

REPUBLIC OF LITHUANIA LAW ON SOCIAL INSURANCE OF OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES

December 23, 1999, No.VIII-1509

(Amended by July 4, 2000 No. VIII – 1787)

Vilnius

CHAPTER I.

GENERAL PROVISIONS

ARTICLE 1. Purpose of the Law

This Law shall regulate the relations of social insurance of occupational accident and occupational disease occurrences, (further - social insurance of occupational accidents), stipulate the categories of persons who shall be insured with this type of social insurance, rights to such insurance benefits, conditions, calculation and payment of benefits, and define insurable and non-insurable occurrences.

ARTICLE 2. Social Insurance of Occupational Accidents

1. In certain cases stipulated by laws, social insurance of occupational accidents shall compensate persons insured by this type of social insurance for the loss of income incurred due to an occupational accident or disease.

2. The Law on Social Insurance of Occupational Accidents and Occupational Diseases shall not apply to persons who have work-related social insurance of occupational accidents and diseases funded by the State in accordance with the procedure established by Republic of Lithuania legal acts.

ARTICLE 3. Basic Definitions in This Law

1. **Occupational Accident** denotes sudden harm caused to the health of an employee, due to the effect of dangerous work environment, harmful, short-lived effect of a dangerous factor (factors) duly registered according to the established procedure, when an employee shall suffer partial or total work disablement or die as a result of it.

2. **Occupational disease** denotes sudden or chronic deterioration in the health of an employee, caused by one or more harmful and (or) dangerous factors in the work environment, which in accordance with the established procedure has been acknowledged as an occupational disease.

3. **The Insurer** is a legal person, an enterprise not having the rights of legal person or a natural person, obliged to pay state social insurance contributions.

4. **Work Place** denotes a location where a person works or must perform work agreed upon in accordance to a labour contract or fulfil public administrative functions.

5. **The Insured** denotes a person for whom in accordance with the procedure established by laws, the insurer is obliged to make state social insurance contributions. This person having experienced an occupational accident or occupational disease shall in accordance with the procedure established by this Law, have the right to receive insurance payment.

6. **Work Disablement** is a temporary or total occupational work disablement (further - disability) as a result of an occupational accident or due to an occupational disease. The disablement shall be expressed in percentages. Should the victim die as a result of an occupational accident or due to contracting an occupational disease, it shall be considered as a 100 per cent work disablement. The State Medical Social Expert Examination Commission (SMSEEC) shall establish the percentage of work disablement due to an occupational accident or contracting an occupational disease, according to the procedure established by the Government or institutions authorised by it.

7. **Work Disablement Coefficient (d)** is the amount expressed in unit parts, calculated by dividing the disability percentage by 100.

8. **Average Monthly Insured Income** is insured income stipulated by the Law on State Social Insurance Pensions.

9. **Compensation Coefficient (k)**

is the relationship of individual average monthly insured income over the past 12 consecutive months, counting backwards from the end of the quarter before the last quarter of the rate of reimbursement which existed up to the time of acquiring disability due to an occupational accident or occupational disease compared with the average insured monthly income in effect at the time of establishing disability due to an occupational accident or occupational disease. The compensation coefficient estimated for the insured may not be less than 0.25 or in excess of 3.

10. **Insurable Income of the Insured Person** includes all of the income on which social insurance contributions have been made, as well as the allowances on diseases established by this Law, as result of an occupational accident or occupational disease, maternity (paternity) allowances and unemployment allowances from unemployment insurance which, according to paragraph 1 of Article 15 of the Law on Support of the Unemployed, shall be paid to person who, over the period of the past three years has had at least a 24-month period of State Social Insurance coverage.

ARTICLE 4. Persons Covered by Social Insurance against Occupational Accidents

1. The following shall be insured against occupational accidents :

1) persons employed according to labour, diplomatic service or term diplomatic service contract as well as those employed as members in elective institutions, economic associations, agricultural companies or co-operative organisations and receiving wages for their work;

2) state public administration employees;

3) pupil of vocational schools, college and university students at the institution or enterprise during their occupational training (practice) or enterprise and persons sent by enterprises to retrain or to engage in public works;

4) persons at institutions of social and psychological rehabilitation institutions, for their work time;

5) those sentenced to imprisonment, for their work time;

2. The persons noted in items 3 - 5 of paragraph 1 of this Article shall be insured if they receive wages for their work.

