragraph 1 of this Article and shall be paid for no more than 14 calendar days, one time over the course of a calendar year.

4. For insured persons who have become temporarily unable to work due to the removal of tissues, cells or organs for the purpose of living-donor transplantation, sickness benefits shall begin to be paid by the State Social Insurance Fund from the first day of incapacity and shall be paid until the day capacity for work is regained or the day the level of capacity for work is established.

5. For insured persons who do not have an employment or service relationship but who have obtained the right to receive sickness benefits, sickness benefits shall be paid by the State Social Insurance Fund from the third day of incapacity and shall be paid until the day capacity for work is regained or the day the level of capacity for work is established. After the conclusion of the insured period for the illness or injury which caused the person to become unable to work until the end of the insured period, sickness benefit shall be paid for no more than five calendar sick days if the insured person's temporary incapacity which began during the insured period continues after the end of the insured period.

Article 10. Duration of the Payment of Sickness Benefits to Nurse a Sick Family Member or Look After a Child

1. When an insured person is nursing a sick family member, sickness benefits shall begin to be paid by the State Social Insurance Fund from the first day of care and shall be paid for no more than seven calendar days.

2. For mothers/fathers, adoptive mothers/fathers and guardians entitled to sickness benefits in accordance with the procedure established in Article 8 of this Law who are nursing a child under 14 years of age, sickness benefits shall begin to be paid by the State Social Insurance Fund from the first day of nursing the child and shall be paid for no more than 14 calendar days.

3. For mothers/fathers, adoptive mothers/fathers and guardians entitled to sickness benefits in accordance with the procedure established in Article 8 of this Law who are caring for a child for whom another person has been granted pregnancy and childbirth or childcare leave but who, due to his or her own illness or injury or that of another child under three years of age for whom he or she has been granted childcare leave, cannot care for this child, benefits shall begin to be paid by the State Social Insurance Fund from the first day of caring for the child and shall be paid for no more than 14 calendar days. The total sickness benefit payment period cannot exceed 90 calendar days over the course of a calendar year.

4. For mothers/fathers, adoptive mothers/fathers and guardians entitled to sickness benefits in accordance with the procedure established in Article 8 of this Law who are nursing a sick child under seven years of age at an inpatient and/or medical rehabilitation and sanatorium facility, as well as for mothers/fathers, adoptive mothers/fathers and guardians who are nursing a child under 18 years of age at an inpatient, outpatient and/or medical rehabilitation and sanatorium facility who is suffering from a disease classified as serious by the list approved by the Minister of Health and the Minister of Social Security and Labour, benefits shall begin to be paid by the State Social Insurance Fund from the first day of care and shall be paid for the entire period that nursing is required, but no more than 120 days over the course of a calendar year.

Article 11. Duration of the Payment of Sickness Benefits during Infectious Disease Outbreaks or Epidemics

1. When a quarantine regime is established, in accordance with the procedure laid down by law, at a hotspot for the outbreak or epidemic of a particularly dangerous infectious disease or an infectious disease of unknown origin, sickness benefits shall be paid to insured persons who have been suspended from work for this reason in accordance with the procedure established in Article 9(1) of this Law for the entire period of suspension from work until the quarantine is lifted.

2. For insured persons who are receiving a work incapacity social insurance pension, sickness benefits shall be paid in the cases provided for in Article 5(2)(3) of this Law by the State Social Insurance Fund in accordance with the procedure established in Article 9(2) of this Law.

3. During outbreaks or epidemics of infectious diseases, when an insured person is temporarily suspended from work as a carrier of the infectious disease and therefore cannot be transferred to another job, sickness benefit shall be calculated according to the compensatory wage received at the workplace at which the insured person is suspended from work and shall be paid in accordance with the procedure established in Article 9(1) of this Law.

4. When a regimen to contain the spread of infection is established at an educational institution in accordance with the procedure laid down by law, thereby creating the necessity to care for a child enrolled in a pre-school or pre-primary education programme, sickness benefits shall begin to be paid to the mother/father, adoptive mother/father or guardian by the State Social Insurance Fund from the first day of caring for the child and shall be paid for no more than 14 calendar days.

Article 12. Duration of the Payment of Sickness Benefits to Persons Undergoing Treatment at Health Care Facilities Providing Orthopaedic and/or Prosthetic Services

1. For an insured person undergoing treatment at a health care facility providing orthopaedic and/or prosthetic services, benefits shall be paid in accordance with the procedure established in Article 9(1) for the entire duration of treatment at said facility, including travel to and from.

2. For insured persons who are receiving a work incapacity social insurance pension, sickness benefits shall be paid in the cases provided for in Article 5(2)(4) of this Law by the State Social Insurance Fund in accordance with the procedure established in Article 9(2) of this Law.

Article 13. Payment of Sickness Benefits During Leave

1. If an insured person becomes temporarily unable to work due to illness or injury incurred during this person's annual paid leave, or if an insured person undergoes treatment at a health care facility providing orthopaedic and/or prosthetic services during this leave, sickness benefits shall be paid in accordance with the procedure established in Articles 9 and 12 of this Law.

2. If an insured person becomes temporarily unable to work due to the reasons specified in Article 5(2) of this Law during this person's unpaid leave, or if an insured person is suspended from work without pay, sickness benefits shall begin to be paid in accordance with the procedure established in Articles 9 through 12 of this Law from the day the insured person was expected to return to work. Benefits shall be paid according to the same procedure if an insured person is suspended from work during illness.

Article 14. The Amount of Sickness Benefit

1. The sickness benefit paid by the employer for the first two calendar days of incapacity cannot be less than 80 per cent or more than 100 per cent of the beneficiary's average wage, as calculated in accordance with the procedure established by the Government.

2. Sickness benefits paid by the State Social Insurance Fund shall equal 80 per cent of the beneficiary's compensatory wage.

3. Sickness benefits for temporary incapacity for work due to the removal of tissues, cells or organs for the purpose of living-donor transplantation shall be paid in the amount of 100 per cent of the beneficiary's compensatory wage.

4. Sickness benefits paid by the State Social Insurance Fund to nurse a sick family member or care for a child shall equal 85 per cent of the beneficiary's compensatory wage.

5. Sickness benefits paid by the State Social Insurance Fund cannot be less than 15 per cent of the country's average monthly wage for the quarter two quarters preceding the month the temporary incapacity for work was established.

6. Sickness benefits shall be calculated and paid in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits.

Article 15. Conditions Under Which Sickness Benefits Shall not be Paid

1. Sickness benefit shall not be paid if it is established by a competent authority that:

1) the insured person became temporarily unable to work due to an injury incurred while committing a criminal act;

2) the insured person intentionally caused damage to his or her health or pretended to be sick;

3) the insured person became temporarily unable to work due to insobriety (drunkenness) or psychoactive substance abuse.

2. For persons who have, without valid reason, violated the rules of conduct during incapacity for work as established by the Rules for Issuing Electronic Certificates of Incapacity and Electronic Pregnancy and Childbirth Certificates approved by the Minister of Health and the Minister of Social Security and Labour, sickness benefits shall not be granted or their payment shall be terminated from the day of infringement in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits.

3. Sickness benefits shall not be allocated or paid if they are not applied for within the period specified in Article 33(4) of this Law.

CHAPTER III

MATERNITY, PATERNITY AND CHILDCARE BENEFITS

Article 16. Entitlement to Receive Maternity Benefit for the Duration of Pregnancy and Childbirth Leave

1. Persons shall be entitled to receive maternity benefits provided that they:

1) are covered by maternity social insurance, except in the cases provided in paragraph 2 of this Article;

2) have been granted pregnancy and childbirth leave in the procedure laid down by law, with the exception of cases where the insured person is treated as a person who has been granted pregnancy and childbirth leave in accordance with Article 5(4) of this Law, as well as the cases provided for in paragraph 2 of this Article;

3) have a maternity social insurance record of at least 12 months over the past 24 months by the first day of pregnancy and childbirth leave.

