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Attracting and Protecting Seasonal Workers from third countries in the Republic of Lithuania

2020/2

EMN STUDY

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More information about EMN activities in Lithuania: www.emn.lt.

Contact details:

European Migration Network National Contact Point in Lithuania

A. Jakšto str. 12, 4th floor

LT-01105, Vilnius

Tel.: +370 5 2624897

Email: emnlithuania@iom.int

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SUMMARY

Situation and profile of seasonal workers. The employment of seasonal workers is part of Lithuania's migration policy, however this category of migrants is not mentioned as a priority in strategic documents. The transposition of the Seasonal Workers Directive (2014/36/EU) into Lithuanian national law on 16 March 2017 resulted in a significant increase in the number of foreigners entering for the purpose of seasonal work. In 2017, 61 foreign seasonal workers entered the country, in 2018 – 282 and in 2019 – 723. Prior to the transposition of the Directive, employers did not make use of the seasonal worker scheme because the conditions of entry were the same as for foreigners entering to take up regular employment. The vast majority of seasonal workers enter from Ukraine (75-80 %). The majority of seasonal workers take up employment in the sectors of accommodation and food service activities and agriculture. It is observed that every year, the number of women employed as seasonal workers is increasing (women made up 27 % of the total number of seasonal workers in 2018 and 50 % – in 2019). In 2018, the average wage of seasonal workers amounted to EUR 580 per month. The Covid-19 pandemic did not affect legal regulation, though during the quarantine, the Employment Service did not accept applications for the issue of work permits.

Legal framework. The employment of seasonal workers is regulated by Article 621 of the Law of the Republic of Lithuania on the Legal Status of Foreigners and Order No A1-253 of the Minister of Social Security and Labour of the Republic of Lithuania of 15 May 2017 on the Approval of the Description of the Procedure for Issuing Seasonal Worker Permits to Foreigners and the List of Seasonal Works. The list of seasonal works contains 14 economic activities. In order to be included in the list activities must depend on the passing of the seasons and demand for labour (e.g. the construction sector is excluded due to lack of seasonality).

Competent authorities. The Employment Service and its territorial units are responsible for the issue of permits to seasonal workers and ensuring that an employment contract concluded with a foreigner meets all the requirements set with regard to seasonal workers (remuneration, annual leave, accommodation, etc.). Lithuania's missions abroad are responsible for the issue of Schengen and national visas. The State Labour Inspectorate controls whether employers comply with the procedure for employing foreigners and whether the accommodation provided to a seasonal worker meets the set requirements. The State Labour Inspectorate also carries out inspections of illegal employment. The Migration Department and the State Border Guard Service are responsible for the control of foreigners in the territory of the country.

Entry procedure. An employer who wishes to employ a foreign seasonal worker must register a vacancy with the Employment Service (this can be done by electronic means) and submit the necessary documents in person at the Employment Service. An employee of the Employment Service verifies, within 7 working days, whether there are any suitable candidates willing to fill this vacancy, whether the employer meets the set requirements (has not been sanctioned for the illegal employment of foreigners, has no arrears to the budget, etc.) and whether the employment contract concluded with the foreigner meets the set requirements (the remuneration of the foreigner may not be lower than that of a resident of Lithuania for the same work, also the foreigner must have adequate accommodation, etc.). A seasonal worker permit is issued for a period of up to 6 months within a 12-month period. The validity of this permit, which does not exceed 6 months, may constitute one uninterrupted period or several shorter periods which may not exceed the prescribed period of 6 months within a 12-month period. Having received the seasonal worker permit, the foreigner must apply for the issue of a Schengen visa (valid for up to 90 days), a national long-stay visa (valid for stays longer than 90 days) or enter under visa-free travel (if applicable).

Impact of seasonal workers on the labour market. Seasonal workers contribute to addressing the needs of the Lithuanian labour market. This scheme allows workers to enter quickly, the entry procedures are simple and flexible (no proof of qualification or work experience are required), therefore employers do make use of the scheme. It is observed that workers tend to return to the same employers from year to year. However, experts note that the process of searching for foreign workers is time-consuming and Lithuanian employers are more inclined to employ the local population. Lithuania does not implement special measures in third countries intended to attract seasonal workers. The search for workers is carried out by employers themselves.

Alternative schemes. Lithuania does not have an alternative employment scheme for seasonal workers. Seasonal workers enter Lithuania in accordance with the Directive. However, employers can bring workers under the regular procedure for employing foreigners. This procedure takes longer, however, it does not limit the period of employment of a foreigner. Some workers who enter for works included in the list of seasonal workers may also enter under the regular employment procedure. It is up to the worker and the employer to decide which scheme to choose.

Rights and protection of seasonal workers. Lithuania has put in place mechanisms to ensure that seasonal workers are not discriminated against in relation to their remuneration (the remuneration paid to them may not be lower than that of a resident of Lithuania for the same work) and are not exploited in the labour market (the possibility to defend their rights under the Labour Code, just as residents of Lithuania). Seasonal workers have the possibility to extend their work permit or change the employer once, provided that the period of 6 months within a 12-month period is not exceeded. Lithuania has also specified sanctions against employers who have infringed the requirements of the Directive (a fine in the amount of EUR 200-400 for each infringement). As regards benefits, Lithuania has opted for a legal regulation under which seasonal workers are not entitled to incapacity benefits or family benefits. Similarly, they are not eligible for education and training services, and they must depart after the expiry of the period of employment.

0.

Impact of COVID-19

Question (further – Q) 0a. Has the COVID-19 situation affected the seasonal workers admission policy of Lithuania with regard to third-country nationals?

Yes

No

The COVID-19 situation has not affected the legal regulation of Lithuania with regard to seasonal workers. However, it should be noted that on 16 March 2020, the Government of the Republic of Lithuania adopted a decision prohibiting foreigners from entering the Republic of Lithuania, except in special cases. Moreover, since 19 March 2020, the Employment Service has temporarily stopped the provision to employers of the service of issue of new work permits to foreigners during the quarantine in the country. It is also important to note that, as the situation in the labour market has changed, employers themselves do not apply for the issue of work permits to seasonal workers, although since the end of May, the Employment Service has received an increasing number of calls from employers regarding the issue of new work permits to foreigners, especially for seasonal work. Lithuanian farmers expect that the possible shortage of seasonal workers resulting from the COVID-19 situation will be compensated by Lithuanians who have returned from abroad or have lost their jobs.

Q0b. What measures regarding seasonal work have been taken or are planned as a result of the COVID-19 situation?

Not applicable.

1.

Profile of seasonal workers

Q1. Has Lithuania admitted third-country seasonal workers under the Directive?