3. Self-employed persons may insure themselves on a voluntary basis, against occupational accidents.

ARTICLE 5. Insurers

The insurers of persons noted in Article 4 of this Law shall be as follows:

1) Employers of persons working according to a labour contract;

2) State and municipal enterprises, institutions, organisations;

3) enterprises and institutions, whose pupils and students are engaged in production practice, and enterprises where persons referred by the labour exchange, are acquiring new qualifications or are working in public works (if no labour contract has been drawn up with these persons);

4) institutions of social and psychological rehabilitation;

5) penal institutions.

ARTICLE 6. Insurable Occurrences

1. Insurable occurrences related to the insured indicated in Article 4, shall be those occupational accidents and cases of contracting occupational diseases which have been investigated and acknowledged in accordance with the procedure established by the Republic of Lithuania or an institution authorised by it and shall include occurrences:

1) while working under a labour contract, implementing public administration functions or receiving payment for work (items 3-5 of Article 5 of this Law) also accidents that happened during the time of work, as well as during cleaning activities at the work place or performing other activities at the work place, linked with the work process, rest and meal breaks (lunch break), as well as, additional or special break times, while the employee is at the work place, in the enterprise or its area;

2) en route to and from work, as well as, when the person is travelling during work hours in connection with work;

3) doing other work assigned by the employer;

4) accidents and cases of contracting occupational diseases by the insured while performing duties established by legal acts or public work related to the enterprise's activity assigned by the by the employer, when work pay is being paid for such.

2. In resolving the problem of attributing an accident to an insurable occurrence, the cause proving an occupational accident, contracting an occupational disease of death due to an occupational accident shall be:

1) investigative acts certifying an occupational accident or occupational disease;

- 2) court judgements, decisions;
- 3) documents on the measurement results of harmful work environment factors and the hygienic assessment of work conditions;
- 4) conclusion of the Central Commission of Experts of Labour Medicine;
- 5) conclusion of the investigation or expert examination by labour medicine specialists of corresponding health care institution, issued in accordance with the procedure established by the Government;
- 6) other documents, which contain information concerning an occupational accident, contracting of an occupational disease or the cause of death due to an occupational accident.

ARTICLE 7. Non-insurable Occurrences

Insurable occurrences shall not include occupational accidents, which upon investigation, prove to have taken place as a result of:

- 1) the victim being intoxicated from alcohol, narcotics or toxic materials and this did not have any connection with the technological process;
- 2) the victim perpetrating a premeditated crime;
- 3) the victim wilfully (without the insurer's knowledge) performing work not for the good of the insurer (not in the insurer's interests);
- 4) the victim consciously striving to bring about an accident;
- 5) general illness.

ARTICLE 8. Obligations and Liability of Insurers

1. Insurers must:

- 1) organise first aid medical assistance for the victim of an occupational accident or sudden occurrence of an occupational disease, as well as transporting the victim to a health care institution, if needed;
- 2) inform about an occupational accident in accordance with the procedure established by laws and contracting an occupational disease, to institutions stipulated by the Law on the Labour Protection as well the State Social Insurance institution;
- 3) estimate and pay correctly and on time, the State Social Insurance contributions.

2. For failure to fulfil the obligations the insurer shall be liable according to the procedure established by laws.

ARTICLE 9. The Rights of Insured Persons

1. The insured, whose health has suffered damage due to an occupational accident or contracting an occupational disease an insurable occurrence having taken place as indicated in Article 6, shall have the right to insurance payments stipulated in Article 11 of this Law.

2. The insured also shall have the right to obtain information from the insurer, concerning payment of State social security contributions for them, and following the occurrence of an insurable occurrence, information from the State Social Insurance Institution regarding the application of guarantees stipulated by this Law according to this occurrence.

ARTICLE 10. Obligations and Liability of Insured Persons

Insured persons must adhere to occupational safety requirements stipulated by legal acts and recommendations on treatment and medical and professional rehabilitation.

