

# Social integration of the disabled in Lithuania

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## I. Key information

### 1. Key provisions of the Law on social integration of the disabled

On 1 July 2005 a new Law of the Republic of Lithuania on Social Integration of the Disabled<sup>1</sup> (hereinafter referred to as the Law) entered into force. The main goal of this Law is to ensure equal rights and opportunities for the disabled in the society, to define principles of social integration of the disabled, to determine the system of social integration, the preconditions and terms, as well as the institutions in charge of the implementation of social integration of the disabled, the assessment of disability and working capacity level, the provision of services in vocational rehabilitation, and the principles for the identification and meeting of special needs of the disabled.

The Law incorporates new concepts and definitions, introduces new definitions of the 'disabled' and 'disability', substituting the old 'invalid' and 'invalidity'. All discriminative provisions highlighting the exclusiveness of an individual with disabilities were removed. The model of social integration of the disabled was set closer to models of the EU Member States, thus legally enforcing equal rights and opportunities of the disabled in the society.

The Law envisages the introduction of the new assessment system of disability and working capacity level. The assessment of working capacity instead of previously used invalidity assessment test creates more possibilities to assess an individual capacity to work in a more objective way, get medical and vocational rehabilitation services and benefits. Differentiation of disability level for individuals under 18 sets more favourable conditions for families bringing up and nursing children with severe and moderate disabilities.

### 2. Disability and working capacity assessment

The assessment of the disability and working capacity level is delegated to the Disability and Working Capacity Assessment Authority under the Ministry of Social Security and Labour (hereinafter referred to as the Authority).

The Authority is a public administration institution establishing the level of disability for persons under 18 and the level of working capacity for persons under 18 who are (were) insured with social insurance and for persons older than 18 until the retirement age.

The Authority makes decisions concerning:

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<sup>1</sup> Law on Social Integration of the Disabled (*Official Gazette*, 2004, No. 83-2983).

- the disability level, the cause and starting time of disability and its duration;
- the working capacity level, the cause and starting time of disability and its duration;
- the need for vocational rehabilitation services for individuals under 18, who are (were) insured by the state social insurance, and for individuals over 18 years of age;
- the nature of work and conditions for the disabled;
- the general initial assessment of special needs of the disabled.

Following the provisions of the Law, the level of working capacity is assessed taking into consideration the health status of a person and his capability to perform tasks according to the acquired qualification, to acquire a new qualification or to perform unskilled jobs after all other possibilities of medical and vocational rehabilitation have been used, including special assistance measures. Working capacity of an individual is assessed in percentage and the level is estimated in 5 points intervals, i.e.:

- if an individual is assessed to be of 0-25% working capacity, he/she is considered incapable of work;
- if an individual is assessed to be of 30-55% working capacity, he/she is considered partly capable of work;
- if an individual is assessed to be of 60-100% working capacity, he/she is considered capable of work.

When a person addresses the Authority concerning the assessment of working capacity, first of all, it will be estimated, referring to certain criteria if it is reasonable for the person to participate in the vocational rehabilitation programme.

When assessing the level of working capacity or disability of a person, special needs of the person are also assessed, i.e. special need for constant care, special need for constant assistance (supervision), special need for compensation of transport expenses and special need for compensation of expenses on purchase of a passenger car. Given the above special needs, compensations of the amount set in the legal acts are allocated for the person.

### **3. Key indicators of disability**

In 2008 258,848 persons received pensions or allowances for their lost capacity for work in Lithuania. They account for 7 per cent of the Lithuanian population.

The trends for the distribution of the number of the disabled by the level of disability remain the same as during the previous year. The majority of the disabled were persons with the 30–40 per cent capacity for work level, i.e. they totalled 159,036 persons or as much as 62 per cent of all the disabled. Persons with the most severe disability, i.e. those with the established 0–25 per cent capacity for work level accounted for 13 per cent of all the disabled. The number of the disabled with the 45–55 per cent capacity for work level was 50,266, or 19 per cent of all the disabled. Disabled children up to 18 years of age totalled 15,881 persons, or 6 per cent.

#### 4. Vocational rehabilitation system

The Law regulates an important link of the system of social integration of the disabled – vocational rehabilitation. In the Law vocational rehabilitation is defined as restoration of a person's capacity to work, professional competence and capacity to participate in the labour market or increase thereof by educational, social, psychological, rehabilitations and other means. The following vocational rehabilitation services are provided: assessment of professional capacities; vocational guidance and consulting; restoration or training to acquire new vocational skills; assistance in finding a job.

The purpose of vocational rehabilitation is to develop or restore working capacity of the disabled and increase their employability. It is implemented through several stages. First, the need for vocational rehabilitation services is established. The Disability and Working Capacity Assessment Authority that performs this function assesses medical (basic working capacity of the person), functional (number of hours that the person can work), professional (education, professional qualifications, work experience and working skills) and other (age of the person and motivation for vocational rehabilitation) criteria of every person addressing the Authority for assessment of working capacity level that influence the person's vocational rehabilitation and employability.

Having received the conclusion of the Authority confirming the need for vocational rehabilitation, the person in question shall have to apply to the Local Labour Exchange Office in the place of residence which issues a reference to the institution providing vocational rehabilitation services. Here an individual vocational rehabilitation programme is drafted for the person and the scheduled services are provided. When the vocational rehabilitation programme is completed, the person returns to the Disability and Working Capacity Assessment Authority for the final assessment of the working capacity level.

Persons participating in the vocational rehabilitation programme receive a vocational rehabilitation benefit. It is allocated and paid irrespective of other income received.

The vocational rehabilitation benefit is paid monthly starting from the first day of participation in the programme but for no longer than 180 calendar days.

The amount of this benefit depends on whether the person is insured with all kinds of state social insurance or not. Where the person participating in the vocational rehabilitation programme is insured, the amount of the vocational rehabilitation benefit paid thereto by the State Social Insurance Fund and the payment procedure are set out in the Law on Sickness and Maternity Social Insurance.

Where the person participating in this programme is not insured by the state social insurance or is insured only by the state social pension insurance, they receive a vocational rehabilitation benefit in the amount of 2 basic pensions of the state social insurance in accordance with the procedure set out by the Government.

## 5. Assessing the level of special needs and meeting special needs

After the new Law coming into force, for retirement age persons (hereinafter referred to as persons) the working capacity level is not established. The level of special needs is assessed for such persons and their special needs are met.

Municipalities are assigned to establish the level of special needs of the disabled. The level of special needs for these persons is set based on information provided by other services within their competence (e.g. physicians – based on approved disease or condition criteria, it can be established whether there is a special need for constant care or constant supervision (assistance), or the need for purchase of a specialised passenger car and compensation for technical adjustment thereof or compensation of transport expenses) and the special needs identified, interview with the person and scope of the necessary specialised aid means to meet the special needs.

The municipality having assessed the person's special needs makes a decision with regard to assessment and meeting of the person's special needs. Persons upon establishing a high, average or low level of special needs are issued the certificate of a disabled person entitling them to have privileges provided for in the legal acts.

## 6. State social insurance pensions

State social insurance pensions for incapacity for work ("disability pensions" until 1 July 2005) is the major type of social security in cases of disability.

Pensions for incapacity for work are paid to individuals who, on the day of establishment of the incapacity for work level, have the minimum period for state social insurance for pensions to receive the pension for incapacity for work. The requirements for the minimum and compulsory period of insurance for the pension for incapacity for work depend of the individual's age.

The capacity for work level is not established for individuals who have attained the age for old-age pension. These individuals receive the old-age pension. If an individual was granted and paid the incapacity for work (disability) pension until the day of attaining the age for the old-age pension, when the old-age pension is granted for the first time after 1 July 2005, the period during which the incapacity for work (disability) pension was paid is recognised as the period for state social insurance for pensions.

Pensions are calculated according to same rule as old-age pensions; the years from the day of establishment of the incapacity for work until the retirement age are granted as the insurance years.

The full incapacity for work (disability) pension is paid without taking into account whether the recipient works or not.

## 7. Social assistance pensions

Social assistance pensions are paid to people who had not acquired social insurance rights due to different reasons (mainly due to non-participation in labour market): disabled children; individuals recognised as fully or partially incapable for work below the age of 24 (and below 26 in some cases); parents, guardians and caretakers who, at least for 15 years, cared at home for the disabled persons with a special need for constant nursing or care (assistance); mothers who had given birth to and raised five or more children till the age of 8; other persons not listed above who lost their capacity for work.

## 8. Target compensations of nursing and care (assistance) costs

Target compensations of nursing costs are paid to children with severe disabilities; individuals who lost 75–100% of their capacity for work; individuals who have reached the age for the old-age pension. The special need for constant nursing must be established for these individuals.

Target compensations of attendance (assistance) costs are awarded to disabled children and the persons who are rated as incapable or partially capable of work, have lost 60% and more of their capacity for work as well as the persons who have attained the pensionable age.

The special need for constant care (assistance) must be established for these individuals (except for the disabled children).

Target compensations of attendance (assistance) costs are awarded to the persons who have attained the pensionable age for whom the special need for permanent attendance (assistance) has been established already upon attaining the pensionable age, provided they do not draw a bonus in the amount of the state social insurance pension for Group I invalids or 0,5 basic pension designed to meet the special need for permanent nursing or attendance (assistance).

This new benefit to compensate for nursing and care of the disabled and old has been introduced in recent years and the number of beneficiaries is growing at the alarming rate. The benefit is funded from the State budget and administered by Municipalities. It could be a problem of lacks adequate controls, especially for the beneficiaries above retirement age for whom the eligibility for the benefit is certified solely by health system professionals (doctor recommendations have to be reviewed by the Authority for those younger than retirement age). The number benefits more than doubles immediately after reaching retirement age.

## 9. Active labour market programmes

Since 2004 the Government has taken efforts to link social assistance benefits to participation in active labour market programmes. These programmes are mainly targeted to the long-run unemployed. In 2009 18% of spending on active labour market programmes will be financed from the employment fund and 78% from the European Social Fund (ESF). Active labour market programmes include skills training, subsidized employment in private firms, job rotation (temporary employment to cover temporary leave of employees), public works, as well as programmes for the disabled (subsidized employment and vocational training). The total budget in 2009 for these programmes is about 300 million LT. Most funds go to skills training relative to direct-job creation programmes (public works, subsidized employment in private firms).

Seeking to integrate the most vulnerable groups of persons into the labour market there have been implemented two main laws – the Law on Employment Promotion and the Law on Social enterprisers.

The Law on Employment promotion provides support for employers when they integrate disabled people into the labour market. Every company can receive state support employing disabled, creating new jobs or adapting the already existing workplaces to the disability of the unemployed person, organising vocational training, employing them after vocational rehabilitation programmes or other vocational programmes and seeking to provide professional skills that they lack directly at the workplace. According the Law disabled is additionally supported in the labour market and they are able to participate in active labour market policy measures: subsidized employment, vocational training, support for the acquisition of professional skills, support for job creation, support for self- employment.

Seeking to qualify or to gain the necessary competence, if it is needful for their employment, vocational training is being organised, reimbursing the part of training expenses and travelling expenses to and from the place of training and the accommodation expenses.

Subsidised employment is being organised for disabled seeking to help them strengthen their positions in the labour market and create special conditions enabling them to remain in the labour market. Employees, who have employed the disabled, are able to receive wage subsidies.

Support is also being provided to the employers who are creating new jobs or adapting the already existing workplaces to the disability of the unemployed person and employing unemployed persons under an open-ended contract of employment. The support for job creation is provided by paying the employers a subsidy for the creation of workplace. The employers must also cover a part of the expenses related to the creation (adaptation) of one workplace and maintain one created (adapted) workplace for at least 36 months from the employment of persons sent by local labour exchange offices.

Support for the creation of a workplace is being provided for disabled, whose capacity for work is rated at up to 40% or the disabled for whom severe or moderate disability has been established, who are starting their business, without applying the requirement to cover a part of the expenses related to the creation (adaptation) of workplaces.

A special support for disabled is being determined under the Law on social enterprisers. The aim of the Law is, by employing the persons who are attributed to the target groups indicated in this Law and who have lost their professional and general capacity for work, are economically inactive and are unable to compete in the labour market under equal conditions, to promote the return of these persons to the labour market, their social integration as well as to reduce social exclusion.

A social enterprise could be two types – social enterprise or social enterprises of the disabled.

A social enterprise may be granted the State aid of the following types:

- 1) partial reimbursement of wages and state social insurance contributions;
- 2) subsidy for the creation of workplaces, adaptation of workplaces to disabled employees and acquisition or adaptation of their work equipment;
- 3) subsidy for the training of the employees who are attributed to the target groups.

In addition to the types of State aid indicated above, additional State aid of the following types may be provided to a social enterprise of the disabled:

- 1) subsidy for the adaptation of the work environment of disabled employees, production premises and rest rooms;
- 2) subsidy for the reimbursement of additional administrative and transport expenses;
- 3) subsidy for the reimbursement of expenses on an assistant (sign language interpreter).

Nonetheless that the social enterprises could employ not only disabled but also other target groups of the persons (for ex. the long-term unemployed, persons for whom not more than five years are left until the pensionable age and etc.), 99 % of all target groups employed in the social enterprises are disabled. At the moment 1830 disabled persons are working in the social enterprises.

## 10. Other main social integration measures

**Technical Aid.** Seeking to enforce the rights of and equal opportunities for the disabled in society and ensure their social integration, the Ministry of Social Security and Labour continued to implement the programme for the provision of residents with technical aids. The programme includes not only the supply of technical aids but also their repair. The main responsibility for carrying out these functions lies with the Centre of Technical Aid for Disabled People under the Ministry of Social Security and Labour (hereinafter referred to as the Centre).

**Financial Support to the students with disability.** Disabled students received the following financial support:

- for the fulfilment of special needs, a monthly payment of an allowance which equals 50 per cent of the basic state social insurance pension;
- students studying in higher education establishments, whose studies are co-financed or not funded by the state, are paid an allowance amounting to 3.2 of the basic social allowance for every semester to cover part of the studying expenses.

Following the Procedure, financial support may be provided to students with the severe or medium disability or the 45 per cent or lower capacity for work level who study for the first time under a non-university or the 1<sup>st</sup> or 2<sup>nd</sup> level integrated university study programme and do not have any academic debts or have not been imposed any disciplinary sanctions.

**Housing.** Ministry of Social Security and Labour implemented the Programme for the Adaptation of Housing for the Disabled 2007–2011 (hereinafter referred to as the Programme), which aims at creating the conditions for free movement of persons with disability and their active participation in the education and profession acquisition process, the labour market and social life.

In 2008, LTL 7,764,100 were allocated from the state budget for the implementation of measures within the framework of the Programme. Municipalities of 59 cities and districts implemented the Programme.

**NGO.** According to the National Programme for Social Integration of the Disabled 2003–2012<sup>2</sup> (hereinafter referred to as the Programme), which is coordinated by the Department of the disabled Affairs, every year a tender for financial support of social integration programmes implemented by associations of the disabled, is called.

In 2008 the tender selected 275 projects coordinated by 27 associations of the disabled (including 256 projects of services for the disabled in a community coordinated by 21 associations of the disabled and carried out by associations of the disabled and their partners (other associations of the disabled, municipal budgetary institutions, non-profit organisations) and 19 projects of supporting the activities of associations of the disabled implemented by 19 associations of the disabled). Over 79,000 persons with disability, of which 31 per cent of persons with a severe disability, took part in and benefited from social integration projects.

Concerning the projects of services for the disabled in a community, the following services were provided according to the type of disability and specificity of problems of persons represented by associations: representation of the rights of the disabled, information and consulting services, organisation and provision of psychological assistance to the disabled and their family members, the activities of increasing independence, regular sports and cultural activities, other social services (information, counselling, transport organisation, socio-cultural services, organisation of personal hygiene and care, assistance at home, accommodation in houses of independent living, social day care, short-term and long-term social care), support for the activities of boosting motivation for the involvement of the disabled in the labour market, search for jobs for the disabled, and services of work assistants for the disabled.

## II. Questions to discuss

1. *How can the main inflow paths to disability benefits be handled in such a way that legitimate claimants and those in need are not rejected?*

Having in mind that the number of disability pensioners increase considerably EU average, it is necessary to strengthen the monitoring and controls of the benefit certification process by having the Agency oversee the certification of benefits. The Agency recently has introduced monitoring and control methods and has proven to be able to control the growth of disability benefits, but this work should be continued, especially by improvement of disability criteria.

<sup>2</sup> Resolution No. 850 on the Approval of the National Programme for Social Integration of the Disabled 2003–2012 of the Government of the Republic of Lithuania of 7 June 2002 (Official Gazette *Valstybės žinios*, 2002, No. 57-2335).

Usually the Agency has to rely on the information provided by local medical assessment. In some cases this information is not sufficient and not reliable. It is needed to improve the monitoring process at field level, and the Agency must have a right for the strict control of local medical institutions on this issue (see also I-8, last paragraph).

2. *How can work conditions for older workers be improved in such a way that they motivate and enable the workers to stay longer in employment?*

*The work on active labour market programmes reported above (see I-9 in this document) should be continued and extended.*

3. *Which additional aspects of prevention beside training, education and accommodation/improvement of working conditions should be taken into consideration in the design of integration measures?*

*It seems necessary to add that there should be a possibility for older and disabled persons to choose part-time work, convenient work time, etc. One of the best decisions should be gradual retirement process, when a person is partly working and partly retired, sharing in that time proportional part of pension and wage. This approach would help to use capacity and skills of older people in work place according to their potentiality.*

4. *How can the social partners be involved in processes of reintegration and active ageing?*

*NGO's may be important partners in implementation of reintegration and active ageing programmes. Lithuanian experience (see I-10 in this document) show their interest and activity in this work. NGO's may also to help much in promoting the positive image of working older people and people with disabilities. On the one hand, it is needed to encourage these people themselves, on the other hand to promote in the society the positive understanding of value of work of these people.*

5. *How can employers be involved in active ageing and in reintegration processes of disabled people in a good way?*

*Additionally to the measures reported above (subsidies for the adaptation of work places, creating new jobs, etc., see I-9) it is necessary to create a positive attitude of employers to people with disabilities.*

6. *The rate of outflow from disability benefit programmes is normally very low. How can the outflow be increased in a social legitimate and sustainable way? Are more frequent re-assessments or reviews of work capacity of recipients or a shift towards disability benefits granted only on a more short-term temporary basis ways to do it?*

*More frequent reassessment does not seem a best way to increase an outflow per se. If there are strong motives to stay in disability benefit programme, people will try to do it. In*

*Lithuania this motive is rather strong due to the fact, that a person with disability receives full incapacity for work pension despite the fact that he/she works. (see I-6). On the one hand, it looks helpful for labour participation of people with disabilities – there is no trade-off between wage and pension. But on the other hand it looks unjust, because the pension is a replacement of income of work, and if income is not lost, the pension should not be paid. So the policy should be changed from the pension payment to better social and other services to help a person with disability to work.*

- 7. In the OECD area one has noted that the increase of beneficiary rates has been particularly strong among women with disabilities in a number of countries and that different kinds of health problems or impairments dominate among female and male beneficiaries. How should disability policies and schemes be designed to meet these differences in a good way?*

Seeking to analyse the situation of women and girls with disabilities, ministry is planning the research. According to the results of this research the factors causing discrimination against women with disabilities will be identified and appropriate instruments, measures and actions to achieve equal opportunity will be proposed.