Yes

Yes, Lithuania admits seasonal workers from third countries under Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (the 'Directive'). The Directive was transposed into national law on 14 March 2017 in order to ensure consistency with the provisions of European Union legislation and replaced the regulation of the entry of seasonal workers previously in force.

Pursuant to Article 621(5) of the consolidated version of Republic of Lithuania Law No IX-2206 on the Legal Status of Foreigners of 29 April 2004 currently in force, the conditions for issuing to foreigners a seasonal worker permit, the grounds for refusing to issue the permit and the list of seasonal works are established by the Minister of Social Security and Labour of the Republic of Lithuania.

Transposition of the Directive into national law:

- has established more secure and favourable conditions for foreigners who intend to enter as seasonal workers;
- has increased flexibility of the labour market, as foreigners can enter Lithuania for seasonal work more quickly;
- has helped to clarify and ensure adequate working and living conditions for seasonal workers.

The entry procedure for seasonal workers from third countries can be described as follows:

1. Publication of a vacancy notice and search for a worker from within the domestic labour market. An employer wishing to employ a seasonal worker must publish a vacancy notice with a unit of the Employment Service (there is a possibility to do it online). The duration of the job vacancy notice is not fixed. Therefore, after registering the vacancy for seasonal work, the employer may apply for the employment of a foreigner straightaway. Before issuing a work permit to the foreigner, an employee of the Employment Service verifies whether there are any suitable candidates willing to fill this vacancy. A seasonal worker permit is issued only if no suitable candidate is found from among citizens of Lithuania and the EU. The seasonal worker permit is issued to the foreigner within 7 working days.
2. Verification of information about the employer. Having received documents related to the employment of a seasonal worker, an employee of the Employment Service verifies whether the employer is included in the List of Approved Enterprises. If the employer is included in the List of Approved Enterprises, the information about the employer is not verified. If not, then it is verified whether the employer meets the set requirements¹.

¹ Requirements: a) the employer is a legal person established in the Republic of Lithuania or a natural person who is a permanent resident of the Republic of Lithuania; b) the employer is not being wound up, is not in bankruptcy or is not the subject of bankruptcy proceedings or has not been wound up or the employer is not an entity which does not carry any economic activity; c) the employer does not have non-deferred tax arrears to the state budget of the Republic of Lithuania or municipal budgets or funds, where the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania administers the taxes

3. Verification of compliance with conditions for seasonal work. An employee of the Employment Service verifies whether a foreigner enters from a third country (valid travel document), whether (s)he enters for a work included in the list of seasonal works or has a contract of employment concluded directly with the employer and specifying the place and type of the seasonal work activity, the duration of employment, the remuneration, the working hours per week, the amount of any paid leave, the expected date of commencement of employment, whether the foreigner holds the required qualification (if necessary), whether the foreigner has adequate accommodation (7 sq. m) and other conditions.

4. Issue of a work permit. A foreigner must obtain a seasonal worker permit before entering the Republic of Lithuania. The seasonal worker permit is issued not later than within 7 working days from the receipt of documents. The seasonal worker permit may be issued for a period of up to 6 months within a 12-month period. The validity of the seasonal worker permit issued for a period of up to 6 months may constitute one uninterrupted period or several shorter periods, the total duration of which may not exceed 6 months within a 12-month period. The foreigner may extend the work permit or change the employer only once, provided that the 6-month period of validity of the work permit is not exceeded.

5. Issue of a visa. A foreigner who has been issued a work permit for a period of up to 90 days may enter the Republic of Lithuania under a Schengen visa or under visa-free travel (if applicable) and take up employment straightaway with the employer indicated in the work permit. A foreigner who has been issued a work permit for a period exceeding 90 days must apply to a diplomatic mission or consular post of the Republic of Lithuania for the issue of a national visa.

No

Q2. What are the sectors covered by the Seasonal Workers Directive in Lithuania?

According to point (c) of Article 3(c) of the Directive, an activity dependent on the passing of the seasons must be tied to a certain time of the year by a recurring event or pattern of events linked to seasonal conditions during which required labour levels are significantly above those necessary for usually ongoing operations. Under the Directive, seasonal work is defined by assessing two elements: the link of an activity with time and an increased demand for labour.

Under the Directive, seasonal workers may enter Lithuania only for the works which are included in the list of seasonal works approved by the Minister of Social Security and Labour of the Republic of Lithuania. This list has been approved by Order No A1-253 of the Minister of Social Security and Labour of the Republic of Lithuania of 15 May 2017 on the Approval of the Description of the Procedure for Issuing Seasonal Worker Permits to Foreigners and the List of Seasonal Works (the 'Description'). When approving (or expanding) the list, the needs of employers are assessed, and social partners and state institutions are consulted.

paid thereto, or arrears to the budget of the State Social Insurance Fund; d) the head of the employer or any other responsible person does not have an effective administrative penalty under Articles 95 and 540 of the Code of Administrative Offences of the Republic of Lithuania; e) the employer has not been imposed a fine for infringements specified in Articles 56 and 57 of the Republic of Lithuania Law on Employment within the last one year.

In 2017, the list of seasonal works included 14 economic activities listed below²:

1. Growing of non-perennial crops (01.1*).
2. Growing of perennial crops (01.2).
- 2¹. Growing of other perennial crops (01.29).
3. Plant propagation (01.3).
4. Animal production (01.4).
- 4¹. Raising of dairy cattle (01.41).
5. Mixed farming (01.5).
6. Support activities to agriculture and post-harvest crop activities (01.6).
- 6¹. Support activities for animal production (01.62).
- 6². Silviculture and other forestry activities (02.10).
7. Logging (02.2).
8. Gathering of wild growing non-wood products (02.30).
9. Extraction of peat (08.92).
10. Manufacture of food products (10).
11. Construction of roads and motorways (42.11).
12. Accommodation and food service activities (I).
13. Motion picture, video and television programme production activities (59.11).
14. Motion picture, video and television programme post-production activities (59.12).

The activities included in the List are dependent on the passing of the seasons and demand for labour. Activities dependent on the passing of the seasons are mainly carried out in sectors such as agriculture and horticulture, in particular when planting or harvesting, or in the tourism sector, in particular during the holiday period.

It is important to note that, according to the position of the European Parliament, the construction sector is excluded from the scope of this Directive, since the Directive defines seasonal work by assessing two elements: the link of an activity with time and an increased demand for labour. In Lithuania, construction takes place all year round and is independent of the passing of the seasons.

Q2a. In which sector(s) were seasonal workers mostly employed in 2018?

In 2018, Lithuania issued 282 permits to third-country nationals for the purpose of employment as seasonal workers. In Lithuania, seasonal workers from third countries were mainly employed in accommodation and food service activities (37%), the agricultural sector (24%), manufacture of food products (20%), construction of roads and motorways (10%), extraction of peat (9%).

