

Chapter 25

Lithuania



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Abstract Lithuania underwent radical changes in economic and social systems at the end of the 20th and beginning of the 21st century. The country has a declining and ageing population. The dependency ratio will increase to 44.9%, public pension expenditure in Lithuania will reach 8.6% of GDP in 2050, and both values are lower than the corresponding values for the EU-25 average. To address such challenges, the country introduced policy measures and in 2018 a new social model came into force. The chapter discusses pension system reforms, pension policy, employment and health policy and provides a selective review of existing research on these topics. Research on extended working life is developing in Lithuania. It provides evidence-based arguments for influencing social policy for older workers. However, the gender and health implications of extending working life in Lithuania are not very favourable and do not fully support peoples' rights for sustainable wellbeing in late work and after retirement.

Keywords Pension system reforms · Pension policy · Employment policy · Health policy · Social model

Introduction

Lithuania underwent radical changes in its economic and social systems at the end of the 20th and the beginning of the 21st century. In demographic terms, the country has a declining and ageing population. The absolute number of Lithuanians will drop to 2.9 million and the dependency ratio will increase to 44.9% in 2050, which is seven percentage points lower than the EU-25 average. Public pension expenditure in Lithuania will reach 8.6% of GDP in 2050. These values are roughly four percentage points lower than the corresponding values for the EU-25 average (Pension funds

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2018). To face such challenges, the country took measures and in 2018 a new social model came into force.

Those over retirement age amounted to 23% of the population in 2016. Each year, the number of people who have attained retirement age decreases slightly due to the raising of the retirement age, which will reach the 65 year mark for both men and women in 2026. In 2019, the legislated pensionable age was 62 years 8 months for women and 63 years 10 months for men (Law on Amendment 2016). In 2017, 88.3% of people in retirement age received a state social insurance old-age pension compared to 75.0% in 2014 (Ministry of Social Security and Labour 2015). In 2018 the number increased to 89.2% (Oficialiosios statistikos portalas 2019).

The employment rate in the age group 55–64 was 68.5% and was similar for men (70.5%) and women (66.9%) in 2018. The employment rate of people age 65+ increased from 5.7% of the population in 2014 to 9.2% in 2018. There is a gender difference in employment: 13.2% of men and 7.2% of women aged 65+ were working in 2018 (Official Statistics Portal 2019a, b).

The gender pay gap was 14.2% in 2017, increased by 0.8% compared to 2016 due to social and economic reasons such as gender differences in employment by economic sector, profession, education, age, obligatory insurance period, etc. This led to a gender pension gap which was 17% in 2018 (Official Statistics Portal 2019a, b).

Pension System Reforms

Lithuania's first steps towards pension reform were taken in 1995, following a major economic crisis in the early 1990s. The first reform focused on parametric changes to the first pillar (regulating retirement age, insurance period for getting a full pension) and increasing the system's sustainability (Law on State Pensions 1994; Law on Reform of Pensions System 2002). Another two pillars were added to the system in 2004, comprising funded schemes and supplementary pension provision (Pension funds 2018).

The first reform implemented a two-tier system in the first pillar. There was a basic flat-rate pension that depended on years of service. The second part of the public system was supplemental and earnings related. It was PAYG schemes based on a formula comprising years of service, individual wages and average income. Adjustments for the earnings-related component were made in line with average economy-wide earnings, while the basic pension was determined by the government in an ad hoc manner. In principle, all employees were covered by the system, but the actual coverage rate was 83% of the workforce. Some categories of the self-employed were free to join. In order to receive a full pension, 20 contributory years were required and the minimum qualifying period was 15 years. Those who did not reach the minimum qualifying period were entitled to a social assistance pension, which amounted to 90% of the basic pension. Possibilities for early retirement were re-introduced in 2004 after having been abolished in 1995, but they only applied to people who had been unemployed for a long time. If people retired early, their

pension benefits were reduced. A new version of the Law on Amendment of Republic of Lithuania Law No I-549 on Social Insurance Pensions (2016) has reformed the pension scheme and came into force in 2018. Key provisions of the new legal regulation are as follows: a new pension structure, the introduction of pension points and indexing. The pension will consist of general and individual parts. The general part will replace the basic part of the pension and a bonus for the length of a person's employment record, while the individual pension will replace the additional part of the pension and reflect a person's contributions paid to the social insurance scheme. The new edition of the law also provides for a gradual increase of the obligatory insurance record from 30 to 35 years. At present, the average insurance record for which the old-age pension is paid is already 37 years.

