

The Legal Status of Lithuanian Teachers

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I. Introduction

During the period of 2003-2012 education system changes according to the National Education Strategy 2003-2012¹ were implemented in Lithuania. Many changes were made during past period in education sector including teachers work, qualifications and in-service training, re-qualification, schools network changes. Lithuanian education system is facing different challenges such as quality and prestige of teacher's work improvement, adaptation to rapid demographic changes (decrease in the number of children, population aging and migration), schools network changes. Figures below show how the number of pupils and teachers changed in public schools during 2000 – 2013.

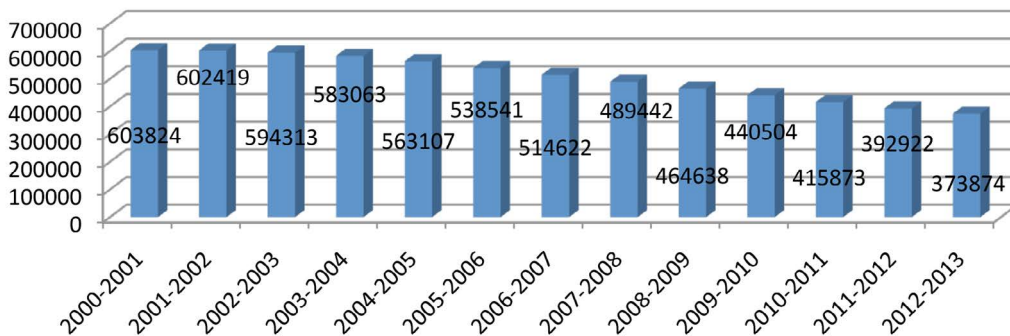


Figure 1: Number of pupils in general public school during 2000-2013

Figure 1 shows that number of pupils in general public schools decreased about 38 percent during 2000 – 2013.

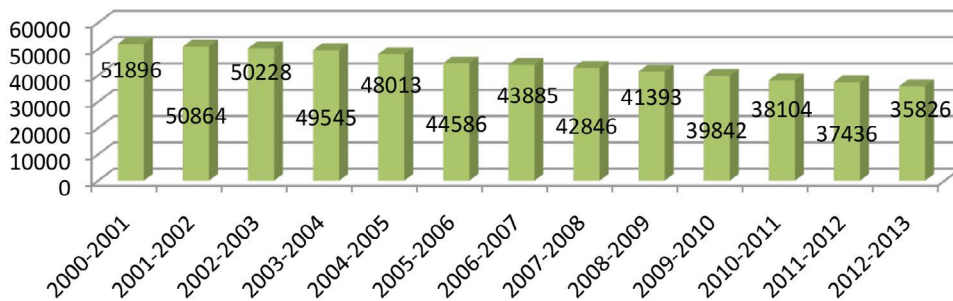


Figure 2: Number of teachers in general public schools during 2000-2013²

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1 On the Provisions of the National Education Strategy for 2003-2012 (decree IX-1700 (Valstybės žinios, [Official Gazette] 2003-07-18, Nr. 71-3216. The new project of the National Education Strategy 2013-2022 is already prepared but not approved yet.

2 Statistics Lithuania. <http://db1.stat.gov.lt/statbank/selectvarval/saveselections.asp?MainTable=M3110108&%20PLanguage=0&TableStyle=&Buttons=&PXSId=7396&IQY=&TC=&ST=ST&rvar0=&rvar1=&rvar2=&rvar3%20=&rvar4=&rvar5=&rvar6=&rvar7=&rvar8=&rvar9=&rvar10=&rvar11=&rvar12=&rvar13=&rvar14=>

At the same time the number of pedagogues in non-public schools increased from 405 to 673.

Figure 2 shows that number of teachers in general public schools decreased about 31 percent during 2000 – 2013.

Given the number of pupils, the number of teachers in Lithuania is relatively high, but a large part consists of the older teachers. An average of pupils per teacher in Lithuania in 2010 was 8 pupils (basic and secondary levels of education). Less than that in 2010 there were only in a few EU countries, while the EU average is 12,2 pupils per teacher.³ Less average of pupils per teacher is usually in smaller cities. Figure 3 shows that average of pupils (primary basic and secondary education) per teacher decreased during 2010-2013.

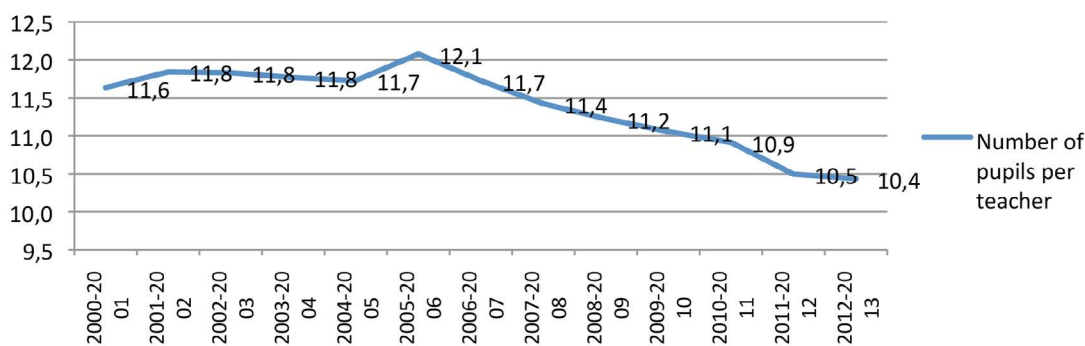


Figure 3: Number of pupils per teacher in general public schools during 2000-2013⁴

Such a situation was influenced more by a faster decrease rate of pupils than the number of teachers. A small number of learners per teacher has advantages and disadvantages. As an advantage can be considered a possibility to give more attention to each pupil and provide better individualized education. The main disadvantage is the irrational use of resources and excessive education cost for one person.