CHAPTER II

INSURANCE BENEFITS

ARTICLE 11. The Types of Social Insurance Benefits for Accidents Occurring at Work

1. According to this Law benefit shall be paid shall be made to the insured who has suffered partial or total work disablement due to an insurable occurrence stipulated in Article 6: as follows:

1) a benefit for illness resulting from an occupational accident or occupational disease (further - sickness benefit);

2) one-time payment of benefit for work disablement;

3) periodic payment of benefit for work disablement.

2. Upon the death of an insured as a result of an insurable occurrence, a funeral benefit shall be paid in equal parts, to the family members listed in Article 31.

3. Upon the death of an insured as a result of an insurable occurrence, a periodic insurance benefit shall be paid in equal parts, to his family members.

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

ARTICLE 12. Sickness Benefit

1. A sickness benefit shall be paid when the insured suffers a temporary work disablement as a result of an occupational accident or occupational disease, excepting the instances indicated in Article 7.

2. A sickness benefit shall be allocated to the insured under treatment at a health care institution providing orthopaedic and (or) prosthetic services, to cover travel to, duration of stay in and return from this institution.

ARTICLE 13. The Right to Sickness Benefits

1. The insured who have sustained injury at work or have contracted a professional illness (items 1, 2 of paragraph 1 of Article 4), shall have the right to sickness benefits regardless of the State Social Insurance status held.

2. Sickness benefits shall be allotted if the right to receive such came into force during the time of employment, including the probationary period and the day of dismissal from work.

3. The basis of allotment of sickness benefits shall be the work disablement certificate and documents, issued according to established procedure and attesting the insurable occurrence (paragraph 2 of Article 6).

ARTICLE 14. Replacement Income for Estimating Sickness Benefits

1. Replacement income shall be estimated according to a person's insurable income following the same procedure, which is established by the Government for estimating sickness and maternity (paternity) benefits.

2. The average monthly replacement income to count for insurance payments for occupational accidents may not exceed the average monthly insurable income approved by the Government in effect during the month in which the insurable incident occurred.

ARTICLE 15. Posthumous Payment of Sick Benefits to Person Entitled to Such

Sickness benefits which have not been received prior to the day of death of the person entitled to such shall be paid to the family member who submitted the deceased person's death certificate.

ARTICLE 16. The Procedure of Sickness Benefit Payment

The sickness benefits established by this Law shall be paid by State Social Insurance institutions according to the procedure established by the Regulations on Social Insurance Payments for Occupational Accidents and Occupational Diseases.

ARTICLE 17. Duration of the Payments of Sickness Benefits

1. Should the insured suffer an occupational accident or contract an occupational disease, the sickness benefit shall be paid from the first day of work disablement until resumption of ability to work or until such time as disability is established.

2. Should those persons receiving a State Social Old Age Insurance or Disability Pension suffer an occupational accident or contract an occupational illness, the sickness benefit shall commence to be paid from the first day of work disablement and continue until resumption of ability to work or until such time as the disability shall be re-examined because of this.

ARTICLE 18. Duration of Payments of Sickness Benefits for Those being Treated in a Health Care Institution Providing Orthopaedic and Prosthetic Services

Following the admission of an insured person to a health care institution supplying orthopaedic and (or) prosthetic services, sickness benefits shall be paid for the entire stay as well at the time of going to this institution and returning from it

ARTICLE 19. Duration of Sickness Benefit Payment During Holiday Time

1. Should temporary work disablement, due to occupational illness,

happen while on annual holidays, the sickness benefit shall be paid for all work days while ill, which have been confirmed by a certificate of unemployment.

2. Should temporary work disablement due to occupational illness, occur during unpaid holidays or following the dismissal of an employee from work and interrupting payment of salary, the benefit shall be paid from the day when the employee was supposed to commence work.

ARTICLE 20. Sources of Payment of Sickness Benefits

Having suffered an occupational injury or having contracted an occupational disease, sickness benefits shall be paid from the first day of work disablement from the funds assigned to social insurance for occupational accidents.

ARTICLE 21. Amount of Sickness Benefit

The insured having become injured at work or having contracted an occupational disease, a 100 per cent sickness benefit of replacement income shall be paid.