Second pillar pension funds were introduced in 2004. Once the decision to join a fund has been made, it is irreversible. The second pillar was voluntary, and will become mandatory from 2019. Pension funds were established as companies (Bank of Lithuania 2016). Contributions to pension funds have increased and since 2016 consist of two per cent contribution of state social pension insurance (SODRA), two per cent additional contribution by the participant and two per cent pension benefit from the state budget. In 2014–2015, the contribution consisted of one per cent contribution of state social pension insurance, two per cent additional contribution by the participant and one per cent pension benefit from the state budget (Ministry of Social Security and Labour 2017). Since 2018 the contributions changed to formula $4 + 2 - 4\%$ contribution by participant and two per cent contribution from the state budget, i.e. there is no contribution from SODRA (Lietuvos Respublikos socialines apsaugos ir darbo ministerija 2018).

Third pillar pensions are underdeveloped in Lithuania. Personal pension schemes were introduced in 2004. Individuals and their employers can contribute to voluntary pension funds. Contributions are tax-free up to 25% of annual income, and any amount above that level is taxed at a reduced rate of 15% (rather than the regular rate). In 2006, the Lithuanian parliament passed a law that enables the creation of occupational pension schemes and group life contracts. This could become something of a fourth pillar in the future, but a scheme has yet to be created (Pension funds 2018).

The latest reform of the third pillar was made in 2012 (Lietuvos Respublikos papildomo 2012), for the second pillar in 2016 (Law on Amendment of Republic of Lithuania Law No I-549 on Social Insurance Pensions (2016)). At the end of 2017 there were 20 pension funds for second pillar pensions with 1,289,284 participants, and 12 funds for the third pillar with 57,780 participants (Lietuvos Bankas 2018).

Pension Policies

Pension parametric reforms in Lithuania aimed to increase the legislated pensionable age to 65 years old for both men and women and the insurance period from 20 to 35 years. The average amount of pensions in Lithuania in 2017 was at a minimum

standard with a replacement rate of 40.2% of the average wage. So, since the maximum insurance period almost doubled and the amount of contributions increased in relative and absolute terms, the replacement rate in Lithuania remained at the level of minimum standards of International Labour Organisation Convention no. 102 which in EU Strategy 2020 was defined as 60% of the average income as the minimum standard of living (Mavrikiou et al. 2018).

In 2016, the average annual state social insurance old-age pension of persons having the mandatory social insurance record was €266.18. In 2016 the Government approved a new amount of the basic state social insurance pension and insured income. As a result, the amount of the basic state social insurance pension increased from €112 to €120 per month, while the insured income of the current year increased from €445 to €476. This increase affected about 802,000 recipients of state social insurance pensions. Due to the higher amounts of the basic pension and insured income, the average old-age pension awarded to people having the obligatory insurance record increased on average by about €20 and amounted to about €287.07 as of January 2017 (Ministry of Social Security and Labour 2017a) and was increasing to €364.96 as of November 2019 (Sodra 2019). Social contributions in Lithuania are high, amounting to 30.7% of gross wages; 23.7% of these contributions were allocated to pensions. Employers paid 21.2% of gross wages for pensions, and employees contributed 2.5% (Ministry of Social Security and Labour 2017b).

Retirement may be delayed for a full calendar year but for no longer than 5 years. After retirement, the old-age pension is eight per cent higher for every delayed year (Law on Amendment 2016). A longer insurance period and received income results in a bigger pension and is recalculated automatically every year (Sodra 2017).

Lithuanians can both draw a pension and earn money. Statistical data shows that the employment rate for the age group 65+ is increasing. It was 9.2% in 2017 in comparison with 5.7% in 2014. In 2018, 13.2% men and 7.2% women aged 65+ were working (Official Statistics Portal 2019a, b).

There is no permanent law for freezing payments, but the Government can pass a temporary law; this was done for example in 2009 (Lietuvos Respublikos socialiniu ismoku 2009). However, some articles of this temporary law later were recognised as contradictory to the Constitution and the Government was obliged to compensate people for reduced pensions (Baltic News Service 2012).

Auto-enrolment is planned in 2019 for the first time in Lithuania and it will be applied to all employed people up to 40 years old with the right to say “no”. If a person decides not to participate in pension accumulation in the second pillar, s/he stays only in SODRA. The auto-enrolment procedure will be repeated three times—every three years until a person reaches age 40. For those older than 40 years old pension accumulation will remain voluntary (Lietuvos Respublikos socialines apsaugos ir darbo ministerija 2018).

Health Policies

A person is eligible for work incapacity pension if s/he has 45% or more work incapacity and the required insurance period, which depends on the age when work incapacity was recognised—late recognition means a longer required period (Law on Amendment 2016). At the end of 2017 there were 164,100 persons who received a work incapacity pension; this amounts to 9% of all persons of working age (Sodra 2017). At the end of 2018 the number decreased by 1.2% as there were 162,200 persons who received a work incapacity pension (Oficialiosios statistikos portalas 2019). There is no difficulty in retiring through a disability route. When a person reaches retirement age s/he receives whichever pension is higher: old age or work incapacity pension (Law on Amendment 2016).