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Because of decrease of a number of pupils, education system is undergoing its reform. Its main aim is to network the different types of educational establishments to develop an efficient education system based on the responsible management and rational use of resources. The number of public general schools decreased about 47 percent during 2000 – 2013.⁵

The traditional educational and training ways are being reorganized into more flexible ones that would be consistent with modern learning objectives, the level of technology and also appropriate for life-long education. For these reasons different changes in individual areas of education system and also general systemic changes are implemented. One of the most important educational system factors affecting the educational objectives are considered features of teaching staff such as demographic characteristics (age, gender), training and professional development of teachers. Therefore changes in education system start from the initial stage, i.e. teacher training. Further the requirements for individuals who want to become a teacher and the main recent changes in this area will be discussed.

3 National education strategy 2013-2022. Goals, problems, development trends. Education problem analysis. The Ministry of Education and Science of the Republic of Lithuania. October 2012 no. 17 (81).

4 Statistics Lithuania. <http://db1.stat.gov.lt/statbank/selectvarval/saveselections.asp?MainTable=M3110108&%20PLanguage=0&TableStyle=&Buttons=&PXSID=7396&IQY=&TC=&ST=ST&rvar0=&rvar1=&rvar2=&rvar3%20=&rvar4=&rvar5=&rvar6=&rvar7=&rvar8=&rvar9=&rvar10=&rvar11=&rvar12=&rvar13=&rvar14=>.

5 Statistics Lithuania. <http://db1.stat.gov.lt/statbank/selectvarval/saveselections.asp?MainTable=M3110108&%20PLanguage=0&TableStyle=&Buttons=&PXSID=7396&IQY=&TC=&ST=ST&rvar0=&rvar1=&rvar2=&rvar3%20=&rvar4=&rvar5=&rvar6=&rvar7=&rvar8=&rvar9=&rvar10=&rvar11=&rvar12=&rvar13=&rvar14=>. At the same time the number of non-public schools increased from 20 to 36.

II. Requirements to become a teacher, categories of teachers and requirements for each respective category

A. Becoming a teacher and how to make this profession more attractive?

One of the objectives of the National Education Strategy 2013 - 2022 is achieving such level of educational community which mainly consists of reflective and continuously improving professional teachers and lecturers. The main problem is that in order to achieve this objective the most talented and motivated individuals who could convey their experience to others and strengthen the public confidence in education system must be attracted and retained. In 2011 the minimum required entrance score to Education and training study programmes was 13,82 points (the minimum required entrance score to the most popular study programmes was at least 18,9). In 2012 the minimum entrance score was higher – 16,08 points.⁶

During 2000 – 2010 year period almost 37 000 young people graduated from education studies and gained teacher qualification but only about 15 percent of them work in the schools. The main reason was that quite easy education studies programmes were accessible and attractive for less able and not motivated students. This leads to quite low number of younger teachers in Lithuania and raises teacher aging issues.

During the 2007-2011 a number of teachers younger than 30 years old in Lithuanian schools increased 2,9 percent and a number of teachers older than 50 years old decreased 8,6 percent. According to official statistics teachers of age 50-54 constitutes the largest share of all school teachers⁷:

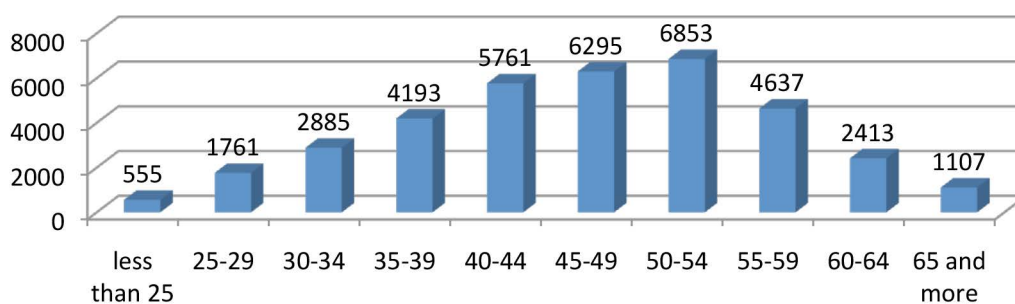


Figure 4: Number of teachers by age in Lithuania during 2010-2011

Forecast for 2020 shows that the largest part of all school teachers will consist of 60-64 year old teachers and this will lead to the lack of teachers in approximately 10 years.⁸ The question how to make teacher's profession more attractive to young, talented and motivated students is highly important. Another essential issue is how to attract more male teachers, as females constitute a larger share of all teachers. In 2010-2011 a share of female teachers was 77,6 percent.⁹

In recent years, actions have been taken to increase teacher training quality, the prestige of teacher's profession, reduce distrust and disrespect for teachers and to attract more motivated and talented students. Main changes in this area were as following:

- Teacher preparation was entrusted only to institutions of higher education with the necessary expertise and resources.
- The number of state-funded places in the pedagogical studies was reduced by more than a half.

6 Data is taken from the Association for Acceptance to Lithuanian Higher Education Institutions. <http://www.lamabpo.lt/bendrojo-priemimo-rezultatai/2011#top>.

7 Data is taken from the Statistics Lithuania.

8 National education strategy 2013-2022. Goals, problems, development trends. Education problem analysis. The Ministry of Education and Science of the Republic of Lithuania. October 2012 no. 17 (81).

9 Data is taken from the Statistics Lithuania.

- The funding per individual was increased and best students are awarded with a targeted scholarship.
- In order to enter Education and training studies a person must take the motivational test.

All these changes were introduced in order to reduce the teacher training deficiencies, enhance the attractiveness of teacher profession and to encourage more talented and motivated people to choose this profession. However it will take time for all these changes to bring positive results. At the same time it is important to maintain relatively high and equitable wages, improve working conditions, provide any assistance while reducing distrust and disrespect for teachers. Also a possibility of earlier retirement for teachers is being raised which could conduce the attractiveness of teacher profession. However current economic situation in the country is not favorable for such decisions. At this moment retirement age for teachers is the same as for every other individual, 60 for women and 62,5 for men¹⁰.