2. A woman who has the maternity social insurance record specified in paragraph 1 of this Article whose employment contract has expired or who has been dismissed from service shall be paid maternity benefits according to the procedure established in Article 17 of this Law. This provision shall also apply to any other pregnancy and childbirth leave if said begins while bringing up a child under three years old who was born, taken into care or adopted prior thereto.

3. The basis for granting maternity benefit for the period of pregnancy and childbirth leave shall be a pregnancy and childbirth certificate issued in accordance with the Rules for Issuing Electronic Certificates of Incapacity and Electronic Pregnancy and Childbirth Certificates approved by the Minister of Health and the Minister of Social Security and Labour, or a 14-day pregnancy and childbirth leave granted by the employer in accordance with Article 132(1) of the Labour Code.

4. A pregnant woman who is not entitled to receive maternity benefit from the State Social Insurance Fund shall be paid a lump-sum benefit for pregnant women in accordance with the Republic of Lithuania Law on Benefits for Children.

Article 17. Duration of the Payment of Maternity Benefit During Pregnancy and Childbirth Leave

1. For women who are pregnant at 30 weeks or more, maternity benefits shall be paid for 126 calendar days. In the case of complicated childbirth or the birth of more than one child, the benefit shall be paid for an additional 14 calendar days. For women who did not make use of their right to pregnancy and childbirth leave before the date of childbirth (after 30 weeks or more of pregnancy), maternity benefits shall be paid for 56 calendar days after childbirth.

2. For women who did not make use of their right to pregnancy and childbirth leave before the date of childbirth (after 30 weeks or more of pregnancy) and who experienced complicated childbirth or gave birth to more than one child, maternity benefits shall be paid for 70 calendar days after childbirth.

3. For women who give birth during week 22–30 of pregnancy, maternity benefits shall be paid for 28 calendar days after childbirth. If the baby survives for 28 days or more, the benefit shall be paid for 126 calendar days after childbirth. For women who give birth to a stillborn baby during week 22–30 of pregnancy, maternity benefits shall be paid for 28 calendar days after childbirth.

4. For women who gave birth during week 22–30 of pregnancy and who experienced complicated childbirth or gave birth to more than one child, the benefit shall be paid for an additional 14 calendar days.

5. An insured person who has been appointed as guardian of a newborn shall be paid maternity benefits from the day guardianship is established to the day the baby is 70 days old.

6. For women who have been granted a 14-day pregnancy and childbirth leave by their employer immediately after childbirth in accordance with Article 132(1) of the Labour Code, maternity benefits shall be paid for 14 calendar days.

Article 18. The Amount of Maternity Benefit During Pregnancy and Childbirth Leave

1. Maternity benefit shall be paid during pregnancy and childbirth leave at a rate of 100 per cent of the size of the beneficiary's compensatory wage.

2. Monthly maternity benefits cannot be less than 20 per cent of the country's average monthly wage for the quarter two quarters preceding the day on which the right to receive maternity benefits arose.

3. If, while receiving maternity benefit, an insured person has income based on which maternity social insurance contributions are calculated or income earned from working which is not insured income under this Law, or receives sickness (including the first two days of incapacity paid by the employer) or vocational rehabilitation benefits as established by this Law, or benefits for sickness due to an accident at work or occupational disease paid in accordance with the Republic of Lithuania Law on Social Insurance for Accidents at Work and Occupational Diseases, and the amount thereof is less than the maternity benefit, said person shall be paid the difference between the maternity benefit and the income and/or benefits received during the corresponding month in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits. If the amount of this income and/or benefits is

greater than or equal to the maternity benefit, the maternity benefit shall not be paid. When paying maternity benefits, insured income received during the payment of maternity benefits for work performed prior to the first day of pregnancy and childbirth leave shall not be included as insured income.

4. Maternity benefits shall be calculated and paid in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits.

Article 19. Entitlement to Receive Paternity Benefit

Fathers/adoptive fathers shall be entitled to receive paternity benefits provided that they:

- 1) are covered by maternity social insurance;
- 2) have been granted paternity leave in the procedure laid down by law, with the exception of cases where the insured person is treated as a person who has been granted paternity leave in accordance with Article 5(4) of this Law;
- 3) have a maternity social insurance record of at least 12 months over the past 24 months by the first day of paternity leave.

Article 20. Duration of the Payment of Paternity Benefit

Paternity benefits shall be paid for the duration of paternity leave granted in accordance with Article 133(1) of the Labour Code.

Article 21. The Amount of Paternity Benefit

1. Paternity benefit shall be paid at a rate of 100 per cent of the size of the beneficiary's compensatory wage.
2. Monthly paternity benefits cannot be less than 20 per cent of the country's average monthly wage for the quarter two quarters preceding the day on which the right to receive paternity benefits arose.
3. If, while receiving paternity benefit, an insured person has income based on which maternity social insurance contributions are calculated or income earned from working which is not insured income under this Law, or receives sickness (including the first two days of incapacity paid by the employer) or vocational rehabilitation benefits as established by this Law, or benefits for sickness due to an accident at work or occupational disease paid in accordance with the Republic of Lithuania Law on Social Insurance for Accidents at Work and Occupational Diseases, and the amount thereof is less than the paternity benefit, said person shall be paid the difference between the paternity benefit and the income and/or benefits received during the corresponding month in accordance with the procedure laid down by the Regulations for

Sickness and Maternity Social Insurance Benefits. If the amount of this income and/or benefits is greater than or equal to the paternity benefit, the paternity benefit shall not be paid. When paying paternity benefits, insured income received during the payment of paternity benefits for work performed prior to the first day of paternity leave shall not be included as insured income.

4. Paternity benefits shall be calculated and paid in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits.

Article 22. Entitlement to Receive Childcare Benefit

1. One of the parents/adoptive parents or guardians shall be entitled to receive childcare benefits provided that he or she:

1) is covered by maternity social insurance, except in the cases provided in paragraphs 4, 5 and 6 of this Article;

2) has been granted childcare leave in the procedure laid down by law, with the exception of during the first year of raising the child when childcare leave is terminated in order to return to work or service, or during the second year of raising the child, as well as in cases when the insured person is treated as a person who has been granted childcare leave in accordance with Article 5(4) of this Law, and in the cases provided for in paragraphs 4 and 5 of this Article;

3) has a maternity social insurance record of at least 12 months over the past 24 months by the first day of childcare leave.

2. If an insured person receiving childcare benefit becomes entitled to receive maternity benefit due to the birth, guardianship or adoption of another child, said person shall be paid both these benefits, but the sum total of benefits paid cannot be more than 100 per cent of the beneficiary's more favourable compensatory wage based on which the maternity benefit or childcare benefit is calculated. If an insured person receiving childcare benefit becomes entitled to receive childcare benefit due to the birth, guardianship or adoption of another child, said person shall be paid both these benefits, but the sum total of benefits paid cannot be more than 100 per cent of the beneficiary's more favourable compensatory wage based on which the childcare benefit is calculated. Childcare benefits shall be paid regardless of which child's care childcare leave was granted for.

3. For insured persons who are not entitled to receive childcare benefits from the State Social Insurance Fund and who meet the conditions established in the Law on Benefits for Children, benefits for the care of a child of a pupil or student shall be paid in accordance with the Law on Benefits for Children.

4. A parent/adoptive parent or guardian receiving childcare benefits whose employment contract has expired or who has been dismissed from service shall be paid childcare benefit in

accordance with the procedure established in Articles 23 and 24 of this Law. This provision shall also apply for allocating childcare benefit if the right to receive it arose while bringing up a child under three years old who was born, taken into care or adopted prior thereto.

5. A parent/adoptive parent or guardian who has the maternity social insurance record specified in paragraph 1(3) of this Article whose employment contract has expired or who has been dismissed from service and who was not granted childcare leave for this reason shall be paid childcare benefit in accordance with the procedure established in Articles 23 and 24 of this Law. This provision shall also apply for allocating childcare benefit if the right to receive it arose while bringing up a child under three years old who was born, taken into care or adopted prior thereto.

6. A parent/adoptive parent or guardian who receives income from sports or performer's activities or under copyright license agreements and who is not covered by maternity social insurance shall be paid childcare benefit in accordance with the procedure established in Articles 23 and 24 of this Law if he or she was paid maternity or paternity benefit and he or she has the maternity social insurance record specified in paragraph 1(3) of this Article.

Article 23. Duration of the Payment of Childcare Benefit

1. Childcare benefit shall be paid for the duration of childcare leave, with the exception of the cases provided for in Article 22(1)(2) of this Law, from the end of pregnancy and childbirth leave until the child turns one or two years old, or during the period of childcare leave granted in accordance with Article 134(2) of the Labour Code.

2. If a mother did not receive maternity benefit for the period of pregnancy and childbirth leave, childcare benefit shall be allocated to the persons specified in Article 22 of this Law who are entitled thereto from the day that the child is born or the first day after the end of paternity leave.

3. If a mother who received maternity benefit for the period of pregnancy and childbirth leave dies, childcare benefit shall be allocated to the persons specified in Article 22 of this Law who are entitled thereto from the day of the mother's death.

4. During paternity leave, childcare benefits shall not be paid to fathers receiving paternity benefits.

5. When temporary or permanent guardianship is established, in accordance with the procedure established by law, for a child of an insured person who is entitled to childcare benefit, or when the parental responsibility of the parents (father or mother) is restricted by court order, or when an insured person is relieved of guardianship duties or removed as guardian by court order, this benefit shall not be allocated or its payment shall be terminated the day after the

court decision or ruling comes into effect, if the court does not call for speedy implementation thereof, in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits.

Article 24. The Amount of Childcare Benefit

1. Childcare benefit shall be paid until the child reaches one year of age at a rate of 100 per cent of the size of the beneficiary's compensatory wage, if the insured chooses to receive this benefit until the child turns one year old. If the insured person chooses to receive childcare benefit until the child turns two years old, the amount of this benefit shall be paid at a rate of 70 per cent of the size of the beneficiary's compensatory wage until the child turns one year old and 40 per cent until the child turns two years old. Childcare benefit shall be paid during childcare leave granted according to Article 134(2) of the Labour Code at a rate of 70 per cent of the size of the beneficiary's compensatory wage.

2. Monthly childcare benefits cannot be less than 20 per cent of the country's average monthly wage for the quarter two quarters preceding the day on which the right to receive childcare benefits arose.

3. If an insured person has two or more children or adopts or becomes guardian of two or more children and is granted childcare leave for these children, except in the cases provided in Article (22)(1)(2) of this Law, the childcare benefit (paragraphs 1 and 2 of this Article) shall be increased according to the number of children born, adopted or taken into care at the same time; however, the sum total of the benefit paid cannot be more than 100 per cent of the beneficiary's compensatory wage.

4. If, during the first year of caring for a child, an insured person who has been allocated childcare benefits has income based on which maternity social insurance contributions are calculated or income earned from working during the first year of caring for the child which is not insured income under this Law, or receives sickness (including the first two days of incapacity paid by the employer) or vocational rehabilitation benefits as established by this Law, or benefits for sickness due to an accident at work or occupational disease paid in accordance with the Republic of Lithuania Law on Social Insurance for Accidents at Work and Occupational Diseases, and the amount thereof is less than the childcare benefit (the total amount of these benefits), said person shall be paid the difference between the childcare benefit (the total amount of these benefits) and the income and/or benefits received during the corresponding month in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits. If the amount of this income and/or benefits is greater than or equal to the childcare benefit, the childcare benefit shall not be paid. When paying childcare benefits, insured

income received during the payment of childcare benefits for work performed prior to the first day of childcare leave shall not be included as insured income. During the second year of caring for a child, childcare benefit shall be paid irrespective of the income and/or benefits received during that time.