Employment Policies

The new Labour Code of Lithuania, which entered into force on 1 July 2017, introduced a more flexible regulation of labour relations. On the other hand, it retained a number of restrictive provisions. According to data provided by Doing Business 2018 and Lithuanian Free Market Institute, due to the new regulation, Lithuania would rise by 11 positions in the general EU-41 EU-OECD country rating in the employment flexibility index, *i.e.* from 27 to 16 (Lietuvos laisvosios rinkos institutas 2017; Lithuanian Free Market Institute 2017).

The current Labour Code establishes many flexible forms of labour contracts: fixed-term contract, temporary-work contract, seasonal contract, project work, job-sharing, working for several employers and an apprenticeship employment contract. There is also the possibility of remote work as a form of work performance. Fixed-term employment contracts can also be concluded for permanent tasks, yet such contracts must not exceed 20% of all employment contracts of a company. Usually fixed-term employment contracts are for a two-year term, with several exceptions allowing a five-year term. During the period of adoption of the Labour Code, a zero-term employment contract was rejected as not ensuring the social security of workers.

As far as working time is concerned, the maximum permitted weekly working time is 60 h, including extra jobs and overtime hours and the maximum permitted working days are 6 days per week. The annual overtime limit is 180 h with a possibility to agree on a higher limit in a collective agreement. The Labour Code does not stipulate restrictions on night work and work during a weekly holiday. Overtime, night work, work on a weekly rest day or on a holiday is paid extra. The flexible working schedule, fragmented working days and individual working time regimes make it possible to organise work time more flexibly.

Provisions concerning redundancy entitle the employer to dismiss the employee, but this decision must be based on an important reason and notice periods ranging

from two weeks to three months should be respected. Severance payments (up to two average monthly salaries) must be paid. In case of redundancies there is a set of priority rules that are applied to specific groups such as pre-retirement employees, employees with work experience exceeding ten years, employees having three or more children etc. The new Labour Code allows dismissal of employees with a notice period of three workdays but on condition of higher severance compensation (not less than six average monthly salaries).

Training for workers is mainly aimed toward unemployed persons and, to a lesser extent, toward older age employees. Support for older unemployed persons is targeted at obtaining the right education and working skills (support for learning, support for the acquisition of professional skills). These measures are implemented in the form of financial benefits, *i.e.* scholarship, compensation or pay subsidy etc. (Republic of Lithuania Law on Employment 2016).

Early retirement schemes have been discouraged by the aforementioned increase of the retirement age as well as by extending the mandatory length of service for obtaining an old-age pension, which is to increase to 35 years (mandatory length of service determines the retirement benefits). Lithuanian laws provide the possibility of early retirement, but in the latter case old-age pension benefits are reduced. On the other hand, retired workers are encouraged to stay in the labour market by the possibility of receiving both old-age pension benefits and wages (Law on Social Insurance Pensions 1994).

There are no legal provisions governing specific working conditions for older workers. Older workers can benefit from the general rules dealing with working conditions: flexible working schedule, fragmented working days and individual working time regimes. They can work in the regime of part-time work. In some cases, long uninterrupted employment at the same workplace (directly linked to worker's age) becomes an important factor. First, it prolongs additional annual leave (ten years of uninterrupted employment adds three days and each subsequent five year work period adds one day of additional leave) (Labour Code 2017). Second, length of service has an influence both on the length of the annual and additional annual leave of public sector employees. The length of service is often used to calculate public servants' wages.

The principle of gender equality is expressly stated in the Labour Code. Therefore, gender implications occur only as a legitimate differentiation to facilitate the participation of women in paid employment during pregnancy and also as privileges concerning work time for women who gave birth recently and for breastfeeding women. As was mentioned above, a different retirement age remains for men and women. There is a gap between the average salary of men and women, which was 14.2% in 2017 (Official Statistics Portal 2019a, b). There are no provisions to facilitate workers who are caring for older or disabled family members. The principle of anti-age discrimination is established in the Constitution of the Republic of Lithuania, the Law on Equal Treatment and the Labour Code. In the latter the implementation of the principle of non-discrimination is strengthened by turning it into the duty of the employer. Furthermore, there are specific norms of the Labour Code implementing the principle of anti-age discrimination, for example, by ensuring a

non-discriminatory system of remuneration (Art. 140.6 of the Labour Code 2017) or by stating that violation of equal opportunities is a gross breach of work duties (Art. 58 of the Labour Code 2017). Finally, the Labour Code establishes positive age-based discrimination: employees, who will be entitled to the full old age pension in less than five years, must be given a longer notice period about termination of employment contract (Art. 57.7 of the Labour Code 2017). Employees having less than three years until the statutory retirement age and who have at least ten years of uninterrupted employment at that workplace have the right of priority to retain the job in the case of redundancy (Art. 57.3 of the Labour Code 2017). The responsibility for age discrimination is laid down in both administrative and criminal law (Art. 81 of the Lietuvos Respublikos administracinio 2015; Art. 169, 170, 170(1) of the Criminal Code 2000).

Precarious Employment

Precariousness applies to at least 30–35% of the employed population in Lithuania. Firstly, there is a problem of insufficient income. Secondly, there is social insecurity, which is particularly faced by self-employed and illegal workers (Blaziene and Gruzevskis 2016). Some decisions, which are expected to improve conditions for precarious workers, were taken last year. To address the threat of poverty, from 1 January 2018, the minimum monthly wage was raised from €380 to €400 (Social statistics 2017), and also monthly non-taxable amount was raised from €310 to €380 (Lietuvos Respublikos Gyventoju pajamu mokescio 2017).

Several amendments to the Law on Social Insurance were made. First, “floors” of social insurance contributions were introduced. This means that if the employee earns less than the minimum wage, the employer will still have to pay social insurance contributions calculated from the minimum monthly wage. The new law will ensure social security for those workers, whose salary is less than the minimum monthly wage. Second, a procedure for calculation of the amount of social insurance contributions was unified for all self-employed workers. This step was aimed at ensuring equal social guarantees for self-employed persons. Finally, seeking to encourage people to start self-employment, beginners have been given the opportunity not to pay state social insurance contributions for one year (Lietuvos Respublikos Valstybinio socialinio draudimo istatymo 2017).

Debate on Extending Working Lives

The issue of extended working life lacks attention on political agenda, in scientific research and the media. Occasionally it was mentioned during the discussion on a new social model (including on website Darbo santykiu ir valstybinio socialinio draudimo teisinis-administracinis modelis, <http://www.socmodelis.lt> and Facebook

<https://www.facebook.com/socialinis.modelis/>). However, more attention was paid to the new pension structure and more flexible labour relations than to extended working life. Projects implemented by the Lithuanian Labour Exchange may be mentioned as examples of best practice of specific employment policies. For example, the project ‘Employment support for unemployed older people’ involved 14448 older workers and focused on improving qualifications or competencies, creating subsidised employment and facilitating territorial mobility (Lietuvos darbo birža 2018).

Existing Research

There were isolated instances of research on social gerontology in the second half of the twentieth century, and it became a field of interest for social researchers only after Independence in Lithuania in 1990 (Mikulioniene 2011). There was no scientific research on extended working life. However, some discussion about the issue may be found in research on related topics. First, some authors stress the importance of the special measures, which can help to increase the participation of the older people in the labour market. Such measures can be related to the improvement of health (especially men’s health), vocational training, availability of information and consultation services (Okunevičiute Neverauskiene and Moskvina 2008), the reform and adaptation of the social protection system (Dromantiene and Kanopiene 2004). Another policy measure suggested is to introduce more flexible labour law measures, in particular the adaptation of the forms of employment contracts which allow workers to transition gradually from active working activity to final exit from the labour market as well as the establishment of additional provisions regarding rest periods (Ambrazevičiute 2018).

A second consideration is related to age within the context of anti-discrimination law. Despite properly established prohibition of age discrimination in national legislation, discrimination on the basis of age still prevails in the labour market and ageism prevents longer participation of older people in employment (Ambrazevičiute 2018), whereas mechanisms designed to encourage the reporting of discrimination cases are not efficient (Mikulioniene 2008).

Lastly, there is a good deal of research concerning the status of women. The analysis of old age pensions, especially their gender dimension, is focused on different patterns of labour market participation among women and men in society. Women usually take care of children and have a shorter record of participation in the labour market. This means that women have a five per cent lower old age pension than men in Lithuania (Skuciene 2007).

Conclusion

An OECD review of labour market policies (2018b) comments that recent reforms of the Labour Code, the unemployment insurance system, employment policies, minimum-income benefits and public pensions have reduced incentives for informal employment and raised income security. However, resources devoted to labour market and social policies remain limited. According to the OECD (2018a) Lithuania could do more to restrict the use of early retirement; prevent disability benefits from being used as alternative pathways to early retirement; take a balanced approach to employment protection by age; review the use of seniority wages; encourage social partners to implement better retention and hiring mechanisms targeted at older workers; and provide lifelong learning guidance services. The gender implications of extending working life in Lithuania are not addressed adequately and remain out of the policy and research agenda.

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