B. Categories of teachers and requirements for each respective category

There are four teacher qualifications categories determined by the Order of the Minister of Education and Science of the Republic of Lithuania¹¹: teacher, senior teacher, teacher-supervisor, teacher-expert. Senior teacher constituted the largest part of the four – 43,5% of all certified teachers in Lithuania during 2011-2012¹²:

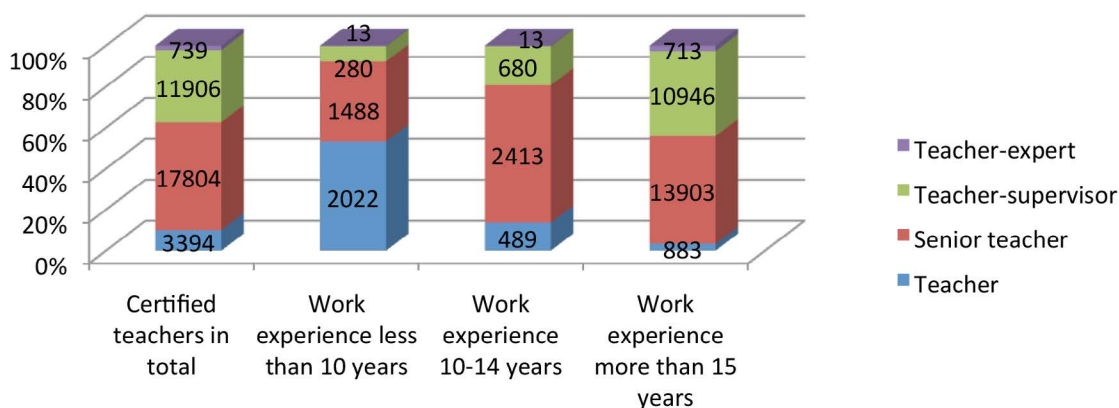


Figure 5: Number of teachers by qualification categories during 2011-2012

Laws regulating requirements for teachers, categories and especially pedagogues' qualifications are rather confusing. The requirements are set out in several different acts and are often amended. According to the Law amending the Law on Education (hereinafter – the Law on Education)¹³ in order to work as a teacher a person must:

- be a **pedagogue**¹⁴;
- have a **higher education level**¹⁵. A person must, within two years from the beginning of a work as a teacher, acquire a pedagogue's qualification.
- have a **pedagogue's qualification** set out by the Minister of Education and Science.

10 In 2011 Parliament of the Republic of Lithuania passed a law that gradually increases the normal retirement age from age 62.5 to 65 for men and from age 60 to 65 for women by 2026.

11 28 October 2008 Approval of qualification categories classification approved by The Order No. ISAK-2889 of the Minister of Education and Science of the Republic of Lithuania.

12 Lithuania education in numbers. General education. Ministry of Education and Science of the Republic of Lithuania. Vilnius, 2012.

13 Law amending the Law on Education, Official Gazette, 2011-03-31, No. 38-1804. English version available on the webpage http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=407836, (article 48.1).

14 According to the Law on Education a **pedagogue** is a person who has acquired the higher education (the post-secondary education acquired before 2009 or the specialized-secondary education acquired before 1995) as well as the qualification of a pedagogue (article 2.19).

15 Instead of higher education level a person can have a post-secondary education level acquired before 2009 or a specialized-secondary education level attained before 1995.

Qualification of a pedagogue is the sum of person's possessed competences or professional experience and possessed competences necessary for training learners, recognised in accordance with the procedure laid down by legal acts of the Republic of Lithuania (article 2.20). A person is considered having a pedagogue qualification if:

- a person has acquired the higher education level¹⁶ and has a diploma confirming acquisition of a certain subject teacher qualification;
- a person has acquired the higher education diploma (certificate) which contains only a teaching qualification, but does not specify the teaching subject (the teaching subject can be indicated from the name of study programme);
- a person who has completed master studies of education subject area and acquired master degree in education.¹⁷

If teachers working at school lack professional or relevant subject-related qualification they can acquire it by completing a relevant programme of specialized professional full-time, part-time or extramural (distance) studies.

Every teacher has a right to be certified for a teacher or higher category if they meet the requirements for each respective category which are set by the Order of the Minister of Education and Science approving teachers' attestation regulations¹⁸.

Table 1: The requirements for each teacher qualification category.

Category	Teacher	Senior - teacher	Teacher-supervisor	Teacher-expert
Education	Higher or the post-secondary education (the specialized - secondary education acquired before 1995)			Higher education
Qualification	A pedagogue qualification (and a teaching subject qualification from the 1 st of September of 2014)			A teaching subject and pedagogue qualification
Experience		4 years teaching subject work experience	5 years teaching subject work experience	6 years teaching subject work experience
Other requirements		Skills to organize and analyze the teaching and learning process, regularly update their knowledge and actively participate in methodological activities and disseminate good teaching experience in the institution.	Skills to organize and analyze the educating, teaching and learning process, pedagogical situations, uses innovative teaching methods and principles, regularly update their knowledge, prepare development projects, actively participate in methodological activities and disseminate good teaching experience in the institution and the region.	Professional skills to organize and analyze the educating, teaching and learning process, explores pedagogical situations, new learning strategies and applies them, develops efficient learning strategies, prepares educational projects, teaching, learning and methodological tools, disseminates good teaching experience in the institution, region and country.

16 Instead of higher education level a person can have a post-secondary education level acquired before 2009 or a specialized-secondary education level attained before 1995.

17 29 March 2005 Qualification requirements for teachers working according to preschool, pre-primary, non-formal education, primary, basic, secondary, special education and professional education programmes curricula approved by the Order No. ISAK-506 of the Minister of Education and Science of the Republic of Lithuania (paragraph 3).

18 24 November 2008 Attestation of teachers and specialists providing assistance to learners regulations approved by The Order No. ISAK-3216 of the Minister of Education and Science of the Republic of Lithuania.