5. Childcare benefits shall be calculated and paid in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits.

6. If an insured person who has been granted childcare leave becomes employed at another workplace and is granted childcare leave at this place of employment, childcare benefit shall not be allocated anew.

CHAPTER IV

VOCATIONAL REHABILITATION BENEFIT

Article 25. Entitlement to Vocational Rehabilitation Benefit

1. Insured persons are entitled to vocational rehabilitation benefit in the cases specified in of Article 5(5) of this Law if they:

- 1) are participating in a vocational rehabilitation programme and are not receiving earned income as a result;
- 2) had, prior to the commencement of the vocational rehabilitation programme, a sickness social insurance record of at least three months over the past 12 months or at least six months over the past 24 months.

2. The basis for allocating vocational rehabilitation benefit shall be the decision of the Disability and Working Capacity Assessment Office on establishment of the need for vocational rehabilitation services and a vocational rehabilitation certificate issued in accordance with the Rules for Issuing Vocational Rehabilitation Certificates approved by the Minister of Social Security and Labour.

Article 26. Payment of Vocational Rehabilitation Benefits

1. Vocational rehabilitation benefits shall be allocated to those entitled thereto for the duration of participation in a vocational rehabilitation programme and shall be paid from the first day of participation in the vocational rehabilitation programme until the person becomes able to work or is recognised as being incapable or partially capable of work, but for no longer than 180 calendar days. This benefit shall be paid every month (for the previous month).

2. Vocational rehabilitation benefits shall be allocated to those not entitled thereto under this Law for the duration of participation in a vocational rehabilitation programme and shall be paid from the state budget according to the procedure established by the Government.

Article 27. The Amount of Vocational Rehabilitation Benefit

1. Vocational rehabilitation benefits paid in accordance with this Law shall equal 85 per cent of the beneficiary's compensatory wage.

2. Monthly vocational rehabilitation benefits cannot be less than the sum total of two basic State Social Insurance Pensions valid when the vocational rehabilitation programme began.

3. Vocational rehabilitation benefits shall be calculated and paid in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits. This benefit shall be paid by the State Social Insurance Fund.

Article 28. Non-Payment of Vocational Rehabilitation Benefit

If a person is not participating in a vocational rehabilitation programme, vocational rehabilitation benefit shall not be allocated, even if the person has been identified as being in need of vocational rehabilitation services and has been issued a vocational rehabilitation certificate, and the payment of vocational rehabilitation benefit that has been allocated shall be terminated in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits.

Article 29. Renewal of Vocational Rehabilitation Benefit Payment

The payment of discontinued vocational rehabilitation benefit shall be renewed in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits from the day that the person resumed the vocational rehabilitation programme that he or she had previously begun.

CHAPTER V

**STATE SOCIAL INSURANCE FUND RESOURCES FOR SICKNESS SOCIAL
INSURANCE AND MATERNITY SOCIAL INSURANCE**

**Article 30. State Social Insurance Fund Resources for Sickness social insurance and
Maternity Social Insurance**

1. Resources designated for sickness social insurance and maternity social insurance shall be included in the budget of the State Social Insurance Fund in the procedure established by law,

according to the contribution rates for these types of state social insurance determined by the law of the Republic of Lithuania on the approval of State Social Insurance Fund budget indicators for the corresponding year.

2. Sickness social insurance and maternity social insurance revenue shall consist of mandatory state social insurance contributions paid for or by insured persons for this type of insurance, as well as late fees and fines. A portion of sickness social insurance and maternity social insurance revenue may be allocated from the State Social Insurance Reserve Fund in accordance with the procedure established by the Regulations for the Formation and Management of the State Social Insurance Reserve Fund approved by the Government.

3. Sickness social insurance and maternity social insurance expenses shall consist of funds allocated to pay the sickness, vocational rehabilitation, maternity, paternity and childcare benefits specified in Article 5 of this Law.

Article 31. State Social Insurance Contribution Rates for Sickness social insurance and Maternity Social Insurance

The state social insurance contribution rates for sickness social insurance and maternity social insurance shall be approved by the law of the Republic of Lithuania on the approval of State Social Insurance Fund budget indicators for the corresponding year.

Article 32. Procedure for the Payment of State Social Insurance Contributions and the Calculation of Benefits

1. State social insurance contributions designated for sickness social insurance and maternity social insurance shall be calculated and paid for each insured person according to the procedure established by law together with other state social insurance contributions.

2. Sickness, vocational rehabilitation, maternity, paternity and childcare benefits shall be calculated and paid, and income received for work performed prior to the first day of pregnancy and childbirth, paternity or childcare leave shall be determined, according to the data of the Republic of Lithuania Register of Persons Covered by State Social Insurance and State Social Insurance Beneficiaries and/or other additional documents, in accordance with the procedure laid down by the Regulations for Sickness and Maternity Social Insurance Benefits.

Article 33. Allocation and Payment of Benefits and Recovery of Benefit Overpayments

1. The benefits provided for in this Law, with the exception of sickness benefits paid by the employer for the first two calendar days of incapacity, shall be allocated and paid by

territorial departments of the State Social Insurance Fund Board (hereinafter – territorial departments of the Fund Board) or the Department of Military and Equivalent Structures of the State Social Insurance Fund Board (hereinafter – the Department of Military and Equivalent Structures) in accordance with this Law and the Regulations for Sickness and Maternity Social Insurance Benefits.

2. A territorial department of the Fund Board or the Department of Military and Equivalent Structures shall adopt a decision on the allocation of benefits within 10 working days of receipt of the application and all necessary documents and/or data at the territorial department of the Fund Board or the Department of Military and Equivalent Structures.

3. Upon taking a decision not to allocate benefits, the territorial department of the Fund Board or the Department of Military and Equivalent Structures shall send out (present) the decision or copy thereof to the applicant within five working days of the day the decision was adopted. The decision shall specify the reason why benefits were not allocated and the procedure and deadlines for appealing this decision. The decision to allocate benefits or copy thereof shall only be sent (presented) at the individual's request. When an application is submitted via the E-Service System for Residents, the decision shall be presented through this system.

4. Sickness, vocational rehabilitation, maternity and paternity social insurance benefits shall be allocated and paid from the day on which the right to receive the benefit arose provided that they were applied for within 12 months of the end of sickness, vocational rehabilitation, pregnancy and childbirth or paternity leave. In cases when an electronic certificate of incapacity is issued after an illness, the sickness benefit shall be allocated and paid from the day on which the right to receive the benefit arose provided that it was applied for within 12 months of the day the electronic certificate of incapacity was issued. Childcare benefit shall be allocated and paid from the day on which the right to receive the benefit arose provided that it was applied for within 12 months of the end of the period for which the person is entitled to receive the benefit.

5. Benefit overpayments shall be recovered in accordance with the procedure established by the Law on State Social Insurance.

CHAPTER VI

FINAL PROVISIONS

Article 34. Resolution of Disputes

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

Article 2. Implementation and Entry into Force

1. This Law, with the exception of paragraph 5 of this Article, shall enter into force on 1 January 2017.

2. The provisions of this Law shall apply to persons who became entitled to receive social insurance benefits after the commencement of this Law.

3. Social insurance benefits shall not be recalculated for persons who became entitled to receive social insurance benefits prior to the commencement of this Law and shall be paid in accordance with the procedure established prior to the commencement of this Law.

4. Insured persons who did not obtain a sickness social insurance and/or maternity social insurance record prior to their temporary incapacity for work, pregnancy and childbirth leave, paternity leave or childcare leave due to the fact that they were insured during the periods indicated as persons specified in points 2 and 4 of Article 4(2) of the Republic of Lithuania Law on State Social Insurance which was in force until the commencement of this Law shall be entitled to receive the corresponding sickness, maternity, paternity or childcare benefits provided that no more than three months passed since their change of status.

5. The Government of the Republic of Lithuania, the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania shall adopt implementing legislation for this Law by 31 December 2016.

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

President of the Republic

Dalia Grybauskaitė