ARTICLE 22. Conditions under which no Benefits Shall be Paid

1. Sickness benefits shall not be paid upon establishing that:
 - 1) occurrence is not insurable (Article 7);
 - 2) the person or corresponding institutions have furnished incorrect documents or failed to furnish the required documents, indicated in paragraph 2 of Article 6;
2. For persons who have violated the course of treatment or nursing, prescribed by the doctor, failed to arrive at the appointed time without an exonerating circumstance or to check on work disablement as prescribed by law, the sickness benefit may not be issued or its payment may be interrupted from the day the violation was committed according to the same procedure, by which sickness, maternity (paternity) benefits are calculated.

ARTICLE 23. Single Replacement Income Payment for Work Disablement

1. Should the insured have suffered up to 20 per cent, work disablement he shall receive a single replacement income payment, amounting to 10 percent of his 24-month replacement income.

2. Should the insured have suffered over 20 percent, but under 30 percent work disablement, he shall receive a single replacement income payment of 20 percent of his 24-month replacement pay for work disablement.

3. Should an unlimited work disablement be established for the insured, the single replacement payment for work disablement will be three times larger than that indicated in paragraph 1 or 2 of this Article.

ARTICLE 24. Periodic Compensation for Work Disablement

1. Should it be determined that the insured has suffered over 30 per cent work disablement, he shall be paid periodic compensation for work disablement.

2. Periodic compensation for work disablement shall be paid to the insured on a monthly basis. It shall be estimated as work disablement coefficient (d) (paragraph 7 of Article 3 of this Law) and rate of replacement (k) (paragraph 9 of Article 3 of this Law) and one half of the product of average monthly wage of insurable income in effect during the payment month (D), i.e., according to the formula $0.5 \times d \times k \times D$.

ARTICLE 25. Payment of Replacement Compensation Following a Change in the Degree of Work Disablement

1. Should the SMSEEC establish anew, that the insured, who had the right to receive a single replacement income payment for work disablement, has suffered 30 per cent or more of work disablement, the periodic replacement income for work disablement shall be paid in accordance with the procedure established in Article 24 of this Law from the day of change in the work disablement.

2. Should the SMSEEC establish anew that the insured who had the right to receive periodic replacement income for work disablement (Article 24 of this Law), has suffered less than 30 per cent of work disablement, he shall be paid a single work disablement replacement income payment (Article 23 of this Law), while the payment of periodic replacement income for work disablement shall be interrupted from the day of change in the work disablement.

3. Should the work disablement of the insured who is receiving a periodic replacement of work disablement, diminish to the levels established by Article 23 of this Law, the single replacement income payment for work disablement for that same occupational accident or contracting an occupational disease, may be paid only one time.

ARTICLE 26. Duration of Periodic Replacement Income Payment for Work Disablement

Periodic reimbursement of work disablement shall be paid up to the end of the term of work disablement established by the SMSEEC.

ARTICLE 27. Reduction in the Amount of Benefit Payment

The State Social Insurance institution shall have the right to appropriately reduce benefits on occupational accidents or contracting of occupational diseases for the insured should the SMSEEC determine anew, that the work disablement of the insured has decreased. If the insurable occurrence and degree of work disablement had been determined by court decision, the benefit payment in an instance stipulated in this Article may be correspondingly reduced only by legal procedure.

ARTICLE 28. Increase in the Amount of Benefit Payment

Having suffered partial work disablement due to an occupational accident or contracting of an occupational illness, the insured shall have the right to demand at any time, that the State Social Insurance institution appropriately increase the

amount of his payment, if the SMSEEC determines anew that his loss of work disablement has increased.

ARTICLE 29. Terms of Insurance Benefit Payment

1. Insurance benefit shall be paid to the insured from the day of occurrence of the insurable occurrence (occupational accident or contracting of an occupational illness).

2. Should the insured have applied for an insurance benefit after three years have elapsed from the day the right to an insurance benefit has come into effect, the insurance benefit shall be paid from the day of application.

ARTICLE 30. Insurance Benefit Payment Subsequent to the Death of the Insured

1. Should the insured die as a result of an occupational accident which has been acknowledged as an insurable occurrence, the right to the insurance benefit shall belong to the work disabled person, who had been supported by the deceased or, at the time of his death, had the right to be supported by him, also the child (children) of the deceased, born after his death. The insurance benefit shall be paid to:

1) to minors until they reach the age of 18 years, and if they are studying in the established procedure at universities, colleges, professional, intermediate school regular department, until they reach the age of 24 years;

2) the spouse of the deceased or his father, (mother), adoptive father, regardless of their age and work capability, if he does not work and is caring for the children (adoptive children), grandchildren, brothers or sisters of the deceased, until these reach 8 years of age;

3) persons have reached old age pension age established by the Law on State Social Insurance Pensions, for the rest of their life;

4) the disabled, for the period of their disablement.