In 2011 the amendment of qualification requirements for teachers was introduced determining that a person may work as a teacher if he/she has acquired the higher education level¹⁹, has a qualification of a pedagogue (2 years period from the beginning of a work as a teacher to acquire a qualification is given for those who do not have it) and completed the programmes that correspond to an education subject/area.²⁰ This amendment had to come into force from the 1st of September of 2013. Employment contracts would be terminated with those who do not comply with these requirements by the deadline. In June of 2013 the number of teachers who did not comply with the requirements was 1135.²¹ Given the fact that 50 per cent of them are developing or planning to acquire the necessary qualifications, it was decided to extend the enforcement date for one year. This will ensure retention of teachers who are willing to increase their professional development. The table 1 shows that a teaching subject and pedagogue qualification was required in order to have a teacher-expert category however from 2014 the requirement of a teaching subject and pedagogue qualification will be the same for all the categories.

Despite the above mentioned requirements for the teachers there are also some limitations, for example, persons may not work as teachers if they have been convicted for a premeditated criminal act, have been declared by a court as persons with limited legal capacity or with legal incapacity, a person whose parental powers have been restricted by court decision, a former staff employee of the USSR State Security Committee (NKVD, NKGB, MGB, KGB) to whom the restrictions under the Law of the Republic of Lithuania on the Evaluation of the USSR State Security Committee (NKVD, NKGB, MGB, KGB) and the Current Activities of the Staff Employees of this Organisation” apply.²²

C. The career possibilities, in-service training and re-qualification of pedagogues

Attestation of teachers. The main purpose of the evaluation of teachers is to promote them to improve their skills, to provide them with career possibilities, to motivate them financially and to increase professional responsibility for the educational outcomes and professional development.²³

94 Teacher professional development is directly linked to the stages of their career, but the certification procedure for teachers is not mandatory. Evaluation is required when a teacher aims to move from one career stage to the next one. One of the most important indicators in transition from one career stage to another is the teacher competency improvement.

Every teacher can be evaluated if not acquired the qualification category or if he/she wants to gain a higher qualification category. If it is established that the practical activities and competence of a teacher do not meet the qualification category requirements, a teacher must be evaluated. The teacher can be evaluated repeatedly for a higher qualification category as early as two years after the last certification.²⁴

Teachers’ attestation procedure changed in recent years. Former teacher evaluation criteria were not related with the direct teachers’ activities. Teacher performance assessment has not been linked to pupil learning outcomes. In 2007 new teacher certification rules²⁵ were approved and amended in 2008²⁶. Teacher certification was declared optional and the evaluation of teachers was linked to everyday educational work and the assessment of the teacher competencies and skills that affect students’

19 Instead of higher education level a person can have a post-secondary education level acquired before 2009 or a specialized-secondary education level attained before 1995.

20 29 March 2005 Qualification requirements for teachers working according to preschool, pre-primary, non-formal education, primary, basic, secondary, special education and professional education programmes curricula approved by the Order No. ISAK-506 of the Minister of Education and Science of the Republic of Lithuania (paragraph 16).

21 http://www3.lrs.lt/pls/inter/w5_show?p_r=4463&p_d=137866&p_k=1.

22 Law amending the Law on Education, Official Gazette, 2011-03-31, No. 38-1804. English version available on the webpage http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=407836, (article 48.8).

23 24 November 2008 Attestation of teachers and specialists providing assistance to learners regulations approved by The Order No. ISAK-3216 of the Minister of Education and Science of the Republic of Lithuania, (paragraph 4).

24 *Ibid* (paragraphs 36, 37, 38).

25 27 July 2007 Attestation of teachers regulations approved by The Order No. ISAK-1578 of the Minister of Education and Science of the Republic of Lithuania.

26 24 November 2008 Attestation of teachers and specialists providing assistance to learners regulations approved by The Order No. ISAK-3216 of the Minister of Education and Science of the Republic of Lithuania.

outcomes. The new rules also require preparation for the first teacher evaluation which includes training courses of the National language culture, computer skills courses (programmes), special-pedagogical and special-psychological courses for teachers who do not have special-pedagogical qualification.²⁷ Without obligatory teacher certification it might be difficult to evaluate teacher's competence as some of them may not be interested in pursuing a higher category.

Another important issue is to find a connection between teachers' competence and pupils' achievement. Whereas after the adoption of the teacher certification procedures, national student achievement tests failed to determine the changes of teachers' work quality. For this reason the project for teacher training concept was developed in 2012 with the proposal to establish obligatory teacher certification every four year. Such proposal has caused great resistance of education employees' trade unions and a provision of obligatory teacher certification didn't come into force. One of the reasons was the existing provision in the Law on Education which states that the teacher certification is a teacher's right but not an obligation.

In - service training. According to the Law on Education teachers have an obligation to upgrade their qualifications however it doesn't mention anything about the consequences that might arise if a teacher fail to perform his obligations. This issue is regulated by the Labour Code of the Republic of Lithuania (hereinafter - Labour code or LC, articles 234-244)²⁸. The responsibility should be specified by school work regulations and job description. That means that the principal of the school is responsible for teachers' in-service training.

Since 2003 teacher in-service training system has been improved. In 2009 it was reorganized. Teacher training was delegated to the Education Development Center and educational centers of the municipalities. In 2012 Teachers In-service Training Conception (hereinafter – Conception)²⁹ was approved and teacher professional development opportunities were enhanced from individual learning and courses to internships in Lithuanian and foreign educational institutions and academic study.

The Conception states that it teacher professional development must last throughout their working lives. Since it is impossible to define unambiguously teacher competence development guidelines it should be determined only areas of competence and the threshold (minimum) level to be achieved by a person who wishes to obtain a state recognized teacher qualification or seek higher qualification category. According to the Law on Education a teacher shall have the right to attend in-service training events at least 5 days per year.³⁰ However no law regulates minimum requirements for teachers' professional development.

According to the Conception a teacher is entitled to receive one-year internship training without a loss of salary during that period. A teacher professional development, as before, is financed from the state budget (the funds allocation principle “money follows a pupil”) and other sources. A teacher has the opportunity to accumulate a few years' funds provided by the government for the development of qualification. Before the approval of the Conception training funds had to be used within the one year.

Teachers have an obligation to upgrade their qualifications but they are free to choose training areas and forms, combined with educational institution and national needs. A research “Pedagogue in-service training and requalification system development”³¹ made on pre-school, general education (primary and 5-12 school classes) and non-formal education of children teachers' in-service training during the

27 *Ibid* (paragraph 15).

