



Striving for an inclusive labour market in Lithuania

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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Striving for an inclusive labour market in Lithuania

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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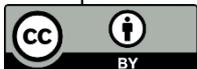
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Table of contents

1	Executive summary	6
1.1	Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services	6
1.2	Support and partnerships available to employers to assist them in making reasonable accommodations	6
1.3	Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities	7
1.4	Recommendations	8
2	Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services	9
2.1	Employment quotas	9
2.2	Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities	9
2.3	Reasonable accommodation	10
2.4	Other relevant actions targeted at employers	11
2.5	Examples of good practice	11
2.6	Good practice guides, websites and advice services directed at employers	11
3	Support and partnerships available to employers to assist them in making reasonable accommodations	13
3.1	Support available to employers for making reasonable accommodation .	13
3.2	Partnerships to assist employers to make reasonable accommodations.	15
4	Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities	17
4.1	Good practice guides for employers regarding reasonable accommodation	17
4.2	Any other sources of information regarding good practice for employers regarding reasonable accommodation.....	18
4.3	Examples of individual reasonable accommodations which reveal good practice	19
5	Recommendations and guidance regarding good practice and reasonable accommodation.....	20
5.1	Recommendations regarding good practice and reasonable accommodation in recruitment and hiring	20
5.2	Recommendations regarding good practice and reasonable accommodation in initial employment	20
5.3	Recommendations regarding good practice and reasonable accommodation in promotion and career development	21
5.4	Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes	21

1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

At present, Lithuanian national law does not provide for quotas and reduced social security contributions for people with disabilities in employment. Employers who employ persons with disabilities are eligible for wage subsidies.¹

There is no good practice guide aimed at employers to promote the employment of persons with disabilities.

Main guides and websites available:

1. The Ministry of Social Security and Labour and the Lithuanian Public Employment Service provide legal information about employing persons with disabilities on their websites.
2. The New Standards initiative² is overseen by the Office of the Equal Opportunities Ombudsperson, to encourage employers to commit to equal opportunities in the workplace.

Advice services:

1. DUOday is an advice service initiative (<https://www.duoday.lt/>) set up by the social employment agency SOPA. The goal of the initiative is to create the conditions to enable people with disabilities to integrate into society.
2. The Employment Service, with the help of third parties, provides advice services and assisted employment services for employers in order to promote the employment of persons with disabilities.

The National Audit Office of Lithuania noted in a study of the social integration of people with disabilities that in three years, the number of jobs created (adapted) in the open labour market had decreased by a factor of five (in 2019, 39 positions were created, including those completed in 2020). This statement highlights that subsidies for workplace creation and adaptation are being used inefficiently.

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

The main support measures available to employers to assist them in making reasonable accommodations are as follows:

1. Employers can receive support for reasonable accommodation for people with disabilities participating in Employment with Assistance services. The employer may be consulted regarding the employment opportunities of the person with

¹ Employers will be able to benefit from the supported employment measures and receive wage subsidies if they employ the most vulnerable residents and help them return to the labour market. Subsidies may be paid to employers who employ additional jobseekers referred by the Employment Authority, such as persons with disabilities, etc.

² Office of the Equal Opportunities Ombudsperson, New Standards initiative website, <https://www.lygybesplanai.lt/tinkamu-salygu-pritaikymas-zmonems-su-negalia/>.

- disability; the adaptation of the working conditions; and difficulties arising due to the employee's disability and ways of resolving such difficulties;
2. Employers can receive financial support with employing a person with disabilities; the employer is eligible for a subsidy to establish or adapt the workplace.

The Valakupiai Rehabilitation Centre, a public institution, organises and participates in various projects and partnerships relating to the provision of support for employers in making reasonable accommodation:

1. The Erasmus+ programme's Work4all project, funded by the European Commission: during the project, employers are consulted and their needs identified, job tasks are analysed and evaluation is undertaken regarding which functions of the company's employees can be performed by unqualified people. A partnership between rehabilitation centre specialists and employers has been formed in order to disseminate knowledge on inclusive work principles among employers;
2. The project on labour market employment for young adults with a disability: the main aim of this project is to build relationships between young adults with disabilities, companies and HR specialists and supported employment services to enable better integration in the open labour market.

Another partnership exists between employers and the social job placement agency SOPA. This agency organises a lot of different initiatives / projects, which include employers and facilitate them in making reasonable accommodation for employees with disabilities.

There is no evidence of the effectiveness of the support available to employers and partnerships with employers to assist employers to make reasonable accommodations.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

The good practice guides regarding reasonable accommodation are:

1. *Reasonable Accommodation for Persons with Disabilities: how to implement in the workplace* – a guide produced by the Office of the Equal Opportunities Ombudsperson together with the Human Rights Monitoring Institute. The guide contains useful practical information for employers as well as for employees responsible for equal opportunities in their workplace, explaining how reasonable accommodation should be implemented.
2. *Equal opportunities in the workplace: a guide for employers*, produced by the Office of the Equal Opportunities Ombudsperson together with the Human Rights Monitoring Institute. The guide provides practical advice on how to adapt the physical environment and other conditions in order to meet the needs of people with disabilities;
3. The Office of the Equal Opportunities Ombudsperson website (www.lygybesplanai.lt) provides information for employers on how to adapt an environment for people with disabilities.

The non-governmental organisation Human Rights Voice has published a 'Human Rights Guide', where employers can find information about reasonable accommodation.

There is no information on how good practice guides assist employers.

1.4 Recommendations

Recruitment and Hiring

The recruitment and hiring process must be adapted to meet the needs of persons with disabilities (e.g. sign language interpretation, test adaptations, easy-to-read format).

Initial employment

During the initial employment period, the employer should ensure that individualised assessments are produced for every employee with disabilities and that the necessary resources for integration and inclusion are in place. In addition, the employer should organise training on reasonable accommodation by the staff members responsible.

Promotion and Career Development

Employers need to have a written promotion policy so that every employee knows what competencies, skills and experience are required in order to qualify for higher positions.

Retention

Employers could offer flexible working time, training or other supportive measures that might help. Additionally, the employer could allow the employee to work from home. In consultation with the employee, certain tasks could be substituted with equivalent duties.

All recommendations can be implemented with a clear legal obligation for employers and help from third-party advice services.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

2.1 Employment quotas

At present, Lithuanian national law does not provide for any quota for people with disabilities in employment.

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

The employer does not benefit from any tax relief when employing persons with disabilities. All taxes are paid, as for any employee. However, the amount of non-taxable income³ for employees with disabilities is set at EUR 740 compared with EUR 460 for other employees.

Employers who employ persons with disabilities do not benefit from reduced social security contributions.

Wage subsidies are measures under the Law on Employment.⁴ Employers who employ persons with disabilities are eligible for wage subsidies.⁵ The amount of the wage subsidy may not exceed 1.5 times the monthly statutory minimum wage (from January 2022, EUR 1 095) approved by the Government of the Republic of Lithuania.⁶ The amount of the subsidy may not exceed:

- 50 % of the employee's gross wage where a person with disabilities is employed and has 45-55 % working capacity or a slight disability level;
- 60 % of the employee's gross wage where a person with disabilities is employed and has 30-40 % capacity or an average disability level;
- 75 % of the employee's gross wage where a person with disabilities is employed and has 25 % capacity or a severe disability level.

The duration of employment through subsidisation can be up to six months (for persons with a slight disability); up to 24 months (for persons with an average level of disability); and for an unlimited period throughout the entire period of employment (for persons with a severe level of disability).

The Employment Service under the Ministry of Social Security and Labour of the Republic of Lithuania is responsible for the implementation of these instruments. Wage subsidies are available for private and public sector employers.

³ Non-taxable income is the amount included in employer income, which is related to employment and non-taxable.

⁴ Law on Employment (*Lietuvos Respublikos užimtumo įstatymas*), 21 June 2016, <https://e-seimas.lrs.lt/portal/legalAct/en/TAD/5f0be3809c2011e68adcda1bb2f432d1>.

⁵ Employers will also be able to benefit from the supported employment measures and receive wage subsidies if they employ the most vulnerable residents and help them return to the labour market.

⁶ Ministry of Social Security and Labour information is available at: <https://socmin.lrv.lt/lt/veiklos-sritys/socialine-integracija/neigaliuju-socialine-integracija/zmones-su-negalia-atviroje-darbo-rinkoje#darbdaviui>.

There is no direct analysis assessing the strengths and weaknesses of the Lithuanian wage subsidy programme. However, the wage subsidy programme was partly analysed in an academic article in the *Journal of Business Economics and Management*.⁷ One of the article's purposes was to evaluate the effectiveness of state aid provided in Lithuania aimed at increasing employment among persons with disabilities (including wage subsidies). The article's authors reached the conclusion that state aid does not encourage employment of people with disabilities in either the open market or the closed market. Implementation of state policies to reduce social exclusion and increase employment among the persons with disabilities remains ineffective.

The National Audit Office of Lithuania, in a study about the social integration of people with disabilities, noted: 'Due to declining interest from employers and after the changes in legal regulation, in three years the number of jobs created (adapted) in the open labour market decreased by five times (in 2019, 39 positions were created, including those completed in 2020), not all enterprises can receive wage subsidies for the entire planned maximum period, legal regulation in Lithuania provides an unequal support (subsidisation) of job positions for social and open labour market enterprises.'

According to statistical data, the number of employers using wage subsidies has been slightly increasing in recent years.

Table A: Number of people with disabilities employed with wage subsidies

	2017	2018	2019	2020	2021
Persons employed with wage subsidies	693	864	608	842	902

Source: Employment Service under Ministry of Social Security and Labour

2.3 Reasonable accommodation

The duty to provide reasonable accommodation was initially mentioned in the Law on Equal Treatment,⁸ and the same wording was repeated⁹ in the Labour Code, in Article 26(2):¹⁰

'Take appropriate measures to provide conditions for people with disabilities to obtain work, to work, to pursue a career or to study, including adapting premises, provided that the employer would not be disproportionately burdened with duties as a result.'

However, the Law on Equal Treatment and the Labour Code do not provide explanations of 'reasonable accommodation'. There is no clear mechanism provided

⁷ Girlevičienė, L. and Kvietauskienė, A. (2021), 'Evaluation of state aid and its created value for disabled people in Lithuania', *Journal of Business Economics and Management*, 22(4), pp. 905-922, <https://doi.org/10.3846/jbem.2021.14471>.

⁸ Law on Equal Treatment (*Lietuvos Respublikos lygių galimybių įstatymas*), came into force on 1 January 2005, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.222522>.

⁹ The provisions regarding reasonable accommodation in the Law on Equal Treatment were transferred to the Labour Code only as of 19 September 2016.

¹⁰ Labour Code, (*Lietuvos Respublikos darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas*), <https://www.e-tar.lt/portal/lt/legalAct/f6d686707e7011e6b969d7ae07280e89>.

in national law for the enforcement of the duty to provide 'reasonable accommodation' in court practice.

Failing to provide reasonable accommodation could be recognised as a violation of the Law on Equal Treatment.

2.4 Other relevant actions targeted at employers

The Employment Service under the Ministry of Social Security and Labour of the Republic of Lithuania organises a range of activities including seminars, webinars, outreach and other events to provide opportunities for sharing experiences of good practice and the employment of persons with disabilities. In 2019, the Employment Service organised 71 targeted events for employers on the employment of persons with disabilities and 10 seminars on equal opportunities and non-discrimination in the labour market.¹¹ These events are very important because they provide an opportunity to discuss initiatives and strategies to improve employment among people with disabilities.

2.5 Examples of good practice

There are no examples of good practice.

2.6 Good practice guides, websites and advice services directed at employers

There is no good practice guide. There are a few websites and advice services directed at employers to promote the employment of persons with disabilities.

Information websites

- The Ministry of Social Security and Labour and the Employment Service provide legal information about employing persons with disabilities on their websites.^{12 13} Both institutions' websites contain basic information about possible help and state support for employers. In addition, the Employment Service gives consultations and information to employers who want to integrate a person with disabilities. Support is free of charge.
- The same legal information is provided on the website of the Lithuanian Association of People with Disabilities.¹⁴
- The New Standards initiative¹⁵ is overseen by the Office of the Equal Opportunities Ombudsperson to encourage employers to commit to equal opportunities in the workplace. The New Standards website¹⁶ provides

¹¹ Information on the non-profit agency Enterprise Lithuania is available at:

<https://www.enterpriselithuania.com/en/start/sources-of-funding/employment-service-support/>.

¹² Information on the Ministry of Social Security and Labour is available at:

<https://socmin.lrv.lt/lt/naujienos/zmones-su-negalia-darbo-rinkoje-ka-butina-zinoti-darbdaviui>.

¹³ Employment Service information on subsidies for employers is available at:

<https://uzt.lt/darbdaviui/>.

¹⁴ Information on the Lithuanian Association of People with Disabilities is available at:

<http://www.negalia.lt/naudinga-info/darbas/>.

¹⁵ Office of the Equal Opportunities Ombudsperson, information about reasonable accommodation, available at: <https://www.lygybesplanai.lt/tinkamu-salygu-pritaikymas-zmonems-su-negalia/>.

¹⁶ New Standards initiative website: www.lygybesplanai.lt.

information for employers to offer help not only in assessing the current situation in an organisation, but to integrate equal opportunities within each area of activity. The New Standards initiative also offers employers the opportunity to take advantage of free expert consultations, seminars in the workplace and e-training.

Advice services

DUOday is an advice service initiative (<https://www.duoday.lt/>) proposed by the social employment agency SOPA. The goal of the initiative is to create conditions for people with disabilities to integrate into society, in order to feel significant and try out various professions. A person with a disability and an employee of the company spend one working day together, forming a DUO. A person with disabilities gets acquainted with the work of the company and performs routine work tasks. During the DUOday, the employer:

- develops empathy and understanding within their teams;
- signals that company is open for employees with disabilities;
- demonstrates social responsibility and active involvement in the local community.

In 2021, more than 85 companies from different cities in Lithuania joined the DUOday initiative. They have invited people with disabilities to try out working in more than 140 jobs.¹⁷

The supported employment strategy known as job carving is provided by the social employment agency SOPA. Job carving typically involves conducting a task analysis of a job by breaking it down into a series of smaller steps. This allows an employer or vocational specialist to identify which parts of a job an individual with disabilities might be able to complete.¹⁸

Amendments to the Employment Law entered into force on 1 January 2020.¹⁹ According to the amendments, assisted employment services should be provided in order to assist employers in finding suitable workers and to assist jobseekers in finding a suitable job. This support is offered to the employer on request, free of charge, for up to eight hours. In addition, free support is provided in the workplace (for a maximum of 12 months from the start date of employment), in order to solve any problems that may put in danger the retention of a job, at the request of the employer or of the new employee. The idea of an assisted employment service is to create a network of socially responsible employers and maintain cooperative relations with them in order to find necessary qualified and skilled employees.

¹⁷ 'Penki kontinentai joined the DUOday initiative' (newspaper article about DUOday), 9 June 2021, <http://www.news.lt/Penki-Kontinentai-News/Penki-kontinentai-joined-the-DUOday-initiative.im?id=362981&tid=145>.

¹⁸ SOPA (social employment agency), information about job carving, <https://sopa.lt/jobcarving/>.

¹⁹ Law on Employment, 21 June 2016, <https://e-seimas.lrs.lt/portal/legalAct/en/TAD/5f0be3809c2011e68adcda1bb2f432d1>.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

Employers can receive support in the form of advice and guidance on reasonable accommodation for people with disabilities participating in Employment with Assistance services. These services are regulated by the Law on Employment,²⁰ Description of the Conditions and Procedures for the Provision of Labour Market Services and Description of the Procedure for Providing Services to Jobseekers.²¹ During the provision of this service, the employer may be consulted by employment specialists regarding the employment opportunities of the person with disability and the necessary workplace adaptations. Another goal of these services is to create a network of socially responsible employers and maintain cooperative relations with them. In order to provide these services, the public Employment Service uses third parties. In the Vilnius and Kaunas regions, the provider of assisted employment services is the Valakupiai Rehabilitation Centre, a public institution; in the Klaipėda, Šiauliai and Panevėžys regions, there is provision on the basis of joint activities between VšĮ Nuoširdus rūpestis and UAB Jarinta. In order to receive assisted employment services, the employer needs to apply to the Employment Service. All employers who want to employ people with disabilities can receive this support, but on the condition that the candidate is registered with the Employment Service. Provision of the services began in May 2021, and 144 persons with disabilities used the services in 2021. The Employment Service conducts an annual survey to assess the services provided to employers, but performance indicators in relation to employees with disabilities are not singled out.²²

According to the data from the Employment Service, the number of events organised for employers in relation to employing people with disabilities decreased drastically, by about 50 %, in 2019 and 2020 (see Table B). This could be influenced by the COVID-19 pandemic and the restrictions applied during this time. However, most of the events could be held in an electronic environment; in 2021 the number of events organised increased somewhat, but the situation is still far from 2018 levels.

Table B: Number of events organised for employers in relation to employing people with disabilities

	2018	2019	2020	2021
Events organised	153	81	46	67
Employers participated	823	675	224	269

Source: Employment Service under Ministry of Social Security and Labour

²⁰ Law on Employment, 21 June 2016, <https://e-seimas.lrs.lt/portal/legalAct/en/TAD/5f0be3809c2011e68adcda1bb2f432d1>.

²¹ Employment Service information about employment with assistance services is available at: <https://uzt.lt/darbdaviui/idarbinimas-su-pagalba/>.

²² Employment Service information is available at: <https://uzt.lt/klientu-apklausu-rezultatai/>.

With regard to financial support, according to the Law on Employment²³ (XII-2470, 2016, edited 1 July 2021), in the case of employing a person with disabilities, an employer is eligible for a subsidy to establish or adapt the workplace. The funds may be used for the installation or adaptation of work equipment or technical aids in order to establish or accommodate people with disabilities in the workplace.²⁴ The subsidy can also be used to adapt or renovate the premises of the employer in order to accommodate the needs of people with disabilities. A maximum of 50 % of the subsidy can be used for renovating and accommodating the premises; the other part can be used to purchase, install and adapt work equipment or technical aids. Further, the subsidy cannot be more than 31.03 times the minimum monthly salary, a total amount of EUR 22 652. The employer must pay part of expenses themselves – 20 % of the overall amount needed to establish/adapt when establishing/accommodating the workplace for people with severe disabilities, 30 % for people with moderate disabilities and 35 % for people with slight disabilities.

The Employment Service under the Ministry of Social Security and Labour administrates the granting of subsidies. All employers must submit an application for employment services, after which a commission evaluates applications according to established criteria and approves the list of funded projects.

According to the data from the Employment Service, the use of this support is low relative to the number of applications. There was a big drop in 2019, when only 16 accommodated workplaces were established. In general, since 2018, the number of workplaces accommodated in comparison with the total number of persons with disabilities registered with the Employment Service is below 1 % each year (see Table C). It is worth mentioning that, according to a survey conducted with representatives of Lithuanian employers and business associations, this kind of support is not attractive for potential employers.²⁵

According to the survey's conclusions, employers do not have enough knowledge and competencies in order to accommodate workplaces; in addition, they are not interested in investing their own money, and premises are not always owned by the employer, so they cannot use the subsidy in that case.²⁶

²³ Law on Employment, 21 June 2016, <https://e-seimas.lrs.lt/portal/legalAct/en/TAD/5f0be3809c2011e68adcca1bb2f432d1>.

²⁴ Ministry of Social Security and Labour, information on employing persons with disabilities, available at: <https://socmin.lrv.lt/lt/naujienos/zmones-su-negalia-darbo-rinkoje-ka-butina-zinoti-darbdaviui>.

²⁵ National Audit Office of Lithuania, 'Study about disabled social integration', press release, 8 September 2020, https://www.vkontrole.lt/pranesimas_spaudai_en.aspx?id=25169.

²⁶ National Audit Office of Lithuania, 'Study about disabled social integration', press release, 8 September 2020, https://www.vkontrole.lt/pranesimas_spaudai_en.aspx?id=25169.

Table C: Number of workplaces established / accommodated for people with disabilities

	2017	2018	2019	2020	2021
People with disabilities registered in Employment Services at the end of year	10 521	10 712	10 297	19 419	15 482
Workplaces established/accommodated for people with disabilities using subsidy	183	81	16	85	125
% of workplaces established from persons registered²⁷	1.74	0.76	0.16	0.44	0.81

Source: Employment Service under Ministry of Social Security and Labour

3.2 Partnerships to assist employers to make reasonable accommodations

The Valakupiai Rehabilitation Centre, a public institution, organises and participates in different projects and partnerships relating to support for employers in making reasonable accommodation. One of them is the Erasmus+ programme's Work4all project, funded by European Commission.²⁸

As part of this project, a partnership between rehabilitation centre specialists and employers is formed in order to disseminate knowledge of inclusive work principles among employers. The project aims to apply an inclusive approach to job design, the essence of which is to offer employers support to reorganise the job functions of highly qualified employees by identifying tasks that do not require high qualifications and transferring these functions to employees with disabilities or lower-skilled employees. During the project, employers are consulted and their needs identified, job tasks are analysed and evaluation is undertaken regarding which functions of the company's employees can be performed by unqualified people. Subsequently, a detailed description of these tasks, conclusions and proposals regarding how the employer benefits after creating a job are prepared. There is no evidence on the strengths and weaknesses of this partnership.

Another project relates to labour market employment for young adults with a disability.²⁹ The main aim of this project is to build relationships between young adults with disabilities, companies and HR specialists and supported employment services to enable better integration in the open labour market. During the process, employers are

²⁷ This compares the number of workplaces accommodated with the number of people with disabilities registered with the Employment Service that year. In 2020-2021, the number of registered people with disabilities increased, but the percentage of accommodated workplaces established remained at a similar level.

²⁸ Valakupiai Rehabilitation Centre, information about the Work4all project, <http://www.reabilitacija.lt/erasmus-programos-projektas-darbas-visiems-work4all/?fbclid=IwAR2L-C7MzLQD35qYe51-b0oulkuzMETP43PMVcs8gxqhhTYFg1sK6A4ruEs>.

²⁹ Valakupiai Rehabilitation Centre, information about the project on labour market employment for young adults with a disability, <http://www.reabilitacija.lt/neigalaus-jaunimo-idarbinimas-atviroje-darbo-rinkoje/?fbclid=IwAR1uKRAsUCgaakZ2v5MqLNvNLOsej0Hc8H6x4RdyUMehWURT8CSo-l3rCNs>.

supported to identify problems that may appear during the integration process of employing a young adult with disabilities and are advised on how to solve them. The Valakupiai Rehabilitation Centre organises events for employers to share best practices in accommodating workplaces for employees with disabilities and to disseminate information on what help employers can receive. Some employers may share their actual experiences of how they have established a workplace for people with disabilities.³⁰ They are also trained to better understand the needs of people with disabilities. There is no evidence on the strengths and weaknesses of this partnership.

Another partnership exists between employers and the social job placement agency SOPA. Employers who are interested in these services can contact SOPA in order to be involved. This agency organises a lot of different initiatives / projects that include employers and facilitate them in making reasonable accommodation for employees with disabilities. One of these initiatives involves the provision of Employment with Assistance services, in which SOPA plays the role of mediator between employer and employee in coordinating working conditions or consulting on how to adapt premises or working equipment. Another service that employers can receive involves support with job carving. The main aim of job carving is to separate functions performed by qualified employees that do not require high qualifications and allocate them to people with disabilities. Employers are supported in analysing work functions and identifying possible tasks for job carving.³¹ There is no evidence on the strengths and weaknesses of this partnership.

In order to evaluate the effectiveness of partnerships, the author of this report asked the Valakupiai Rehabilitation Centre and the job placement organisation SOPA to provide statistics on how many employers/companies/organisations participate in described projects and initiatives. However, statistical data was not provided and it is not possible to evaluate the effectiveness of this support or any other partnership mentioned above.

³⁰ *'Socialiai atsakinga popietė VšĮ 'Valakupių reabilitacijos centre'* ('Socially responsible afternoon at Valakupiai Rehabilitation Centre') (newspaper article about employing people with disabilities), *Lrytas*, 20 July 2021, <https://www.lrytas.lt/gyvenimo-budas/likimai/2021/07/20/news/socialiai-atsakinga-popiete-vsi-valakupiu-reabilitacijos-centre--20149980>.

³¹ SOPA (Social employment agency), information on job carving, <https://sopa.lt/jobcarving/>.

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

4.1 Good practice guides for employers regarding reasonable accommodation

In 2020, the Office of the Equal Opportunities Ombudsperson together with the Human Rights Monitoring Institute produced a guide on *Reasonable Accommodation for Persons with Disabilities – how to implement in the workplace*, describing reasonable accommodation.³² The guide contains useful practical information for employers as well as employees responsible for equal opportunities in their workplaces on how reasonable accommodation should be understood and implemented inside the organisation. The guide provides practical advice on how to adapt the physical environment and other conditions in order to meet the needs of people with disabilities. Organisational solutions are also offered, such as flexible work schedules and regimes, mentoring programmes and personal and individual assistance for employees with disabilities. On the other hand, there is no evidence on how employers are using this guide.