2. An insurance benefit, equivalent to the periodic work disablement (Article 24 of this Law), divided by the number of persons stipulated in paragraph 1 of this Article increased by one person, shall be paid monthly to the persons stipulated in paragraph 1 of this Article.

3. The pension benefit indicated in this Article, shall be paid regardless of other income received by the recipients.

ARTICLE 31. Funeral Benefit

1. The insured having perished as a result of an occupational accident, recognised as an insurable occurrence, a single funeral benefit, equivalent to 100 average monthly insurable income, in effect that month, in which the fatal occupational accident occurred, shall be paid out to the family of the deceased. This benefit shall be paid in equal amounts to each member of the family of the deceased.

2. Included among the family members of the deceased are: his spouse, minor children (adoptive children), until they reach the age of 18, also children (adoptive children), who are studying, in accordance with the established procedure in regular departments of registered educational institutions, until they reach the age of 24 years, children of the deceased born after his death, father (mother) and work dis-

abled person, who had been supported by the deceased or on the day of his death, had the right to receive such support.

CHAPTER III

SOCIAL INSURANCE FUNDS TO COVER OCCUPATIONAL ACCIDENTS

ARTICLE 32. Social Insurance Funds To Cover Occupational Accidents

1. The funds designated for social insurance of occupational accidents shall be included in the State Social Insurance Fund Budget Account according to the procedure established by laws based upon the rates set for this type of state social insurance contributions by the Seimas of Republic of Lithuania.

2. Income for occupational accident insurance shall be comprised of contributions by the insured for this type of social security insurance per cent and penalties. A portion of the funds of the social insurance for occupational accidents, may also be comprised of funds designated from the State Social Insurance Fund reserve.

3. The types of occupational accident social insurance expenses shall be determined by Article 11 of this Law.

ARTICLE 33. Rates of Occupational Accident Social Insurance Contributions

Rates on social insurance of occupational accidents shall depend on the degree of risk existing in the economic activity of an enterprise. The rates on contributions shall remain equal for all insurers (in all areas of economic activity) shall be differentiated with respect to the degree of risk as well as the level of trauma and occupational disease present in the economic activity of an enterprise.

ARTICLE 34. The Procedure of Payment of State Social Insurance Contributions

1. The social insurance contributions for every insured, established in items 1 and 2 of paragraph 1, Article 4 of this Law, shall be estimated and paid in accordance with the procedure established by laws along with the other contributions of State Social Insurance.

2. State Social Insurance contributions for the insured indicated in items 3-5 of paragraph 1, Article 4 of this Law shall be paid for those periods when they receive labour wages for their labour.

CHAPTER IV

CONCLUDING PROVISIONS

ARTICLE 35. Dispute Procedure

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

ARTICLE 36. Application of the Law

1. This law shall come into force from January 1, 2000.
2. The provisions of this Law shall apply to insurable occurrences, which have taken place since the coming into force of this Law.
3. Damages for occupational accidents and contracting of a professional disease occurring prior to coming into force of this Law shall be reimbursed according to procedure established by the Provisional Law on Damage Compensation in Accident at Work or Occupational Disease Cases.
4. The Government or an institution authorised by it, shall approve the procedure of acknowledging occupational accidents or diseases as insurable occurrences.
5. The Government shall approve the regulations of social insurance benefits of accidents and work and occupational diseases.
6. Two years after the coming into force of this Law, the Board of the State Social Insurance Fund shall prepare and submit, according to last year's and the first half of the current year's data on accidents and incidence of occupational illness episodes within separate spheres of economic activity, shall prepare and submit proposals to the Government regarding the rates of social insurance contributions for occupational accidents within separate spheres of economic activity. The Government shall submit proposals to the Seimas regarding the approval of social insurance contribution rates for accidents at work within separate spheres of economic activity.
7. For persons having the right to receive the benefits stipulated in this Law and after relocating for permanent residence to another state, these benefits shall be paid according to the procedure established in inter state agreements.

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS