

# Law on Equal Treatment

L. 18 novembre 2003 No. IX – 1826

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1. Purpose of the Law

1. The purpose of this Law is to ensure the implementation of human rights laid down in the Constitution of the Republic of Lithuania, and to prohibit any direct or indirect discrimination based upon age, sexual orientation, disability, racial or ethnic origin, religion or beliefs.
2. The provisions of this Law shall not apply to family and private life.
3. This Law is designated to ensure the application of the legal acts of the European Union, indicated in the Annex of this Law.

#### Article 2. Basic Definitions of this Law

1. Equal treatment means implementation of the human rights, which are laid down in international documents on human and citizens' rights and in the laws of the Republic of Lithuania, regardless of the age, sexual orientation, disability, racial or ethnic origin, religion, beliefs and other grounds established in the international agreements or laws of the Republic of Lithuania.
2. Violation of equal treatment means direct or indirect discrimination on the grounds of age, sexual orientation, disability, racial or ethnic origin, religion or beliefs.
3. Direct discrimination shall be taken to occur when on the basis of a person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs, one person is treated less favorably than another is, has been or would be treated in an comparable situation, except for the following cases provided for by the laws:
  - 1) restrictions on grounds of age;
  - 2) requirement to know the State language;
  - 3) prohibition from taking part in political activities;
  - 4) different rights applied on the basis of citizenship;
  - 5) special measures applied in healthcare, work safety, employment, labour market sphere while striving to create and apply conditions and opportunities guaranteeing and promoting the integration of the disabled into the labour environment;
  - 6) special temporary measures applied while striving to ensure equality and bar the way to violation of equal treatment on the basis of age, sexual orientation, disability, racial ethnic, religion or beliefs;
  - 7) when owing to the character of specific types of professional activity or conditions of implementation thereof, a certain human characteristic is the usual and decisive professional requirement, and this aim is lawful and the requirement is appropriate.
4. Indirect discrimination shall be taken to occur where an action or inaction, legal norm or value criterion, visibly neutral provision or practice, which are formally equal, however in implementing or adapting them, an actual restriction of the use of rights or the providing of privileges, priority or advantage for persons of a certain age, certain sexual orientation, disability, racial or ethnic origin, religion or beliefs can, do, or might emerge.

5. Harassment shall be deemed to be undesirable conduct (discrimination), when on the basis of age, sexual orientation, disability, racial or ethnic origin, religion or beliefs one strives to violate or violates the dignity of a person and strives to create or creates an intimidating, hostile and degrading or offensive environment.

6. Instruction to discriminate on the basis of a person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs shall constitute discrimination, which is defined in paragraph 3 of this Article.

## CHAPTER II

### IMPLEMENTATION OF EQUAL TREATMENT

#### Article 3. Duty of State and Local Government Institutions and Agencies to Implement Equal Treatment

State and local government institutions and agencies must within the scope of their competence:

- 1) ensure that in all the legal acts, drafted and passed by them, equal rights and treatment would be laid down without regard of age, sexual orientation, disability, racial or ethnic origin religion or beliefs;
- 2) draft and implement the programmes and measures, designated for ensuring equal treatment regardless of age, sexual orientation, disability, racial or ethnic origin, religion or beliefs.
- 3) In the manner prescribed by the laws by the laws, provide assistance to the programmes of religious communities, associations and centres, other non-government organisations, public agencies and charity and sponsorship foundations, which assist in the implementation of equal treatment of persons without regard to their age, sexual orientation, disability, racial or ethnic origin, religion or beliefs.

#### Article 4. Duty of Educational Institutions, Science and Academic Institutions to Implement Equal Treatment

1. Educational institutions, science and academic institutions must ensure equal conditions for persons regardless of their age, sexual orientation, disability, racial or ethnic origin, religion or beliefs when:

- 1) admitting to schools of general education, vocational institutions, college level and university schools and refresher, retraining and other courses;
- 2) awarding study grants and providing loans for studies;
- 3) drawing up, drafting, approving and also, selecting curricula;
- 4) assessing knowledge.

2. Educational institutions and science and academic institutions, and those carrying out the informal adult education programmes must, within the scope of their competence, ensure that that in the curricula and textbooks there would not exist any discrimination or propagation of discrimination on grounds of person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs.

#### Article 5. Duty of Employer to Implement Equal Treatment at Work, in Public Service

When implementing equal treatment the employer, regardless of the person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs, must:

- 1) apply equal recruitment criteria and employment conditions when employing or recruiting to the public service except in the cases set forth in sub-paragraphs 1,2,3,4 and 5 of paragraph 3 of Article 2 of this Law;

- 2) provide equal working and public service conditions, opportunities to improve qualifications, seek more advanced vocational training, be retrained, acquire practical work experience and grant equal benefits;
- 3) use equal criteria in evaluating work and the performance of public officers;
- 4) apply evaluation criteria of dismissal from work and from public service;
- 5) provide equal pay for equal work or work of equal value;
- 6) take measures to prevent harassment of an employee or a public servant;
- 7) take measures to prevent sexual harassment of an employee or public servant;
- 8) take measures to prevent persecution of or an employee or public servant, who filed a complaint on discrimination to be protect him from hostile behaviour and negative consequences;
- 9) take appropriate measures to provide conditions for the disabled to obtain work, to work, to a career or to study, provided that the duties of the employer would not be disproportionately burdened as a result.