28 Labour code is in force from the 1st January 2003 //Official Gazette, 2002, Nr. 64-2569. English version available at web page http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_e?p_id=191770

29 30 May 2012 The Concept of pedagogue qualification development approved by the Order No. V-899 of the Minister of Education and Science of the Republic of Lithuania.

30 Law amending the Law on Education, Official Gazette, 2011-03-31, No. 38-1804. English version available on the webpage http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=407836, (article 49).

31 Report of scientific research project “In-service training and requalification of pedagogue system development” results. Education Development Centre, 2011.

period of 2008-2011 shows that almost all 5-12 classes' teachers have improved their qualifications. They participated in in-service training programmes in Lithuania at an average at least once a quarter and in foreign countries - at least once a year. During this period 99% of teachers participated in pedagogue in-service training programmes in Lithuania and 26% of teachers - in foreign countries. Teachers increasingly improve their knowledge in various fields of educational systems. The most popular forms of training are seminars, courses, conferences and informal education. Less popular are continuing education, distance learning and internships. Between the most popular there are professional, general and special competences training. Most of the teachers improve their skills without leaving their city/district. They usually choose in-service training events taking place in their school or any other educational institution situated in the same city / district.³² Another research shows that Lithuanian teachers have little interest in globally significant topics, not very likely to share their practices with others, participate in professional networks and do not associate their careers with the qualification.³³

Due to negative demographic tendency primary school teachers' unemployment increased in recent years. But at the same time the number of certain area (languages, computer science) teachers was insufficient. Many graduates from the higher education pedagogical institutions have chosen a better paid job instead of becoming a teacher. It was decided to solve this problem with the re-qualification of teachers. Especially during the 2003-2009 financial support was provided for teachers' re-qualification process. Re-qualified teachers could continue working at schools instead of leaving for a new job. Re-qualification of teachers helps to decrease unemployment of a certain area teachers and at the same time helps to increase the lacking number of teachers in other areas.

Despite the high number of teachers participating in pedagogue in-service training programmes lack of teacher expertise and systematic in-service training are considered to be one the main factors that influence students' achievements. International learning achievement tests show that basic education in Lithuania is mostly centered on the students with the low or average results, while less attention is paid to the high-performing students. For example, achievements of fifteen year old students in 2009 were much lower than the European average.³⁴

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One the main problem in the pedagogue professional development system is the lack of a systematic quality assessment. Teacher professional development should be planned strategically at all levels (state, municipality, school, teacher) in accordance with the priorities and related with the changes in the educational process that will lead to financial incentives and career opportunities.

III. Certain employment issues

A. Teacher's employer and salary

The teacher's employer is considered to be a school. Teachers are employed and dismissed by the head of the school. A labour contract is signed between a teacher and a school in compliance with the procedure established in Labour Code of the Republic of Lithuania (hereinafter- Labour code or LC)³⁵. In Lithuania a school is a legal person, a branch of a legal person or any other organisation of a Member State, established in the Republic of Lithuania according to the procedure laid down by legal acts, whose main activity is formal and/or non-formal education.³⁶ Funds directly necessary in respect of the education process, including funds allocated for salaries, in-service training of teachers and

32 *Ibid.*

33 Pedagogue professional development model. Education Development Centre, Vilnius, 2012.

34 National education strategy 2013-2022. Goals, problems, development trends. Education problem analysis. The Ministry of Education and Science of the Republic of Lithuania. October 2012 no. 17 (81).

35 Labour code is in force from the 1st January 2003 //Official Gazette, 2002, Nr. 64-2569. English version available at web page http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_e?p_id=191770

36 Law amending the Law on Education, Official Gazette, 2011-03-31, No. 38-1804. English version available on the webpage http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=407836, (article 2.10).

other persons involved in the training process, textbooks and other teaching needs are called teaching funds.³⁷

Education in Lithuania is funded from the following sources: appropriations from the state budget and municipal budgets and other funds.³⁸ The principle of setting an amount for teaching funds for one pupil is applied when allocating funds from state and municipal budgets for the corresponding year for the financing of formal education programmes at state, municipal and non-state schools (except higher education institutions). Teaching funds allocated from state budget funds are calculated and distributed pursuant to the methodologies approved by the Government.³⁹

The salary of a teacher of a state and a municipal school depends upon the individual's attained education level, length of service, qualification category, and complexity of activity. The procedure for paying salaries to teachers is laid down by the Government.⁴⁰

Remuneration for work of pedagogical employees of educational institutions and other institutions procedure⁴¹ regulates provisions regarding wage rates and other conditions related to remuneration for work. The procedure specifies teachers' wage rates (Table 2) which are determined for teaching load, which currently, is 18 contact hours per week.

Table 2: The wage rates for every teacher qualification category

Category	Less than 10 years of pedagogue work experience	10 – 15 years of pedagogue work experience	More than 10 years pedagogue work experience
Teacher	10,65–11,85	10,8–12	10,9–12,1
Senior - teacher	11,6–12,9	11,75–13,05	12,2–13,6
Teacher-supervisor	12,45–13,85	12,7–14,1	13,05–14,55
Teacher-expert	14,15–15,75	14,4–16	14,8–16,4

Teacher's maximum work load is 36 hours per week (contact and other hours).⁴² For example, during 2011-2012 teacher's average work load in Kaunas city was 26,7 hours per week.⁴³ A teacher's actual presence at school is not regulated by any norms. The exact wage rate coefficient, in agreement with the workers' representatives⁴⁴, is established by the school principal. Monthly teachers' wages are calculated according to the tariff list⁴⁵. Even if the wage rate coefficients range, usually the lower one is used to calculate the teachers' salary as funds from the state and municipal budgets are insufficient.

An average teacher's salary during the 2009-2011 decreased about 8 percent (figure 6).⁴⁶ As it can be seen from the diagram, an average teacher salary was higher than the average salary in the country and in public sector.

37 *Ibid* (article 2.13).

38 *Ibid* (article 65).

39 *Ibid* (article 67).

40 *Ibid* (article 68).