The distribution of seasonal worker permits issued in 2019 by economic activity has changed significantly. Employment in the manufacture of food products increased by 19% and employment in the construction of roads and motorways decreased by 8%.

² Here and hereinafter – section, division or group of the Classification of Economic Activities (EVRK Rev. 2) approved by Order No DD-226 of the Director General of Statistics Lithuania under the Government of the Republic of Lithuania of 31 October 2007

Q2b. Are there sectors of seasonal work that are not covered by the Directive?

 Yes

Employment under this Directive does not apply to the construction sector, as construction takes place in Lithuania all year round and is independent of the passing of the seasons.

 No

Q3. What were the top-5 countries of origin of seasonal workers in Lithuania in 2018?

In 2018, 282 seasonal workers from 7 countries entered Lithuania. The absolute majority were nationals from Ukraine (80%). They mostly worked in the sectors of agriculture and accommodation and food service. 13% of the workers entered from Belarus. A trend can be noticed that the largest number of foreigners had been entering from neighbouring countries (Ukraine and Belarus). This is explained by the fact that Ukrainian and Belarusian nationals coming to Lithuania for the purpose of seasonal work do not encounter a language barrier, as most Lithuanian employers speak Russian.

The other part of the seasonal workers entered from the Republic of Moldova, Georgia, Bangladesh, Egypt and India.

Flows of foreigners entering Lithuania and the labour market are predominantly influenced by visa-free travel for Ukrainian nationals, which entered into force on 11 June 2017. Ukrainian nationals may stay without a visa for a maximum of 90 days in a 180-day period.

Seasonal workers are more often hired by employers that are not included in the List of Approved Enterprises. In 2018, 60 employers applied for the employment of seasonal workers, of which only 3 were included in the List of Approved Enterprises and employed 40 persons for seasonal work during the analysis period.

Table 1. Distribution of seasonal workers who were issued work permits in the Republic of Lithuania in 2018 by country

No	Country	Number
1	Ukraine	225
2	Belarus	36
3	Republic of Moldova	15
4	Georgia	3
5	Bangladesh	1
6	Egypt	1
7	India	1
	Total:	282

Q4. What was the main age group of seasonal workers who received an authorisation in 2018 in Lithuania?

The majority of foreigners who entered Lithuania for the purpose of seasonal work in 2018 were young people. 38% of foreigners were persons under the age of 30. Persons over the age of 50 accounted for only 11% of the total number of seasonal workers in 2018.

Table 2. Distribution of seasonal workers who were issued work permits in the Republic of Lithuania in 2018 by age group

Age group	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64
Number of work permits	1	61	45	39	34	40	32	13	13	4
%	0.4	21.6	16.0	13.8	12.1	14.2	11.3	4.6	4.6	1.4

Q5. What was the gender distribution of seasonal workers who received an authorisation in 2018 in Lithuania?

The majority of seasonal workers are men. In 2018, 282 seasonal workers entered Lithuania, of whom 206 (73%) were men and 76 (27%) were women. Most men were employed in the agricultural sector and in the construction of roads and motorways. Women mainly worked in the sectors of accommodation and food service activities and manufacture of food products.

Q6. Does Lithuania have a minimum salary set in law for seasonal workers?

 Yes

Pursuant to Article 62(3) of the Law of the Republic of Lithuania on the Legal Status of Foreigners, a foreigner's remuneration may not be less than that of a resident of the Republic of Lithuania for the same work with the same employer or, in the absence of such a worker, the foreigner may not be remunerated less than at the rate of the gross monthly earnings of a calendar year in the national economy most recently published by the Lithuanian Department of Statistics (Statistics Lithuania) (including the wage data of individual enterprises) by a relevant economic activity.

Seasonal workers are often needed in such sectors as agriculture or horticulture at the time of planting or harvesting. These are low-skilled or unskilled jobs; therefore, these activities are most often remunerated at the rate of the minimum monthly wage, which in 2018 amounted to EUR 400 per month³ or EUR 2.45 per hour before tax.

 No

³ Starting from 1 January 2019, the minimum monthly wage amounted to EUR 555, from 1 January 2020 – to EUR 607.

Q7. What was the average/minimum salary of seasonal workers in 2018?

In 2018, the pre-tax minimum wage of seasonal workers from third countries was EUR 400 per month, or EUR 2.45 per hour, with an average of EUR 580 per month.

It should be emphasised that the majority of Lithuanian employers who employ seasonal workers from third countries also employ Lithuanian citizens, therefore the wage rates of foreigners are always not less than those of Lithuanian citizens for the same work. When submitting documents regarding the employment of seasonal workers, employers provide information about the Lithuanian citizens employed in their enterprise and their wage rates. This provision ensures that a worker would have sufficient means of subsistence during the period of seasonal work and would not be discriminated against.

Q8. What was the average duration of stay of third-country nationals who were granted authorisation for seasonal work in 2018 in Lithuania?

A foreigner who enters the Republic of Lithuania for seasonal work is issued a work permit valid for a period of up to 6 months within a 12-month period starting from the first day of entry into the Republic of Lithuania. The validity of a seasonal worker permit issued for a period of up to 6 months may constitute one uninterrupted period or several shorter periods, the total duration of which may not exceed the prescribed period of 6 months within a 12-month period (Article 61(2) of the Law on the Legal Status of Foreigners).

55% of foreigners entered Lithuania for seasonal work were issued work permits valid for a period of 6 months in 2018. The foreigners who have entered as seasonal workers for a period of less than 6 months are allowed to extend the concluded employment contract once or once to conclude an employment contract with another employer without exceeding the 6-month maximum period of validity of a work permit.

There is a tendency for the seasonal workers who have entered for a period of less than 6 months to be willing to continue their employment relationship with the same employer rather than change the employer.

Table 3. Distribution of seasonal workers who were issued work permits in the Republic of Lithuania in 2018 by duration of stay

Duration of work permits	1 month	2 months	3 months	4 months	5 months	6 months
Issued work permits	-	8	92	15	11	156
%	-	2.8	32.6	5.3	3.9	55.3

Q9. Is there a specific period of the year where there is more need for seasonal workers?

Yes

The need for seasonal workers in Lithuania increases most in spring and summer.

Table 4. Distribution of seasonal workers who were issued work permits in the Republic of Lithuania in 2018 by month

January	February	March	April	May	June	July	August	September	October	November	December
1	5	9	33	60	68	37	30	4	5	23	7

No

Q10. Does Lithuania collect information about the skills level of seasonal workers (for example information on education or qualification level, language level or level of experience of the seasonal workers)?