#### Article 6. Implementation of Equal Treatment in Sphere of Consumer Protection

When implementing equal treatment, the salesperson, manufacturer of goods, or service provider, regardless of a person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs, must:

- 1) create equal conditions for all consumers, regardless of their age, sexual orientation, disability, racial or ethnic origin, religion or belief to obtain the same products, goods and services, including the provision of housing and applying equal pay terms and guarantees for the same products, goods and services and those of equal value.
- 2) when providing information on products, goods and services or advertising them ensure, that there would be no humiliation, scorn, restriction of rights or granting of privileges based upon age, sexual orientation, disability, racial or ethnic origin, religion or beliefs and no formation of public opinion about the superiority or inferiority of a person due to the latter grounds.

### CHAPTER III

#### VIOLATION OF EQUAL TREATMENT

##### Article 7. Acts of Employer Violating Equal Treatment

The acts of an employer shall be deemed as violating equal treatment, if due to a person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs he:

- 1) applies less (more) favorable condition of employment or recruitment to public service;
- 2) provides different pay for equal work o work of equal value;
- 3) in organising work or public service, creates worse (better) conditions of work, service, qualification or vocational training, retraining, and work experience acquisition for an employee or public servant;
- 4) imposes a sanction on an employee or public servant, changes working, or public service conditions, transfers him to other work, position, terminates the employment contract or dismisses from the public service;
- 5) persecutes the employee or public servant, who has filed a complaint regarding discrimination, fails to take measures, to protect the employee or public servant from hostile behavior or negative consequences.

##### Article 8. Acts of Educational Institutions, Science and Academic Institutions, Violating Equal Treatment

The acts of educational, science and academic institutions shall be deemed as violating equal treatment if due to a person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs:

- 1) different requirements and conditions are applied in accepting for admission to learn or study, for drawing up, drafting, approving and selecting curricula and assessment of knowledge;
- 2) different opportunities are established for choosing subjects being taught;
- 3) study grants are awarded and loans for studies are provided;
- 4) a pupil or student of educational institutions, science and academic institutions, who has filed a complaint on discrimination, is being persecuted and no measures are being taken to protect the pupil or student from hostile behaviour, humiliation of his honour and dignity or from negative consequences which may arise in his regard.

#### Article 9. Acts of Salesperson, Manufacturer of Goods or Service Provider, Violating Equal Treatment

The actions of salesperson, manufacturer of goods or service provider shall be deemed as violating equal treatment, if due to a person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs:

- 1) different conditions are set for obtaining the same products, goods and services, including the provision of housing, different payment conditions or guarantees are applied for the same products, goods and services and those of equal value or different opportunities are provided for choosing goods or service;
- 2) when providing information on products, goods and services, or advertising them, public opinion is formed that a person of a certain age, of a certain sexual orientation, disability, racial or ethnic origin, religion or beliefs, is superior or inferior than the other.

#### Article 10. Discriminating Advertisements

In job, civil service or education opportunities advertisements it shall be prohibited to specify requirements giving priority to persons of a certain age, a certain sexual orientation, healthy persons, persons of a certain race or ethnic origin and persons professing a certain religion or certain beliefs.

#### Article 11. Rights of a Person Who Is Being Discriminated Against

A person, who thinks that the discriminatory actions specified in this Law, have been directed against him, or that he has become a subject of harassment, shall have the right to appeal to the Equal Opportunities Ombudsman.

### CHAPTER IV

#### CONTROL AND SUPERVISION OF IMPLEMENTATION OF THE LAW

#### Article 12. Supervision of the Implementation of the Law

The Equal Opportunities Ombudsman shall supervise the implementation of the Law on Equal Treatment in the manner prescribed by the Law on Equal Opportunities of Women and Men.

### CHAPTER V

#### ACCEPTANCE OF APPEALS AND INVESTIGATION OF COMPLAINTS

## Article 13. Acceptance, Investigation of Complaints, Decisions

1. Complaints regarding the violation of the Law on Equal Treatment shall be filed with the Equal Opportunities Ombudsman.
2. Complaints regarding the violations of equal treatment shall be examined and decisions concerning them adopted in the manner prescribed by the Law on Equal Opportunities of Women and Men.

## CHAPTER VI

### FINAL PROVISIONS

#### Article 14. Entry into Force of Law

This Law shall enter into force on 1 January 2005.

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

PRESIDENT OF THE REPUBLIC: ROLANDAS PAKSAS

ANNEX to Republic of Lithuania Law on Equal Treatment of 18 November 2003 No IX-1826

### LEGAL ACTS OF THE EUROPEAN UNION BEING IMPLEMENTED

1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.
2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.