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NEWS REPORT

Country:	Lithuania
Title:	Amendments and the Recast of the Equal Opportunities Act for Women and Men
Date:	18 April 2017
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<u>Context</u>	
Issue at stake:	The Parliament amended and afterwards adopted the new version (recast) of the Equal Opportunities Act for Women and Men
Ground of discrimination:	Sex
Source:	Legislation
Field:	Other
Applicable law:	Law No XII-2767 of 8 November 2016 on Amendments of the Equal Opportunities Act for Women and Men

Content

Amendments to and Recast of the Equal Opportunities Act for Women and Men

In the period between July and December 2016, the Lithuanian legislator introduced some changes to the regulatory framework of equal treatment of men and women:

The Law of 16 June 2016 XII-2431¹ changed the Equal Opportunities Act for Women and Men (EOAWM). The changes introduced the following novelties:

- A duty is imposed on employers to protect employees from harassment on the ground of gender, not to only protect them from sexual harassment (Article 6(1) p. 5);
- Discrimination in the area of the sale of goods and the supply of services on the ground of sex will include pregnancy, birth and breastfeeding (Article 5(1) p. 3).
- Unequal treatment with regard to sex is expressly prohibited in the area of the sale of goods or the supply of services (Article 7(1) p.3); not only shall payment conditions be equal but also conditions to receive services or goods shall be without discrimination based on sex
- In response to the *Test-Achats* ruling, the law expressly prohibits any differences in social security benefits, if they are based on different life expectancy figures for men and women (Article 7(3) p. 8);
- Directive 2014/54/EU has been included in the Annex of the EOAWM, meaning that the current EOAWM shall be considered as an Act transposing (part) of this Directive.²

¹ The Law of 16 June 2016 XII-2431, Registry of Legal Acts, 2016, No. 17706.

² Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers. Text with EEA relevance. OJ L 128/30.o4.2014, p. 8.

The Law of 3 November 2016³ amended the provision of Article 24 p. 3 to bring the EOAWM into line with the new Code of Administrative Violations which entered into force on 1 January 2017. Since 1 January the Ombudsperson shall have the right to initiate 'the procedure of investigation of administrative violations', but the essence of the mandate and competence of the Ombudsperson will remain the same.

The Law of 11 November 2016⁴ introduced the new version of the EOAWM. The recast Directive did not only change the enumeration of the Act, but also:

- a. transferred the provisions on the legal status of the Equal Opportunities Ombudsperson from the EOAWM to Equal Opportunities Act, making the latter Act a single coherent place for those institutional provisions. The Equal Opportunities Act was changed accordingly;⁵
- b. by transferring part of the legislation from the EOAWM, the status of Equal Opportunities Ombudsperson was brought into line with that of other Ombudspersons of Parliament and extensively supplemented. In particular, new provisions on appointment and dismissal procedures, remuneration and social guarantees were added. The procedure of dealing with complaints was extended. The maximum term of investigation of a complaint by the Ombudsperson was prolonged from 1 to 3 months.⁶ The Ombudsperson received a statutory right to submit the application to an administrative court to decide whether the administrative act is in conformity with equality legislation (Article 29(2) p. 8).

Merging the two pieces of legislation (the EOAWM and general anti-discrimination legislation – the Equal Opportunities Act) was cautiously discussed by a small working group established by the Ombudswoman. However, no decision was taken on the consolidation of the two different acts. Instead, the transfer of the 'institutional' provisions from the EOAWM to the Act of general application were proposed to introduce greater clarity. The changes to the institutional provisions such as the requirements for the post, its mandate and the term of the Ombudsperson as well as the time limit for investigation of the complaints should help to resolve routine questions of the Ombudsperson more easily.

Internet link source:

<https://www.e-tar.lt/portal/lt/legalAct/24e3db403c5811e6bcc5c96b48152012>
<https://www.e-tar.lt/portal/lt/legalAct/b36eb650a68411e69ad4c8713b612d0f>
<https://www.e-tar.lt/portal/lt/legalAct/35656920ac9211e6b844f0f29024f5ac>
(all in Lithuanian)

³ Law No. XII-2729 of 3 November 2016. Registry of Legal Acts, 2006, No. 26509.

⁴ Law No. XII-2767 of 8 November 2016. Registry of Legal Acts, 2016, No. 26966.

⁵ Law No. XII-2768 of 8 November 2016, Registry of Legal Acts, 2016, No. 26967.

⁶ The three-month time limit was also possible before the recast directive, but required a procedural decision of the Ombudsperson him/herself.