Yes

Lithuania collects partial information on the skills level of seasonal workers. When filling out an application for the issue of a work permit to a seasonal worker, employers must indicate the foreigner's professional qualification, if it is necessary to hold it. The employer himself decides whether the seasonal worker needs to hold a professional qualification, the necessity of holding a professional qualification is announced by the employer when publishing a vacancy notice.

In 2018, the majority of seasonal workers were medium-skilled, i.e. food packers, agricultural equipment mechanics, chefs, tractor drivers, bakers, fish filleters. They worked as packers in the food industry, agricultural equipment mechanics in agriculture, road workers.

No

Q11. Are there any alternative categories of migrant workers who perform temporary work of a cyclical nature who are not covered by the Seasonal Workers Directive? Please only consider those categories of seasonal workers which show the same characteristics, or very similar ones, as those covered by the Directive (duration of stay in Member State, cyclical nature of their work, main residence outside the Member State, etc.)?

Taip

Yes, to some extent. It is observed that employers engaged in accommodation and food services activities in Lithuania often employ foreigners not only for seasonal work, but also for a longer

period, e.g. chefs can obtain a work permit in Lithuania for both seasonal work (up to 6 months) and a work permit valid for a period of up to 1 year with the possibility to extend it. If a foreigner has received a work permit valid for up to 1 year, a national long-stay work visa is issued for the same period. After one year, such a foreigner may apply for the issue of a temporary residence permit on the ground of employment, subject to having received a decision of the Employment Service regarding conformity of his job to Lithuania's labour needs. Such a foreigner must be in possession of a certificate of competency⁴ and have 1-year work experience over the last 5 years. No certificate of competency or work experience is required when employing a seasonal worker.

No

Q12. If applicable, what are the main differences between those migrant workers covered by the Seasonal Workers Directive and those not covered by the Directive in terms of their background information (age, gender, country of origin)?

The main differences between those migrant workers covered by the Seasonal Workers Directive and those excluded from the scope of this Directive are the following:

- *Duration of stay.* Seasonal workers enter for a period of up to 6 months within a 12-month period, while those entering for temporary work under the regular procedure may arrive for a period of up to 12 months with the right to extend their employment relationship in Lithuania for a longer period.
- *Qualification.* Seasonal workers may hold no qualification, while temporary workers must be in possession of a certificate of competency⁵ and have 1-year work experience over the last 5 years.
- *Accommodation.* Seasonal workers must, during the period of validity of a work permit, have adequate accommodation with a minimum of 7 square metres of residential floor space per each adult person. Other workers are not subject to this requirement, except when they apply for the issue of a temporary residence permit.
- *Visas.* For stays not exceeding 90 days, seasonal workers enter with a Schengen visa or, if entering under visa-free travel, do not require a visa. For stays exceeding 90 days, seasonal workers enter under a national long-stay visa. Temporary workers enter under a national long-stay visa and after one year can apply for the issue of a temporary residence permit.
- *Place of application.* Seasonal workers must apply for the issue of a work permit and a visa in their country of origin, while applicants for non-seasonal work can lodge their applications for the issue of a work permit also while staying legally in Lithuania.

⁴ Please note that starting from 1 September 2019, employers wishing to employ a foreigner for permanent work provide only information about the foreigner's qualification and 1-year work experience over the last 5 years.

⁵ Please note that starting from 1 September 2019, employers wishing to employ a foreigner for permanent work provide only information about the foreigner's qualification and 1-year work experience over the last 5 years.

Q13. In Lithuania, are seasonal work activities known to be performed by irregular migrants?

Yes

No

2.

Attraction of seasonal workers to address labour market needs

Q14. Is the entry and stay of seasonal workers from third countries part of your overall migration policy?

Yes

Lithuania has transposed the Directive into national law, regulated the entry of seasonal workers and issues every year a growing number of work permits to this category of migrants, therefore their entry should be considered as part of Lithuania's migration policy, although this category of foreigners is not mentioned in strategic migration documents such as the Lithuanian Migration Policy Guidelines. It should be noted that the entry and employment of seasonal workers depends on economic growth and on the needs of the Lithuanian labour market. The current regulation makes it possible to address seasonal labour market needs more flexibly.

No

Q15. Did Lithuania develop measures to attract seasonal workers?

Yes

Yes, Lithuania has in place measures to attract seasonal workers (e.g. a facilitated procedure for employing foreign seasonal workers). These measures enable employers to employ foreigners for the purpose of seasonal work in an accelerated and simple manner and to respond more quickly to changes in the labour market. Since the transposition of the Directive in 2017, the number of foreigners entering for the purpose of employment as seasonal workers has increased every year, which helps to address the needs of the labour market.

It is important to note that until 2017, before the transposition of the Directive, Lithuanian employers did not apply for the employment of seasonal workers. Seasonal workers were subject to the same requirements as temporary workers. Therefore, the employment of seasonal workers in Lithuania was not attractive.

Lithuania has not implemented any measures in third countries to attract seasonal workers.

No

Q16. Does Lithuania rely on seasonal workers from third countries to fill labour market needs?

Yes

Yes, the entry of seasonal workers contributes to addressing the needs of the Lithuanian labour market.

Before issuing a seasonal worker permit, Lithuanian institutions assess whether a vacancy can be filled from within the domestic labour market. Therefore, the employer having the need for

labour and intending to employ a foreigner to work under an employment contract must register the vacancy with a unit of the Employment Service (this can also be done online) and straightaway submit documents regarding the employment of the foreigner. An employee of the Employment Service then verifies whether there is a suitable worker in the domestic labour market and issues a work permit to the seasonal worker within 7 working days. In practice, there have been cases of refusal to issue a work permit to a foreigner due to the employer's unfounded refusal to employ Lithuanian residents. However, this is a quite rare case. The number of work permits refused (non-issued) to foreigners accounts for only 1 % of the total number of work permits issued.

A foreigner who intends to take up employment as a seasonal worker in the Republic of Lithuania is issued a work permit if:

- there is no suitable worker in the Republic of Lithuania for the seasonal work;
- the seasonal work is included in the list of seasonal works approved by the Minister of Social Security and Labour;
- the foreigner's principal place of residence is in a foreign state;
- the foreigner intends to work under an employment contract, which may be concluded only directly with the employer;
- the foreigner has adequate accommodation in the Republic of Lithuania, with a minimum of 7 square metres of residential floor space per each adult person who has declared the place of residence at it;

The procedure for employing seasonal workers is sufficiently simple and protects a seasonal worker from exploitation.

No

Q16a. If yes, for which sectors and what are these labour market needs?