41 18 July 2011 Remuneration for work of pedagogical employees of educational institutions and other institutions procedure approved by the Order No. V-1315 of the Minister of Education and Science of the Republic of Lithuania.

42 22 December 2003 Government of the Republic of Lithuania Resolution No. 1195 On the approval of working time reduction procedure and payment terms for the workers who work involving heavy mental, emotional stress.

43 General education establishments network. Kaunas education and training department, 2011.

44 In labour relations the rights and interests of employees may be represented and protected by the trade unions or the labour council elected by secret ballot at the general meeting of the staff. The procedure of formation a trade union or the labour council is established by Labour Code of the Republic of Lithuania.

45 The tariff list is a document stating details about teachers, their work experience, education, qualification category, workload and other data needed to calculate the wage.

46 Data is taken from the Statistics Lithuania.

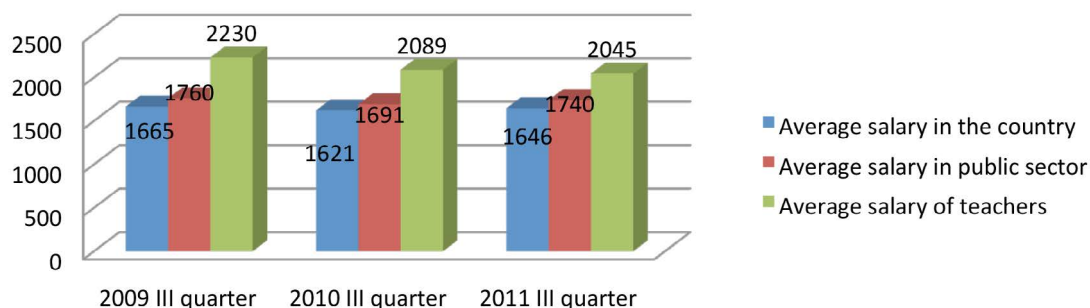


Figure 6: A teacher monthly average net salary during 2009 III quarter – 2011 III quarter

Teachers’ salaries are one of the main education funding issues, especially in the smaller cities, where number of pupils is less. One of the most problematic factors that affect teachers’ salaries is teacher workload. Demographic problems such as emigration, declining birth rates and an aging population - are the direct factors influencing the changes in the number of pupils and determining the decrease of workload. For this reason employee’ trade unions proposed to impose minimum 18 contact hours per week. Table 3 shows teachers monthly salary example for every qualification category⁴⁷:

Table 3: Teachers monthly salary example for every qualification category.

Teacher qualification category	Monthly wage rate	Basic monthly salary, Lt	Basic monthly net salary, Lt	Additional workload to 18 contact hours week	Total monthly net salary, Lt
Teacher	11,85	122	1445,7	9	2168,55
Senior teacher	13,60	122	1659,2	9	2488,80
Teacher - supervisor	14,55	122	1775,1	9	2662,65
Teacher - expert	16,40	122	2000,8	9	3001,20

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The principle of setting an amount for teaching funds for one student (money follows a pupil) applies to basic education since 2002. In recent years, the decline in number of students, changes of school number and network, method of setting an amount for teaching funds for one pupil has been constantly amended in order to ensure sufficient funds to keep teachers in school and for other educational purposes. However, frequent corrections helps schools to “survive”, but does not motivate them to work better. As “money follows a pupil” funds depend on the number of pupils, some schools do not have sufficient money to pay salaries to the teachers and social security taxes. This determines the need for schools to get additional funding, for example from participating in various projects, competitions, aid from various organizations and income from the lease of premises.

B. Teacher employment contract

Labour relations in Lithuania from the year 2003 are regulated by Labour Code of the Republic of Lithuania (hereinafter- Labour code or LC)⁴⁸, which is also applied to Lithuanian teachers. In accordance with an Order of the Minister of Education and Science⁴⁹, successful candidate is employed by signing a labour contract in accordance with the norms of the Labour code.

47 For the calculation the coefficients with the maximum value are used as according to the statistics, the dominant teachers work experience is up to 10 years, and senior teachers, teachers - supervisors and teacher – experts dominant work experience is up to 15 years or more. Additional workload per week is for: evaluation of pupils assignments – 1 hour; class leadership – 3 hours; preparation for lessons – 3,5 hours and methodological and other activity – 1,5 hours.

48 Labour code is in force from the 1st January 2003 //Official Gazette,2002, Nr. 64-2569. English version available at web page http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_e?p_id=191770.

49 Confirmation of teachers’ acceptance and dismissal description of the procedure.//Official Gazette, 2011, No. 115-5419, art. 11-12.

The main conditions of an employment contract (the employee's place of work (enterprise, establishment, organization, structural subdivision, etc.), and job functions, i.e. work of a certain profession, specialty, qualification, or specific duties may be changed only with the prior written consent of an employee (art. 120 of LC), i.e. employment conditions may be changed only with serious basis (In the event of changes in production, its scope, technology or labour organisation, as well as in other cases of production necessity⁵⁰) and with the written consent of an employee. An employer may change the conditions of remuneration for work without the written consent of an employee only in the case when remuneration for a specific sector of economy, enterprise or category of employees is changed by laws, Government resolutions or under the collective agreement. However, in the event of changes in the conditions of payment remuneration, wages shall not be reduced without the written consent of an employee (art. 120, part 3 of LC). Cited norms indicate that a teacher may be transferred to another school just with prior written consent (voluntarily) except emergency cases⁵¹ paying at least the average wage of his previous work (LC art.121 part 3). This is confirmed by the case law. In case 2K-3-265/2005⁵², the Supreme Court of Lithuania stated that there was a violation of article 120 part 3, as the employer without prior written consent of an employee while implementing government ruling informed a teacher on the 27th of October 2003, that from the 1st of December 2003, implementing the ruling of government⁵³ she will be paid lower salary. The teacher instead of 900 Litas was paid just 443 Litas for the same 20 hours per week. The court stated that the employer had to get the written consent of the teacher or to terminate an employment contract if the teacher did not agree to get lower salary, but that an employer can't pay lower salary without consent of the employee even while implementing government decision.