In 2020, the Office of the Equal Opportunities Ombudsperson, together with the Human Rights Monitoring Institute, produced a guide entitled, *Equal opportunities in the workplace: a guide for employers*.³³ One of the topics that it covers is reasonable accommodation. The guide provides practical advice on how to adapt the physical environment and other conditions in order to meet the needs of people with disabilities. The rest of the guide duplicates the information in the guide on *Reasonable Accommodation for Persons with Disabilities – how to implement in the workplace*, mentioned above. On the other hand, there is no evidence on how employers are using this guide.

The website of the Office of the Equal Opportunities Ombudsperson (www.lygybesplanai.lt) provides information for employers on how to adapt the working environment for people with disabilities.³⁴ Such information is a good source for employers on how to make reasonable accommodations. The information covers both practical and theoretical aspects. On the other hand, there is no evidence on how employers are using this guide.

³² Office of the Equal Opportunities Ombudsperson/ Human Rights Monitoring Institute (2020), *Reasonable Accommodation for Persons with Disabilities – how to implement in the workplace*, (*Tinkamas sąlygų pritaikymas žmonėms su negalia – kaip tai įgyvendinti darbovietėje*), https://lygybe.lt/data/public/uploads/2021/01/salygu_pritaikymas.pdf.

³³ Office of the Equal Opportunities Ombudsperson/Human Rights Monitoring Institute (2020), *Equal opportunities in the workplace: a guide for employers* (*Lygios galimybių Darbovietėje – Vadovas darbdaviams*), http://hrmi.lt/wp-content/uploads/2020/11/LygiuGalimybiuVadovas_A53mm-LT-WEB-4-1.pdf.

³⁴ See Office of the Equal Opportunities Ombudsperson website: <https://www.lygybesplanai.lt/tinkamu-salygu-pritaikymas-zmonems-su-negalia/>.

4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

There are few court cases in Lithuania relating to reasonable accommodation. In one of the most recent cases,³⁵ in 2021, the Supreme Administrative Court of Lithuania pointed out that:

‘Reasonable accommodation means necessary and appropriate modifications and adaptations that do not impose a disproportionate or unreasonable burden and that are necessary in a particular case to ensure that persons with disabilities could enjoy human rights and fundamental freedoms on an equal basis with others.’

The NGO Human Rights Voice³⁶ published a ‘Human Rights Guide’ in which employers can find information about reasonable accommodation. According to this guide, reasonable accommodation includes adjustments at a workplace or training place, or a place where goods are sold or services are provided, that allow a person with disability to perform the tasks required or have access to goods and services. Reasonable accommodation can include an accessible workspace, specially adapted equipment, a reserved parking space, changes to working hours, etc.³⁷

An NGO, the Lithuanian Disability Forum (LDF), during the COVID-19 situation, on 17 March 2020, issued a public statement.³⁸ The statement was addressed to the Lithuanian Government and other public institutions. In addition to the statement, the LDF provided recommendations on how to ensure reasonable accommodation. In the author’s opinion, the recommendations are also relevant to employers because they concern the most important areas of social life.

In March 2020, a new tool was introduced to promote equal opportunities and reasonable accommodation in the workplace: the Equal Opportunity Ruler, a free assessment tool based on surveys among employees and employers. The Office of the Equal Opportunities Ombudsperson³⁹ not only assesses the situation in an organisation or a company, but also provides a detailed report and recommendations on how to ensure equal opportunities in practice.⁴⁰

³⁵ Supreme Administrative Court of Lithuania, decision of 15 December 2021, case No. eA-2796-492/2021, (*Lietuvos Vyriausiojo Administracinio Teismo, Vilniaus apygardos administracinio teismo nutartis administracinėje byloje*), available in Lithuanian at: <http://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=3d8a667f-7c34-4dcb-b145-b506f0e60965>.

³⁶ The organisation conducts research on various human rights topics, also research for implementation of human rights standards in Lithuania. Based on its research, the organisation prepares recommendations for implementation of human rights standards.

³⁷ Human Rights Voice, ‘Human Rights Guide’, <https://www.zmogausteisiugidas.lt/en/themes/discrimination/what-is-discrimination/types-of-discrimination/failure-to-provide-reasonable-accommodation-and-an-accessible-environment>.