As already mentioned, seasonal workers most often enter for the purpose of employment in the accommodation and manufacture of food products sectors, as well as in agriculture, where there is a substantial increase in demand for labour during the season. The number of seasonal workers in Lithuania usually increases in April, with seasonal work beginning in May. In Lithuania, seasonal work begins in the agricultural sector, as summer approaches – also in the services sectors (accommodation, food services, trade).

Q16b. Did the migration of seasonal workers who came to Lithuania between 2016 - 2019 help to address the labour market needs of Lithuania?

- Yes
 No
 To some extent

Since the transposition of the Directive into national law, an increasing number of employers have become interested in the employment of seasonal workers from third countries, thus the

number of seasonal workers in Lithuania has been steadily growing. In 2016, no foreigners came to Lithuania for seasonal work, because seasonal workers were subject to the same requirements as other employees. Such an employment procedure was not attractive either to foreigners willing to enter for seasonal work, or to Lithuanian employers willing to hire workers from third countries for seasonal work in an accelerated and simple manner. The main difference was only due to the time limit for entry.

In 2017-2019, the migration of seasonal workers already partially helped to address the needs of the Lithuanian labour market. However, it is observed that employers are more likely to employ for seasonal work Lithuanian citizens than foreigners, as the process of searching for foreign workers and their entry procedure are time-consuming.

It is also noted that foreign seasonal workers tend to return to the same employer from year to year, therefore proper communication of the employer is important. At the end of the season, employers start to negotiate with a worker on the next year's possibilities. Most employers try to attract seasonal workers not only by offering financial reward, but also accommodation, meals, transportation to work.

Q17. Does Lithuania implement an annual quota for seasonal workers?

- Yes
 No

Q18. What was the average processing time and costs (in euros) for applications from third-country nationals for the purpose of carrying out seasonal work in 2018?

In 2018, seasonal worker permits were issued within 7 calendar days from the receipt of documents by the Employment Service. The employer must pay EUR 34 for the issue of a seasonal worker permit to an account of the State Tax Inspectorate of the Republic of Lithuania.

A seasonal worker who has been issued a work permit for a maximum of 90 days may enter straightaway under visa-free travel or under a Schengen visa or, if the work permit has been issued for a period exceeding 90 days, the foreigner must apply for the issue of a national visa to diplomatic missions and consular posts of the Republic of Lithuania, which issue the visa within 15 calendar days. Applicants for the issue of a national visa pay a fee of the amount of EUR 120.

Q19. If Lithuania has alternative categories of migrant workers who perform temporary work of a cyclical nature who are not covered by the Seasonal Workers Directive (see question 11):

Q19a. Does Lithuania have one or more specific national schemes to cover these categories?

- Yes
 No

There is no alternative employment scheme for seasonal workers, however, a foreigner may be employed under the regular procedure for employing foreigners (enter under a work permit and under a national visa) or enter under visa-free travel and apply for the issue of a work permit. In this case, such a foreigner is not subject to the Seasonal Workers Directive.

Until 1 September 2019, foreigners could only obtain a work permit until their entry into Lithuania⁶. However, after liberalisation of the employment of foreigners and change in legal regulation since 1 September 2019, foreigners may obtain a work permit while staying legally in the Republic of Lithuania, where:

1. they are foreigners enjoying visa-free travel, but their stay without a visa in the Republic of Lithuania and any other Schengen State does not exceed a maximum of 90 days in a 180-day period;
2. they are foreigners who are in possession of a Schengen visa, but their stay in the Republic of Lithuania and any other Schengen State does not exceed a maximum of 90 days in a 180-day period;
3. they are foreigners who are in possession of an EU residence card issued by one of EU Member States and their stay in the Republic of Lithuania without a visa does not exceed a maximum of 90 days in a 180-day period;
4. they are foreigners who are in possession of a residence permit or a national visa issued by any other Schengen State and have the right during the validity of the residence permit or the national visa to stay in the Republic of Lithuania without a visa and their stay in the Republic of Lithuania and any other Schengen State does not exceed a maximum of 90 days in a 180-day period.

Foreigners referred to points 1 – 4 are issued a work permit for the period of their legal stay in the Republic of Lithuania. Upon obtaining a work permit, such a foreigner may be employed straightaway with the possibility to stay and to continue the employment relationship in Lithuania.

19b. What is the reason for the existence of such specific national schemes? Why are employers more likely to use these national schemes instead of the one established in the Directive?

Lithuania does not have alternative scheme for the entry of seasonal workers, but employers may bring foreign workers under the regular procedure for employing foreign nationals. Workers from third countries have the right to choose whether they are better placed under the Seasonal Workers Directive or when entering under the regular employment procedure, provided that they meet all the conditions. Depending on a foreigner's professional qualification and work experience, the foreigner who comes under the regular procedure may obtain a work permit for a period of 1 year already prior to his entry with the right to continue the employment relationship without interruption and regardless of the passing of the seasons.

⁶ If this is provided for in an international agreement of the Republic of Lithuania on youth exchanges or when he is or was a victim of trafficking in human beings or illegal employment

It is important to emphasise that under the Directive, employers can employ seasonal workers quickly and flexibly (without requiring qualifications, work experience, etc.), but only for a limited period of time and only for works included in the list of seasonal works. In the meantime, if a worker is to be employed for a longer period, then the regular employment scheme provided for in Article 40(1)(4) of the Law on the Legal Status of Foreigners is used.

Q20. Does Lithuania apply a labour market test to seasonal workers?

Yes

Yes, Lithuania applies a labour market test to seasonal workers. An employer who intends to employ a foreigner to work under the seasonal workers scheme must register a vacancy with the Employment Service. The publication of a vacancy notice is not subject to the time limit of 5 working days for seasonal workers. Having published the vacancy notice, the employer may submit documents related to the employment of third-country seasonal workers straightaway. After publication of the vacancy notice, the employer can submit documents related to the employment of seasonal workers immediately or within one month.

No

Q21. Does Lithuania facilitate the re-entry of seasonal workers?⁷

Yes

No

The same procedures are applied as for workers who come for the first time.

Q22. Does Lithuania cooperate with third countries to attract seasonal workers (e.g. bilateral or multilateral agreements)?

Yes

No

⁷ This question refers to measures included within Art. 16 of the Directive and any other measures. Art. 16 of the Seasonal Workers Directive provides that Member States shall facilitate re-entry of third-country nationals who were admitted to that Member State as seasonal workers at least once within the previous five years, and who fully respected the conditions applicable to seasonal workers under this Directive during each of their stays. The facilitate may include measures such as: the grant of an exemption from the requirement to submit one or more of the documents necessary for admission; the issuing of several seasonal worker permits in a single administrative act; an accelerated procedure leading to a decision on the application for a seasonal worker permit or a long stay visa; priority in examining applications for admission as a seasonal worker.

