



LATVIA

Decent Work Check 2019

Iftikhar Ahmad

Ayesha Mir

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

The authors

Ayesha Mir works with WageIndicator Islamabad Office.

Corresponding Author: Iftikhar Ahmad works as Labour Law Specialist with WageIndicator Foundation. He can be contacted at iftikharahmad@wageindicator.org

Acknowledgements

Many people contributed to the development of the Decent Work Check as a tool and to this Check for Albania. Those who contributed to the development of tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13. Daniela Ceccon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online through building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the Islamabad team, which works on Decent Work Checks since 2012. The team currently comprises Iftikhar Ahmad (team leader), Ayesha Mir, Ayesha Ahmed, Shabana Malik and Aizaz Raof Ali.

Bibliographical information

Ahmad I, Mir A (2019) *Latvia Decent Work Check 2019*. Amsterdam, WageIndicator Foundation, January.

For an updated version in the national language, please refer to <https://mysalary.lv/>

Copyright 2019 by WageIndicator Foundation. All rights reserved.

WageIndicator Foundation, 2019

Address: P O Box 94025, 1090 GA Amsterdam, The Netherlands

Email office@wageindicator.org.

Table of Contents

INTRODUCTION	1
Major Legislation on Employment and Labour	2
01/13 WORK & WAGES	3
02/13 COMPENSATION	6
03/13 ANNUAL LEAVE & HOLIDAYS.....	10
04/13 EMPLOYMENT SECURITY	14
05/13 FAMILY RESPONSIBILITIES.....	19
06/13 MATERNITY & WORK.....	22
07/13 HEALTH & SAFETY.....	26
08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT	30
09/13 SOCIAL SECURITY	34
10/13 FAIR TREATMENT	38
11/13 MINORS & YOUTH.....	41
12/13 FORCED LABOUR	44
13/13 TRADE UNION.....	47
DECENT WORK QUESTIONNAIRE.....	51

INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects, which are deemed important in attaining "decent work". The work makes the rather abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and gives a score to the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Workers can compare their own score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work. WageIndicator teams, around the world, have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work especially the effective enforcement of legislation in financially constrained states, rise of precarious employment and measuring the impact of regulatory regimes.

Currently, there are more than 100 countries for which a Decent Work Check is available here: www.decentworkcheck.org During 2019, the team aims to include at least 10 more countries, thus taking the number of countries with a Decent Work Check to 115!

Major Legislation on Employment and Labour

1. Latvian Constitution of 1922, reinstated in 1991, last amended in 2016
2. Labour Law 2001, last amended 2012
3. Regulation No. 665 regarding the Minimum Monthly Salary and the Minimum Hourly Wage Rate, adopted on 27 August 2013
4. Cabinet Order No. 365 on the Concept of Minimum Wage, adopted on 28 May 2003
5. Law on Payment of State Allowances during the Period from 2009 till 2014
6. Law on Maternity and Sickness Insurance 1997
7. Cabinet Regulation No. 372 of 20 August 2002 on Occupational Safety & Health Requirements for the Use of Personal Protective Equipment
8. Law on the State Labour Inspection adopted in June 2008
9. Law on Compulsory Insurance against Accidents at Work and Occupational Diseases, 1997 (last amended in 2014)
10. Cabinet Regulation No. 50 of 16 February 1999 Procedures for the Granting and Calculation of Insurance Compensation of Compulsory Social Insurance against Accidents at Work and Occupational Diseases
11. Law on Unemployment Insurance 2000, last amended in 2017
12. Law on State Pensions 1995, last amended in 2017
13. Law on Prohibition of Discrimination of Natural Persons-Economic Operators (adopted in 2012)
14. Trade Union Law, adopted in 2014 (effective from 01 November 2014)
15. Labour Disputes Law 2003
16. Strike Law 1998, last amended in 2005

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Latvia has ratified the Convention 131 only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Latvian Constitution of 1922, reinstated in 1991, last amended in 2016
- Labour Law 2001, last amended 2012
- Regulation No. 665 regarding the Minimum Monthly Salary and the Minimum Hourly Wage Rate, adopted on 27 August 2013
- Cabinet Order No. 365 on the Concept of Minimum Wage, adopted on 28 May 2003

Minimum Wage

In accordance with article 107 of the Constitution, "every employed person has the right to receive, for work done, commensurate remuneration which shall not be less than the minimum wage established by the State, and has the right to weekly holidays and a paid annual vacation."