³⁸ LDF, ‘*Kreipimasis dėl prevencinių ir pagalbos priemonių užtikrinimo žmonėms su negalia Lietuvoje*’ (‘Applying for preventive and assistance measures for people with disabilities in Lithuania’), public statement relating to COVID-19, 17 March 2020, available in Lithuanian at: <https://www.lnf.lt/kreipimasis-del-prevenciniu-ir-pagalbos-priemoniu-uztikrinimo-zmonems-su-negalia-lietuvoje/>.

³⁹ See: https://equineteurope.org/author/lithuania_eoo/.

⁴⁰ Equal Opportunity Ruler project website: <https://www.lygybe.lt/lt/lygiu-galimybiu-liniuote/>.

4.3 Examples of individual reasonable accommodations which reveal good practice

Sports goods retailer employees

One of the world's biggest sports goods retailers in Lithuania provides tailor-made reasonable accommodation measures for all employees who require them. For example, the company sets up an environment where a person with disabilities can do as much of the work as possible on their own. In addition, supervisors provide support. This individual reasonable accommodation can be identified as good practice because it removes difficulties that the person may face. In addition, individualised assessments allow for greater knowledge of the strengths and needs of the individual employee with disabilities, and the employer can then look for places where the employee has the biggest potential.

Hotel employee

The supported employment strategy known as job carving is being applied in one of the hotels in Vilnius. During the initial period of employment, individualised assessments to help with job carving are made. Reasonable accommodation with job carving allows for specialist job roles and elements to be swapped in order to make the most of the individual skills of a person with disabilities. The hotel supervisor shared his experience, saying that some tasks were quite monotonous and took some time for other staff members to perform. The hotel benefited from job carving, because it allowed simple tasks to be performed directly by an employee with disabilities. In addition, the employee with disabilities was happy because she was able to perform tasks at which she was most successful.

5 Recommendations and guidance regarding good practice and reasonable accommodation

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

The recruitment process should be organised in an accessible way. Information in a job advert must be in an easy-to-read format and should contain simple phrases. Information should also be provided in audio format. This can be achieved through a legal obligation and through guidance and support from third parties. The recruitment process must be adapted to meet the needs of persons with disabilities (e.g. sign language interpretation, test adaptations, easy-to-read format). The employer must ensure that the conversation takes place physically in an accessible space, without aisles that are too narrow or other such physical barriers.

During recruitment and hiring, persons with disabilities, skills and suitable workplaces should be identified not only through discussions, but also through various simulations and tasks.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

During the initial employment period, employers should provide resources for integration and inclusion. An employer needs to train all supervisors because they know the most about the company. All managers should know how to handle accommodation requests and provide support for employees with disabilities. In addition, an employer needs to set up an environment where a person with disabilities can do as much of the work as possible on their own.

Employers should ensure that individualised assessments are undertaken for every employee with disabilities. This can be achieved with a clear legal framework and civil society education on disability issues. Employer cannot follow a one-size-fits-all principle. Each request from an employee with disabilities requires an individualised assessment, which should include suggestions from the employee as well as the manager. After a worker is provided with reasonable accommodation, supervisors should continue to follow up with the employee to ensure that the accommodation is effective. The job conditions and the health of an employee can change, so initial discussions and decisions may not suffice. Good practice is highlighted in the guide on *Reasonable Accommodation for Persons with Disabilities – how to implement in the workplace* in relation to individualised assessments for persons with mental disability.

An employee with an intellectual disability can perform all work-related functions, but may require more time to acquire the skills required for a particular job. In this case, specialised training for the employee and the appointment of a mentor could be a reasonable accommodation. The mentor could devote more time to this employee and provide help until the employee has gained enough experience.

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

Employers should have a written promotion policy so that every employee knows what competencies, skills and experience are required in order to qualify for higher positions. Employers should not discriminate, and should make reasonable adjustments for an employee with disabilities so that he/she has the same chances for promotion as other colleagues.

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

In order to enable people to stay in work if they develop an impairment or if their impairment changes, the employer should engage in dialogue with the employee or their representative and decide what kind of accommodation he or she needs. The employer could offer flexible working time or provide training or other support that might help. In addition, the employer could allow an employee to work from home. In consultation with the employee, certain tasks could be substituted with equivalent duties. This could be achieved through civil society education on disability issues and social campaigns by which employers could be encouraged to ensure reasonable accommodation for everyone.

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