Q23. Who are the relevant actors in attracting seasonal workers (e.g. recruitment agencies)?

Employment intermediation services are provided to jobseekers free of charge by:

- 1) the Employment Service. Employers cooperate with the Employment Service, which provides all the necessary information about the entry and employment of seasonal workers in Lithuania. Employers can obtain all the necessary information at 50 regional customer service divisions of the Employment Service. The Employment Service also provides consultancy services in Russian and English to third-country nationals entering the Republic of Lithuania for the purpose of employment as seasonal workers. All the relevant information is also published on the website of the Employment Service⁸;
- 2) a legal person established in the Republic of Lithuania or its branches whose purpose of activities, as specified in the founding documents, is the provision of employment intermediation services;
- 3) a legal person or another organisation established in another EU Member State, or its branches established in the Republic of Lithuania or another EU Member State which have been conferred such right by legislation of that Member State;
- 4) a citizen of the Republic of Lithuania or a national of another EU Member State, any other natural person who enjoys the rights of free movement within Member States conferred upon him by European Union legislation and pursues this activity.

It is important to mention that recruitment agencies must provide services to workers free of charge. Only employers may be charged a fee. It is also important to note that, in most cases, seasonal workers are employed directly by the employers themselves without using the services of intermediaries.

Q24. How are employers informed about the procedure for hiring seasonal workers?

Employers are provided with information regarding the procedure for hiring seasonal workers at 50 regional customer service divisions of the Employment Service and 5 customer service departments of the Employment Service. It is also possible to receive all the necessary information in Lithuanian, Russian and English by contacting the call centre of the Employment Service at 1883. Information about seasonal worker permits is published on the website of the Employment Service.

Q25. Can seasonal workers apply for a change of status while they are in Lithuania for the purpose of seasonal work (i.e. if they find another job, a permanent contract, etc)?

Yes

⁸ <https://uzt.lt/leidimai-dirbti-sezonini-darba-uzsienieciams/>.

Yes, seasonal workers can change the legal status in the Republic of Lithuania.

No

Q26. Has Lithuania carried out an evaluation of the implementation of the Seasonal workers Directive at national level? If so, did it conclude anything as to whether the introduced measures were sufficient in attracting seasonal workers?

Yes

No

Q27. Is Lithuania aware of any misuse (e.g. employers hiring third-country seasonal workers for non-seasonal work) in the application of the Directive?

Yes

No

Q28. Are there any good practice examples in relation to the attraction of seasonal workers in Lithuania?

Yes

No

Although the Directive provides for the possibility for Member States to apply more favourable conditions of entry to re-entering foreigners, such derogations do not apply in Lithuania.

3.

Protection and rights of seasonal workers

Q29. Does Lithuania apply restrictions to the equal treatment between seasonal workers from third countries and nationals of Lithuania who carry out comparable employment activities, particularly with regard to:

- a. Family benefits;⁹
 - Yes
 - No
- b. Unemployment benefits;
 - Yes
 - No
- c. Educational and vocational training not linked to the specific employment activity;¹⁰
 - Yes
 - No
- d. Tax benefits in cases where the registered or usual place of residence of the family members of the seasonal worker for whom he/she claims benefits, does not lie in the territory of the Member State concerned¹¹
 - Yes
 - No
- e. Are there any practical difficulties to ensuring equal treatment in the areas defined in the Directive?
 - Yes
 - No

Lithuania has opted for a legal framework that is permitted by the Directive.

Q30. Who are the most important actors in Lithuania regarding the protection of seasonal workers' rights and what is their role? Please distinguish between public and private actors in your answer (e.g. Trade Unions, Chambers of Commerce, etc.).

There are several governmental institutions in Lithuania that ensure the protection of seasonal workers' rights:

- The Employment Service and its territorial units are responsible for the issue of work

⁹ Art. 23(2)(i) of the Seasonal Workers Directive provides that Member States may restrict equal treatment under point (d) of the first subparagraph of paragraph 1 by excluding family benefits and unemployment benefits, without prejudice to Regulation € No1231/2010.

¹⁰ Art. 23(2)(ii) of the Seasonal Workers Directive provides that Member States may restrict equal treatment under point (g) of the first subparagraph of paragraph 1 by limiting its application to education and vocational training which is directly linked to the specific employment activity and by excluding study and maintenance grants and loans or other grants and loans.

¹¹ Art. 23(2)(iii) of the Seasonal Workers Directive provides that Member States may restrict equal treatment under point (i) of the first subparagraph of paragraph 1 with respect to tax benefits by limiting its application to cases where the registered or usual place of residence of the family members of the seasonal worker for whom he/she claims benefits, lies in the territory of the Member State concerned.

permits. For this purpose, the Employment Service verifies whether the employer meets statutory requirements, whether a vacancy may be filled from within the domestic labour market, assesses whether a foreigner is employed in compliance with the set requirements and issues a seasonal worker permit.

- The State Labour Inspectorate controls whether, during the period of validity of a seasonal worker permit, the accommodation provided to a foreigner meets the set requirements. The residential floor space occupied by the foreigner must be not less than 7 square metres. The State Labour Inspectorate verifies whether the employer complies with the requirements of the procedure for employing foreigners and whether the employer ensures for the foreigner the working conditions which meet statutory requirements (point 35 of the Description). The Employment Service informs the State Labour Inspectorate of every seasonal worker permit issued.

Q31. Is there a framework in place enabling the transfer of pension contributions to origin countries?

- Yes
 No

Q32. If Lithuania has alternative categories of migrant workers performing temporary work not covered by the Directive, do these categories enjoy the same rights as those granted by the Directive?

- Yes
 No

There is no alternative employment scheme for seasonal workers, however, a foreigner may be employed under the regular procedure for employing foreigners. Until 1 September 2019, a foreigner could only obtain a work permit before his entry into Lithuania, except in certain cases provided for by law¹². However, after liberalisation of the employment of foreigners and change in legal regulation since 1 September 2019, a foreigner may obtain a work permit while staying legally in the Republic of Lithuania (except seasonal workers coming under the Seasonal Workers Directive). Such foreigners obtain a work permit for the period of legal stay with the possibility to continue their employment relationship and to apply for the extension of the work permit and the issue of a national visa or the issue of a temporary residence permit on the ground of employment.

When employing under the regular scheme, employers are not obliged to provide to the Employment Service the information about foreigners' accommodation in Lithuania. Employers do not pay health insurance contributions neither for foreigners employed under visas, nor for seasonal workers.