The minimum wage in Latvia is determined by the State. The National Tripartite Cooperation Council has to be consulted concerning employment issues and the implementation of ILO Conventions. The Council is made up of the representatives of Cabinet Ministers, representatives of Trade Union Confederation and representatives of Employers' Confederation. Minimum wages can also be set (higher than the government stipulated national minimum wage) through sectoral collective agreements. These agreements are extendable to other workers in the sector, if the original parties of the contract employ more than 60% of the workers in that specific sector.

The Concept of Minimum Wage Order by the Cabinet Ministers, 2003 sets forth the basic principle of determining and revising the minimum wage rates from 2004-2010. The Order aimed at increasing the wage rates gradually in the years 2004-2010 so that it represented 50% of the national average wage. This Order was repealed in 2011. A new Order No. 390 now elaborates the procedure for determining and reviewing the monthly minimum wage.

Statutory minimum wage in Latvia is not determined on the occupational, sectoral or regional level. However, national minimum wage differs by age and exposure to particular risks.

Minimum wage is generally reviewed on annual basis. The criteria for update in the minimum wage rate include changes in the tax system (personal income tax rate, rate of mandatory state social insurance payments), minimum wages in the other Baltic states and the average annual value of minimum consumer basket per month calculated by the Central Statistical Bureau.

State Labour Inspectorate is responsible for compliance with the provisions of Labour Law and other regulations including minimum wages. In the case of non-payment of minimum wage, a fine is imposed on the employer. Such sanctions are part of the Latvian Administrative Violations Code.

Sources: §107 of Latvian Constitution of 1922, reinstated in 1991, last amended in 2016; §61 of Labour Law 2001, last amended 2012; Regulation No. 665 regarding the Minimum Monthly Salary and the Minimum Hourly Wage Rate, adopted on 27 August 2013; Cabinet Order No. 365 on the Concept of Minimum Wage, adopted on 28 May 2003; §41 of the Latvian Administrative Violations Code; Cabinet Order No. 390 on the Procedure for Determining and Reviewing the Monthly Minimum Wage, adopted on 17 May 2011

For updated minimum wage rates, please refer to the section on minimum wages.

Regular Pay

Work remuneration is the regular pay for work payable to a worker and which includes a salary and supplements specified under statutory provisions, collective agreement or employment contract as well as bonuses and other kinds of payments related to work.

Employers are required to pay workers the remuneration at least twice a month unless the parties have agreed on payment of remuneration once a month. If the payment date for work occurs on a weekly rest day or a public holiday, the work remuneration is paid before the relevant date. Work remuneration is paid in cash however employer can make in-kind payments as work remuneration only if the parties have specifically agreed. When making payment for work, an employer has to issue a written calculation of work remuneration (Pay slip) which has the following information: work remuneration; taxes deducted; mandatory social insurance payments; hours worked including overtime hours, night hours and work on public holidays. Employer has duty to explain this calculation on request by an employee.

Sources: §59 & 69-71 of Labour Law 2001, last amended in 2017

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Latvia has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Law 2001, last amended in 2017

Overtime Compensation

Working time is a period from the beginning until the end of work within the scope of which an employee performs work or is at the disposal of an employer, with the exception of breaks in work. The work breaks usually are not considered part of working time however the additional work breaks to workers who perform work in hazardous working conditions and breastfeeding breaks to nursing women workers are part of working time and are paid.

The regular working hours are eight hours a day and forty hours a week in a five-day week. If working time on any day is less than the regular daily working time, the regular working time of some other day may be extended up to one hour, at most.

The usual working week is of five days. However, if the nature of work requires so, an employer after consultation with employee representatives, may specify a working week of six days. However, in such case, the daily working hours may not exceed seven hours. The working hours of those involved in risky work may not exceed 6 hours for a six-day week.

There are certain employees who are entitled to shortened working hours of seven hours a day and thirty-five hours a week. These are workers associated with special risk and if they are engaged in such work for at least 50% of their daily or weekly working time, workers under 18 years, and other categories of workers to be determined by the regulation of Cabinet of Ministers.