In order to avoid such infringements of the Labour Code, because people working in education system do not have complete freedom to choose the employment conditions as are bound by the government established conditions usually in a labour contract it is provided that a teacher is paid a terrific salary (without providing exact amount of money). Because of the specific work of a teacher, it is impossible to establish constant load and hourly wage- as these are scalable, depending every year from numbers of pupil, additional school hours. The Supreme Court of Lithuania in case 3k-3-23/2011⁵⁴ decided that there was no violation of LC as a teacher in a new school year was given less hours and less salary because the exact amount of hours and salary was not provided in an employment contract. Such a regulation in Lithuania shows that teachers are not sure about their salary and actual workload (as legal acts require to provide minimum 18 hours per week).

The term of an employment contract in teacher's case is not regulated by any specific norms, except that in the rules of teachers' acceptance and dismissal⁵⁵ it is stated that in advertisement about vacant teacher position (among other things) information about workload, type of employment contract, job position must be provided. It means that the teacher may be employed for a part-time job either if there is such a need. Usually teachers have permanent contracts as LC prohibits concluding a fixed-term employment contract if work is of a permanent nature, except for the cases when this is provided by laws or collective agreements (Art.109, sec.2) but with no provision of exact workload and salary as it was explained earlier.

50 Labour Code, Article 120, part 1.

51 An employer shall have the right to transfer an employee for a period of up to one month to another work not agreed in an employment contract in the same location, as well as to change other conditions laid down in Articles 95 (1) and (2) of this Code, when it is necessary to prevent a natural disaster or industrial emergency, to respond to it or immediately eliminate its consequences, to prevent accidents, to fight fire and in other cases of emergency that have not been anticipated (art. 121 part 1). However even in such cases there is restriction to transfer employee to a work which is not permitted due to the employee's health status (art.121).

52 Civil case No.3k-3-265/2005, decided on the 13th of May 2005 by the Supreme Court of the Republic of Lithuania. www.lat.lt.

53 It was about reducing of working time for employees whose work is related with heavy mental and emotional tension and remuneration conditions.

54 Civil case No.3k-3-23/2011, decided on the 31st of January 2011 by the Supreme Court of the Republic of Lithuania. www.lat.lt.

55 Confirmation of teachers' acceptance and dismissal description of the procedure. // Official Gazette, 2011, No. 115-5419, art. 5.

C. Teaching job and other paid activities

A teacher as any other natural person in Lithuania may have other paid activities, using various legal forms. Probably the most popular would be individual activity, which means any independent activity in pursuit whereof an individual seeks to derive income or any other economic benefit over a continuous period:

1. independent commercial or industrial activities of any nature, including those exercised under a business certificate;
2. independent creative or professional activities and other similar independent activities, including those exercised under a business certificate;
3. independent sports activities;
4. independent performing activities⁵⁶.

Example, a person may get business certificate⁵⁷ for such activities as additional education activities for children and youth, interpretation services and other related activities. In using such a form a person needs to pay a fixed amount of income tax determined by municipality councils. Also a teacher may establish any type of company allowed in Lithuania- example, some company fixing computers. Usually teacher in Lithuania provide various additional activities such as deepening of foreign language, computer and etc. knowledge, give additional lessons for pupils who are not able to learn a subject during teaching hours.

D. A leave of absence in teacher's job

A leave of absence is regulated by Labour Code. Article 178 of LC establishes the following categories of special- purpose leave:

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1. Maternity leave (70 calendar days before the child birth and 56 calendar days after the child birth);
2. Parental leave before the child is three years of age;
3. educational leave (in order to prepare for and take entrance examinations to colleges and higher education institutions - three days for each examination; studying employees shall be entitled to educational leave subject to a certificate of the above institutions in accordance with article 181 of LC);
4. Sabbatical leave (shall be granted to complete a thesis, to write a text book and in other cases provided by law. The duration, procedure of granting and payment for sabbatical leave shall be regulated by law, by a contract of employment or a collective agreement- art.182 of LC);
5. leave for performance of official or public duties (shall be granted leave of absence in order to exercise their suffrage, to perform the duties of a Member of the Seimas, when summoned as a witness, a victim, an expert, an interpreter, a public prosecutor, a public defence counsel, a member of a public organisation or the staff to inquiry or preliminary investigation bodies, the prosecutor's office and the court; to perform the tasks of State control; to perform the duty of an organ donor and in other cases provided by law- art.183 of LC);
6. unpaid leave (should be provided in situations described by law (such as raising a child under 14 years of age - for up to 14 calendar days; raising a child with disabilities before he has reached sixteen years - for up to 30 calendar days; to an employee taking care of a sick family member - for a period recommended by the health institution and etc.) or for other reasons not provided by law just following the procedure laid down in the collective agreement).

56 Law on Income Tax of Individuals. // Official Gazette, 2002, No. 73-3085, art.7. English version available at webpage http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=321613

57 Rules of issuing business certificates for residents. // Official Gazette, 2002, No. 112-4992.

Law on Sickness and Maternity Social Insurance⁵⁸ establishes details of Sickness allowances, such as types of sickness allowances, their duration, amounts, payment conditions and other related details. In accordance with mentioned law every employed person is allowed to take sickness allowances for herself or even for nursing sick family members under the conditions provided by the law. As a general rule an employee shall retain his/her position if he/she is absent from work due to temporary loss of functional capacity for not more than 120 successive days or for not more than 140 days within the last 12 months (art. 133 part 2 of LC).

1. to the insured persons who became temporarily incapacitated for work due to illness or trauma and therefore lost income from work, except for the cases of granting and payment of sickness allowances provided for by the Occupational Accidents and Occupational Diseases Social Insurance Law;
2. for nursing sick family members. This allowance shall be granted if on the doctor's instruction it is necessary to nurse a sick family member of the insured;
3. to the insured removed from the job due to the outbreak of infectious diseases or epidemics;
4. to the insured undergoing treatment at the health care institutions providing orthopedic and/or prosthetic services. This allowance shall be granted to the insured persons for the entire duration of treatment at the said institution as well as for the period of travel to and from the health care institution;
5. for childcare if the regime for containing the spread of infection has been introduced in childcare institutions;
6. for childcare if the person who has been granted a maternity leave or a childcare leave (hereinafter referred to as a "childcare leave") is unable to take care of the child due to her/his own sickness or trauma;
7. for the insured persons who have become temporarily incapable for work because of taking of the tissues, cells or organs for transplantation with the purpose of donation.