¹² If this is provided for in an international agreement of the Republic of Lithuania on youth exchanges or when he is or was a victim of trafficking in human beings or illegal employment

Q33. What does Lithuania consider an "adequate standard of living" in relation to accommodation? How does Lithuania ensure that seasonal workers benefit from an "accommodation that ensures an adequate standard of living" for the duration of his or her stay?¹³

A foreigner who intends to take up employment in the Republic of Lithuania as a seasonal worker may be issued a work permit if it is ensured that the foreigner will have an accommodation with a minimum of 7 square metres of residential floor space¹⁴. Where the foreigner is provided with adequate accommodation by or through the employer, the rental conditions during the period of validity of the work permit must be specified, and the rent payable during the period of validity of the work permit must not exceed 30 % of the foreigner's wage after deduction of taxes and state social insurance contributions and may not be automatically deducted from the foreigner's wage.

A foreigner who is in possession of a work permit or the employer must, not later than within 7 calendar days, notify the unit of the administration of the Employment Service which has issued the work permit about changes in the foreigner's adequate accommodation indicating its address and the registration number and date of the relevant contract or any other document registered in the Real Property Register.

33a. Are there any good practices in relation to ensuring adequate accommodation, considering the temporary nature of stay of seasonal workers?

- Yes

Yes, there are good practices in Lithuania in relation to ensuring adequate accommodation. Some employers carrying out their activities in the sector of accommodation and food services accommodate seasonal workers for the period of employment in their hotels, without deducting 30 % from their wages. The majority of such seasonal workers reside and work in Klaipėda county.

- No

Q34. Does Lithuania have procedures/mechanisms in place to ensure that seasonal workers and their employers are informed of their rights and duties?

- Yes

¹³ Art. 20(1) provides that Member States shall require evidence that the seasonal workers will benefit from accommodation that ensures an adequate standard of living according to national law and/or practice, for the duration of his or her stay. The competent authority shall be informed of any change of accommodation of the seasonal worker.

¹⁴ Documentary evidence must be presented that the foreigner possesses by the right of ownership adequate accommodation in the Republic of Lithuania with a minimum of 7 square metres of residential floor space per each adult person who has declared the place of residence at it, or uses such accommodation under a lease or loan for use contract (if the relevant contract is concluded for a minimum period of validity of the work permit and is registered in the Real Property Register of the Republic of Lithuania) or submits a verified letter of commitment of a natural or legal person to provide him, within the period of validity of the work permit, with adequate accommodation meeting the mentioned requirement set out for residential floor space per person.

The Employment Service and the State Labour Inspectorate provide consultations to both seasonal workers and employers regarding their rights and duties. The website of the Employment Service contains information for employers on how to employ a seasonal worker from third countries, which requirements would apply to both the employer and the seasonal worker.

The State Labour Inspectorate provides consultations on issues of illegal employment and defends the rights of seasonal workers, inspects whether seasonal workers have adequate accommodation.

No

Q35. Does Lithuania have any specific procedures/mechanisms in place to monitor, assess and carry out inspections on whether:¹⁵

- a. Seasonal workers can exercise their equal treatment rights and other rights granted in practice? How does that work and who are the actors involved?

Yes

A foreigner who receives a work permit in Lithuania has the same rights and duties as a citizen of Lithuania under the Labour Code of the Republic of Lithuania. If foreigners' rights are being infringed, they may refer to a labour disputes commission. The labour disputes commission is a mandatory pre-trial labour dispute settlement institution which settles individual labour disputes and collective labour disputes over law. There are 22 labour disputes commissions operating in Lithuania¹⁶.

An individual labour dispute is a disagreement between an employee and the employer arising over conclusion, amendment, performance or termination of an employment contract, as well as over failure to comply or improper compliance with provisions of labour law. For example, disputes may arise over arrears in wages, unpaid compensation for the material injury suffered, absence of leave, etc. Both employees, employers, employees' representatives and employers' organisations may refer to labour disputes commissions if their rights are being infringed. A commission must settle a labour dispute within one month from the acceptance of an application. In individual cases, this time limit may be extended by one month.

No

- b. Seasonal workers abide by the rules (e.g. no overstaying)? How does that work and who are the actors involved?

Yes

¹⁵ Art. 24 provides that Member States shall measures to prevent possible abuses and to sanction infringements of this Directive. Measures shall include monitoring, assessment and, where appropriate, inspection in accordance with national law or administrative practice (Directive 2014/36/EU).

¹⁶ 8 – in Vilnius, 4 – in Kaunas, 3 – in Klaipėda, 2 – in Šiauliai, 2 – in Panevėžys, 2 – in Alytus and 1 in Telšiai. Utena and Tauragė counties are covered respectively by Panevėžys and Telšiai labour disputes commissions, whereas Marijampolė, Birštonas, Prienai and Kalvarija counties – by Alytus Labour Disputes Commission.

The stay and residence of foreigners in the Republic of Lithuania are controlled by the Migration Department and the State Border Guard Service. The control and prevention of illegal employment are carried out by the State Labour Inspectorate. There are no specific measures provided for seasonal workers. There have been observed no cases of abuse of the specified rules by seasonal workers. Upon the expiry of the period of validity of a work permit, a foreigner must depart from Lithuania. When the foreigner departs from the Republic of Lithuania, the State Border Guard Service checks whether the period of legal stay has been exceeded. Foreigners' passports are stamped with dates of entry and departure.

A seasonal worker has the right to change the employer once, provided the 6-month period of validity of a work permit, as stipulated in the Law, has not been exceeded. Upon the expiry of the period of his legal stay, the foreigner must depart from the Republic of Lithuania. There have been only few cases when seasonal workers have changed their employers.

No

- c. Employers abide by the rules (e.g. no exploitation)? How does that work and who are the actors involved? Is there a focus on any specific economic sectors?

Yes

Following the transposition of the Directive, the State Labour Inspectorate has been assigned an additional function, namely, to supervise whether the accommodation provided to a foreigner for the period of validity of a seasonal worker permit meets the set requirements. The institution also carries out control of illegal employment, i.e. inspects whether foreigners work for the employers as indicated in their work permits and whether they perform the work functions as indicated in their work permits. No formal cases of exploitation of seasonal workers have been detected.

No

Q36. Does Lithuania collect statistics on the procedures/mechanisms described in question 35?

Yes

No

Q37. How can seasonal workers lodge complaints against their employers?¹⁷ Did Lithuania set up some specific procedures to protect seasonal workers who lodge complaints?

Yes

¹⁷ Art.25 provides that Member States shall ensure that there are effective mechanisms through which seasonal workers may lodge complaints against their employers directly or through third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive, or through a competent authority of the Member State when provided for by national law.