An employer and employee may agree in an employment contract on part time work that is shorter than the regular daily or weekly working time. An employer may determine part-time work if requested by a pregnant woman, a woman after child birth up to one year or the whole period of breastfeeding if that woman is nursing her child, an employee who has a child under 14 years or a disabled child under 18 years of age. An employer is required to transfer an employee from regular working time to part-time or vice-versa if possibility exists in the undertaking.

There also provisions for summarized working time, i.e., If the nature of the work makes it impossible to for the relevant employee to comply with normal daily or weekly working time, the employer after consultation with the employee or his representatives can aggregate the different times at which the employee may work and 'sum' them up. The law provides specific situations in which this regime will apply.

Overtime means work performed by an employee in addition to the regular working time. Overtime is permitted if the parties have agreed so in writing. An employer may require a worker to perform overtime work even without his/her consent in the following exceptional cases: in the event of urgent public need; to prevent the

consequences caused by force majeure; or for completion of urgent, unexpected work within a specified period of time. If overtime work continues for more than six days in above case, employer needs a permit from the State Labour Inspectorate for further overtime work, except in cases when repetition of similar work is not expected.

Total overtime work may not exceed 139 hours in a 4-month period (A maximum of 8 hours within a 7-day period with reference period not exceeding 4 months). A worker who performs overtime work receives a supplement of at least 100% of the hourly or daily wage rate specified for him/her. In the case of piecework, a supplement of at least 100% of the piecework rate for amount of work done is provided.

Source: §68 & 130-136, and 140 of Labour Law 2001, last amended in 2017

Night Work Compensation

Night work is the work performed for more than two hours during night time of 22:00 to 06:00 (for children, this period is from 20:00 to 06:00). A night worker is a worker who performs night work in accordance with shift schedule or for at least 50 days in a calendar year.

The regular working time for night workers is reduced by one hour however the working time may not be reduced if this is required by the particular characteristics of undertaking. A night worker is entitled to a health examination before he is employed in night work and subsequently at least once every two years and once every year from 50 years of age. A night work may be transferred to day-work if a medical examination shows that night work has negative effect on worker's health.

An employee who performs night work receives a supplement of at least 50% of the specified hourly or daily wage rate however if a lump-sum payment has been agreed upon, a supplement of at least 50% of the piece-work rate for the amount of work done is provided. A collective work agreement or a contract of employment may specify a higher supplement for night work.

The duration of night work involving specific hazards will not exceed 8 hours within a 24-hour period however this may be subject to derogation under specific provisions provided under Section 140(2), where the employee agrees to do seasonal work.

Sources: §67 & 138 of Labour Law 2001, last amended in 2017

Compensatory Holidays / Rest Days

Generally, workers may not be required to work on weekly rest days or public holidays. Individual employees, on a written order by the employer, may be required to work on weekly rest day only under the circumstances as specified under overtime, i.e., in the event of urgent public need; to prevent the consequences caused by force majeure; or for completion of urgent, unexpected work within a specified period of time. A worker employed on a weekly rest day may be given a compensatory rest day at another time.

If it is necessary to ensure continuity of work process, it is permitted to require an employee to work on a public holiday by granting him rest on other day of the week or by paying some appropriate compensation.

Sources: §143(4) & 144 of Labour Law 2001, last amended in 2017

Weekend / Public Holiday Work Compensation

There is no provision for monetary compensation for working on a weekly rest day. On the other hand, a worker may be paid a supplement of at least 100% of the hourly or daily wage rate specified for the worker for working on a public holiday. A collective agreement or employment contract may specify a higher supplement for working on a public holiday.

If work on weekly rest day is considered overtime work, a worker may qualify for a supplement that is at least 100% of the hourly or daily wage rate specified for him/her.

Sources: §68 of Labour Law 2001, last amended in 2017

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Latvia has ratified the Conventions 14, 106 & 132.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Law 2001, last amended in 2017

Paid Vacation / Annual Leave

Every employee, with six months of qualifying service, has the right to annual paid leave. Such leave may not be less than four calendar weeks (public holidays excluded). Persons under 18 years of age are entitled to annual paid leave of one full month. The annual leave is increased by three days for workers who have three or more children under the age of 16 years or a disabled child and employees exposed to special risks. A collective agreement or an employment contract may determine other cases (night work, shift work, long term work) where an employee is granted longer annual paid leave.

