

A MEMO FOR EMPLOYERS

1. It is prohibited¹ in a job offer to include requirements that give a priority to an applicant because of his/her:

gender, origin, age, race, social status*, sexual orientation, nationality, beliefs, disability, language, convictions or views, ethnicity, religion citizenship**



Examples of inappropriate statements in a job posting

The salesperson job is offered at the chocolate store for a female

We will employ a female manager from 25 to 35 years of age

We will hire a cleaner, requirement – fluency in Lithuanian

We will employ an attorney's assistant, who graduated from Vilnius University

Examples of recommended statements in a job posting

The salesperson job is offered at the chocolate store

We will employ a manager

We will hire a cleaner

We will employ an attorney's assistant, who completed legal studies

2. It is prohibited in a job offer to request information from applicants about their marital status, age, private life and family plans².

Examples of inappropriate statements in a job posting

We will employ a programmer without family commitments

We will employ a sales manager, who doesn't plan family growth for the next 5 years

Examples of recommended statements in a job posting

We will employ a programmer

We will employ a sales manager

3. Names of professions and job titles

The names of professions and job titles etc. are generally expressed in masculine nouns³. Positions in job offers may be expressed using nouns defining both genders

Examples of inappropriate statements in a job posting

A job offer for a female administrator

We are hiring a female accountant

Examples of recommended statements in a job posting

A job offer for an administrator

We are hiring an accountant

For violating these requirements, a fine is imposed from 40 to 560 Euros, for a repeated infringement – a fine of 560 to 1200 Euros⁴.

If you notice a discriminatory job offer, you must report directly to the **Equal Opportunities Ombudsman**: www.lygybe.lt or to the **European Foundation of Human Rights** www.efhr.eu which will lodge a complaint with the Equal Opportunities Ombudsman.

Discrimination is prohibited not just in job advertisements, but also **during job interview** it is not allowed to request the information about marital status, age, private life and family plans.

The employer must ensure that the person, endeavouring to enter the job, or the employee would not suffer from harassment or sexual harassment.

Harassment – unwanted behaviour when on the basis of gender, race, ethnic nationality, legal nationality, language, origin, social standing, belief, convictions or views, age, sexual identity, disease, national belonging, religion it is intended to abuse or human dignity is abused, and it is intended to create or creating a frighten, hostile, humbling and abusing environment.

Sexual harassment – unwanted offensive behaviour of sexual nature expressed in words, in writing or in overt acts towards human, for example, lascivious glances; whistling having seen a woman; discussion of partner's sexual features; discussion of woman body; presumably accidental contact with various parts of the body, etc.

Court of Justice of the European Union has established that the prohibition of discrimination is also applicable for **the public utterances**. In those cases when the employer has declared in public that he would not employ the employees of particular ethnic origin or race; and this obviously may stop some candidates from applying for the position and create obstacles to enter the labour market; is the direct discrimination when requiring.

When implementing equal opportunities **the employer**, regardless of gender, race, ethnic nationality, legal nationality, language, origin, social standing, belief, convictions or views, age, sexual identity, disease, national belonging and religion, **must**:

- 1) to apply equal selection criteria and conditions when recruiting;
- 2) to create equal employment opportunities to improve skills, to seek the professional training, skill conversion, to obtain work experience, and also provide equal bonuses;
- 3) to apply equal criteria for the assessment of work and official activity of state employees;
- 4) to apply equal criteria for the separation from employment;
- 5) to pay equal wage for the same work and of the same value;
- 6) to ensure that the employee would not suffer from the harassment and would not get instructions to discriminate;
- 7) to ensure that the person endeavouring to enter the job would not suffer from sexual harassment;
- 8) to assume the measures that the employee, having submitted the application about discrimination or is involved in case regarding discrimination, their representative or person, testifying and evidencing in respect of discrimination, would not be persecuted and would be secured against hostile acts or adverse effects;
- 9) to assume respective measures in order to enable disabled people to enter the job, work, seek the career or to be trained, including appropriate adjustment of premises provided that these measures would not disproportionately make employer's obligations more difficult.

VŠĮ EUROPOS ŽMOGAUS TEISIŲ FONDAS
(European Foundation of Human Rights)

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¹ Article 11 of the Law on Equal Opportunities of the Republic of Lithuania, Article 16 of the Law on Equal Opportunities of Women and Men of the Republic of Lithuania.

² Article 16 of the Law on Equal Opportunities of Women and Men of the Republic of Lithuania.

³ Resolutions of the State Commission of the Lithuanian Language No. 5 (74) of 4 November 1999.

⁴ Code of Administrative Offences of the Republic of Lithuania, Article 81

* Social status – the education, qualifications or studies acquired by a natural person and studies at institutions, available property, income received, the need for state support established in legal acts, and / or other factors related to the financial (economic) situation of a person.

** citizenship – a citizenship of the Member States of the European Union and of the countries of the European Economic Area and their family members.