If foreigners' rights are being infringed and foreigners fail to settle the employment relationship issue with the employer by amicable means, it is possible to refer to a labour disputes commission. Foreigners must apply to the labour disputes commission according to the location of the employer's operation. They must lodge an application, fill out a form. A meeting is convened within 5 working days, and the dispute must be examined within a month. If there are particular circumstances or lack of evidence, it may be postponed for a month. The labour disputes commission examines disputes objectively, irrespective of nationality. The application form is available not only in the Russian or English language, but also in the Ukrainian language.

No

Q38. Are there specific sanctions in place in Lithuania against employers who have not fulfilled their duties under the Seasonal Workers Directive?

Yes

Yes. In Lithuania, there are specific sanctions in place against employers who have not fulfilled their duties under the Seasonal Workers Directive. If it is established that an employer has illegally employed a foreigner, the employer is imposed a fine in the amount from EUR 200 to EUR 400 for each infringement committed. The same actions committed by the employer who has already been sanctioned for this infringement in the last 3 years result in a fine in the amount from EUR 400 to EUR 800 to be imposed on the employer for each infringement committed. As Lithuania provides for sufficiently strict sanctions against employers for the illegal employment of foreigners, employers are not inclined to employ foreigners illegally.

Moreover, the employer is not allowed to employ seasonal workers if:

- a) a foreigner's employment does not meet the needs of the labour market of the Republic of Lithuania;
- b) the employer has been sanctioned for permitting illegal employment or for permitting third-country nationals to take up illegal employment and less than one year has elapsed since the end of the sanction imposed or a judgment of conviction has become effective over the past five years for work of third-country nationals illegally staying in the Republic of Lithuania;
- c) when applying for a foreigner's employment, the foreigner's wage does not conform to the specified rate, i.e. a foreigner's wage may not be less than that of a resident of the Republic of Lithuania performing the same work for the same employer or, in the absence of such a worker, the foreigner's wage may not be less than the gross monthly earnings of a calendar year in the national economy most recently published by the Lithuanian Department of Statistics (Statistics Lithuania) (including the wage data of individual enterprises) by a relevant economic activity;
- d) the employer is being wound up, is in bankruptcy or does not carry out any economic activity;
- e) the employer has tax arrears in the amount of more than one base social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, where the State Tax Inspectorate administers the taxes paid to such funds (as from 1 January 2020 – EUR 39).

No

Q39. Do migration authorities and labour authorities cooperate in relation to the monitoring of seasonal workers and their employers?

Yes

The Migration Department, the State Labour Inspectorate and the Employment Service cooperate in relation to the monitoring of the legal stay of foreigners and their employment. When carrying out inspections of employers which employ foreigners, the State Labour Inspectorate may also involve representatives of the Migration Department and the Employment Service.

No

Q40. Has Lithuania detected seasonal workers who are victims of exploitation or human trafficking?

Yes

No

Q41. Are there any good practice examples or research/evaluation findings of how the rights of seasonal workers have been ensured in Lithuania?

Yes

No

Conclusions and lessons learned

1. Following the transposition of the Seasonal Workers Directive, the employment of foreign nationals for seasonal work has become simpler and more attractive, resulting a steady increase in the number of seasonal workers. The scheme allows seasonal workers to enter relatively quickly and does not require proof of their qualifications or work experience. However, foreigners are only allowed to enter for works included in the approved list of seasonal works (14 occupations). Seasonal workers are required to obtain a work permit (issued within 7 working days) and a Schengen or national visa.

2. The employment of seasonal workers partially helps to fill the needs of the Lithuanian labour market and allows flexible response to seasonal fluctuations. Seasonal workers are mainly employed in the agricultural, accommodation and food service sectors, where the effect of seasonality is most felt. The scheme mainly provides employment to workers from Ukraine. Experts note that from year to year, seasonal workers tend to return to the same employer. Consideration could be given to facilitating the entry of those seasonal workers who have not infringed the set requirements and are willing to re-enter (e.g. allowing them to work longer periods or issuing work permits for several years ahead).

3. Lithuania does not have any alternative entry scheme for seasonal workers, though part of the workers enter for works included in the list of seasonal works not only under the seasonal workers' scheme, but also under the regular employment scheme for foreigners or under visa-free travel. Such workers are issued a work permit for the period of their legal stay with the possibility of extending it. The workers and employers themselves can choose the scheme under which they will enter.

4. The transposition of the Directive has provided more secure and favourable conditions for the entry and stay of seasonal workers in order to ensure that they would have sufficient means of subsistence and avoid the risk of poverty and exploitation. Considering the vulnerable situation of seasonal workers and the temporary nature of their assignment, it has been ensured that these workers are provided with adequate accommodation and their wage is not less than that of a Lithuanian resident for the same work. The competent authority, namely, the State Labour Inspectorate, has been designated to supervise whether seasonal workers have adequate accommodation and whether employers comply with other conditions of employment of foreigners. Seasonal workers have been given the possibility to renew their work permit or change the employer once, provided that the period of 6 months within a 12-month period is not exceeded.

5. Inter-institutional cooperation and control mechanisms are in place in Lithuania to avoid abuse of the scheme of entry of seasonal workers and exploitation of foreigners. For this purpose, an employee of the Employment Service verifies the information available on the employer and reviews an employment contract with a foreigner. Upon issuing a work permit to a seasonal worker, the Employment Service informs the State Labour Inspectorate of the issued work permit, indicating the foreigner's place of residence. The State Labour Inspectorate controls whether the employer complies with the terms of employment provided for in the employment contract and whether the worker has adequate accommodation.

6. The State Labour Inspectorate controls the illegal employment of foreigners and sanctions employers illegally employing foreigners. Having established that the employer has illegally employed a foreigner, the State Labour Inspectorate imposes sanctions. If foreigners' rights have been infringed, they may refer to a labour disputes commission. The transposition of the Directive has helped to combat irregular migration and illegal employment and to ensure adequate working and living conditions for seasonal workers in Lithuania.

7. Although the scheme for seasonal workers is flexible, employers are more willing to employ Lithuanian residents, as the search for seasonal workers abroad is a time-consuming process and there are no special measures in place to facilitate the search for such workers abroad.

European Migration Network (EMN) is a network composed of migration and asylum experts from EU Member States, Norway and the European Commission. Its main objective is to collect, analyse and provide up-to-date, objective, reliable and comparable information on migration and asylum to policy makers at EU and Member State level and the general public.

The EMN National Contact Point (NCP) in Lithuania is composed of representatives from the Ministry of the Interior, the Migration Department, the State border guard service as well as the International Organization for Migration (IOM) Vilnius office which acts the national co-ordinator for the EMN activities in Lithuania. EMN NCP in Lithuania also collaborates with other entities from governmental as well as non-governmental institutions working in the area of migration.