E. Teachers' liability (including disciplinary liability)

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There is no special liability for teachers. Disciplinary liability is regulated by Labour Code. However in accordance with Labour Code the procedure of work at the work place shall be defined by work regulations. They shall be approved by the employer subject to the approval by the representatives of the employees (art.230). Usually every school provides internal rules of procedure where there are given certain rules about disciplinary liability. Example, in the internal rules of Simonas Daukantas Gymnasium in Šiauliai it is declared that a gymnasium teacher or other employee, for infringement of internal rules of procedure disciplinary or professional liability is applied which is defined by the Public Service act and Labour code.⁵⁹ Almost the same statement is given in the internal rules of other schools which the authors looked through. The internal rules specify both rights and obligations of a teacher and provide some general issues of disciplinary liability. Article 234 establishes that breach of labour discipline shall be non-performance or improper performance of labour duties through the employee's fault. All breaches of discipline are classified in two big categories: gross breaches and all other breaches. As a gross breach of labour duties legislator defines a breach of labour discipline involving gross violation of the provisions of laws and other legal acts which directly regulate the employee's work, or any other gross transgression of work duties or the prescribed work regulations (Art. 235 of LC) and the legislator establishes exemplary list of possible gross infringements- example-being under the influence of alcohol, narcotic or toxic substances during the working time, sexual harassment or other gross breaches of work procedure. In a case of a gross infringement an employer is entitled to terminate an employment contract without giving an employee prior notice thereof. While in cases of other breaches there must be at least one disciplinary sanction imposed during the last 12 months. Article 237 of LC foresees three possible disciplinary sanctions: 1) caution; 2) reprimand; 3) dismissal from work.

58 Law on Sickness and Maternity Social Insurance. // Official Gazette, 2000, No. 111-3574. English version available at: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=429439.

59 Internal rules of gymnasium, confirmed by the order of director (7th of April, 2010, No.V-177). // <http://www.daukantas.lt/index.php?sr=tva&p=gvt>.

Example in case 3k-3-403/2005⁶⁰, music teacher challenged his dismissal for disciplinary reasons. The teacher was provided one disciplinary sanction - caution on the 2nd of February 2004 and dismissal from work on the 19th of March 2004. The first sanction was given because the teacher had not used text books, unduly filled diary, pupils during classes were not adequately occupied and etc. The second sanction was given because in the classroom the teacher pushed and dragged by the hand one schoolgirl while intending to bring her to the director of the school for her disobedience in the classroom. The Supreme Court decided that sanction- dismissal from work was not an adequate sanction. It cited that while imposing a disciplinary sanction account must be taken of the gravity of the disciplinary breach and its consequences, the degree of the employee's guilt, the circumstances under which the breach occurred, the previous performance at work (article 238 of LC). The court indicated that a teacher has also rights, not just obligations. And one of his rights (provided in the article 46 of Education law)- the right of a teacher to work in psychologically, physically and emotionally safe environment based on mutual trust. So the obligation to respect a teacher is either obligatory for schoolchildren. In the analyzed case it was established that the schoolgirl violated the rights of schoolchildren as she disrespected the teacher in the face of other schoolchildren. In opinion of the court such behavior of the schoolgirl at least partially determined the behavior of the teacher. Other important circumstances which were taken into account were the following: the behavior of the teacher had no negative consequences to the schoolgirl, they apologised each other, the teacher was teaching already for 30 years, several times was promoted by diplomas. Such a court practice is reasonable and should be followed in future.

1. when the employee performs his duties negligently or commits other violations of labour discipline provided that disciplinary sanctions were imposed on him at least once during the last 12 months;
2. when the employee commits one gross breach of duties (Article 235 of the Code).

F. Teachers' ethics

In accordance with the article 43 of the Education Law⁶¹ the school is empowered to lay down conduct and ethics norms for members of the school community. It is discretion of every school whether to enact ethical norms (code on ethics). Usually it is an additional document to other documents such as interior rules. Example, in the ethical code of Ragaine⁶² basic school it is provided that it provides the rights, obligations of teachers and their disciplinary issues, established in the Law of Education, in school regulations, in interior rules and in other legal acts. The implementation of ethical code is controlled by the commission of ethics which consists of 5 members (teachers) selected by the school board. For ethical infringements, taking into account the seriousness of the infringement moral sanctions are applied such as remark, caution, disclosure of evaluation and others. Decisions of the ethics commission are of recommended nature and may be taken into account by the director taking decision for the continuation of a labour contract, for providing higher position and etc.⁶³In the ethical norms accepted by M.Daujotas school in Kretinga⁶⁴ the formation of the commission and its work is explained in more details and commission is formulated by 5 members, one of them is suggested by the school board, two by the pedagogical board and two by the employees meeting. They are also provided more rights – both the ones already described while talking about Ragaine school and additional ones: to take a written explanation from the member of a community, to warn the member of a community to provide a suggestion to a director to give one of disciplinary sanctions provided in the article 237 of LC⁶⁵.

60 Civil case No. 3k-3-403/2005, decided on the 19 th September 2005 by the Supreme Court of the Republic of Lithuania. www.lat.lt.

61 Law amending the Law on Education, Official Gazette, 2011-03-31, No. 38-1804. English version available on the webpage http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=407836.

62 Confirmed by the order of director on the 12th of May 2011, No. V-102 // http://ragaine.su.lt/siusti/etikos_kodeksas_2011.doc.

63 The ethical code of Ragaine, sections 12-13.

64 Confirmed by the order of director on the 21st of February 2012, No. VI-155 // http://www.daujotomok.ykla.lt/uploads/bylos/tvarkos/etikos_normos_2012_02_22.pdf

65 Sections 17.1-17.4 of the ethics norms // http://www.daujotomokykla.lt/uploads/bylos/tvarkos/etikos_normos_2012_02_22.pdf