Labour Law allows splitting of annual leave however one part should consist of at least two weeks. This is allowed only in cases where taking of leave by an employee may adversely affect the normal course of activities in an enterprise. The remaining leave can be transferred till next year. A worker cannot wave his right to annual leave and any such agreement is invalid. A worker cannot receive payment in exchange for annual leave except in the case of employment contract termination.

Annual paid leave is granted each year at a specified time in accordance with an agreement or a leave schedule, which is drawn up by an employer after consultation with employee representatives. When granting annual paid leave, an employer has a duty to take into consideration wishes of employees. An employee has the right to paid annual leave during the first year of employment after six months of qualifying service.

A woman worker, at her request, is granted annual paid leave before prenatal and maternity leave or immediately after. Employees under the age of 18 and employees who have a child less than three years of age are granted annual paid leave in summer or at a time of their choice. If an employee under the age of 18 years continues to acquire education, annual paid leave is granted as far as possible to match the holidays at the educational institution. Annual paid leave is transferred or extended in case of temporary incapacity of an employee.

An employer is required to pay an employee average earnings for the period when an employee is on paid annual leave or supplementary leave. The payment for annual leave is made by the employer at least one day before the leave starts.

Cash compensation for annual leave is not allowed except in the case of employment contract termination before a worker could enjoy leave. Employers are required to reimburse an employee for all unused annual paid leave. The Labour Law also has provisions on Paid Annual Supplementary Leave which is granted to employees caring for three or more children under the age of 16 years or a disabled child under 18 years of age (three working days); employees whose work involves special risks (at least three working days); workers caring for less than three children under the age of 14 years (at

least one working day). A collective agreement or contract of employment may determine other cases (night work, shift work, long work, etc.) when the employee is granted additional annual paid leave.

Sources: §69, 73 & 149-152 of Labour Law 2001, last amended in 2017

Pay on Public Holidays

Latvia has thirteen public holidays of both religious and memorial nature. The Public Holidays are New Year's Day (January 01), Good Friday, Easter (Sunday & Monday), Labour Day/Latvian Constitutional Assembly Convocation Day (May 01), Latvian Declaration of Independence Day (May 04), Midsummer Days (June 23 & 24), Latvian Independence Day (November 18), Christmas Eve (December 24), Christmas Day (December 25), Boxing Day (December 26), and New Year's Eve (December 31). If Holidays (May 4 & November 18) fall on a Saturday or Sunday, next working day is considered a holiday.

Bridging of holidays is allowed. However, to make up for these extra holidays, some Saturdays are designated as working days. In accordance with Order No. 278 of the Cabinet of Ministers for 2014, working day after Labour Day (May 02) is shifted to Saturday (May 10) and working day before Independence Day (November 17) is shifted to Saturday (November 22).

The length of the working day is reduced by one hour before public holidays, unless a shorter working time has been specified by a collective agreement, working procedure regulations, or an employment contract.

Sources: §135 & 144 of Labour Law 2001, last amended in 2017; Order No. 278 of the Cabinet of Ministers for 2014, adopted on 23 June 2013

Weekly Rest Days

Workers are allowed a daily rest period of at least 12 uninterrupted hours within the period of 24 hours.

A worker has the right to a rest period of at least 42 uninterrupted hours within a period of seven days. If a five-day work week is specified, workers are granted two day of week as rest. On the other hand, if a work week of six days is specified, one day of week is granted as rest. The weekly rest days are customarily granted as consecutive days.

The weekly rest day is generally Sunday. If it is necessary to ensure continuity of work process, it is permitted to have an employee work on Sunday however giving him day of rest on another day of the week.

For employees who are working under a summarized working hour regime, there is an obligation for employers to provide a daily rest period within a reference period, which on average is not shorter than 12 hours within a 24-hour period, and a weekly rest period, which on average is not shorter than 35 hours weekly.

If an employee is ordered by the employer in writing to work during the weekly rest day, the employee should be granted a day of rest at another time as requested. In addition, at least two weekly rest periods (not less than 42 consecutive hours within a seven-day period) must be provided within any 14-day period. In exceptional cases where the employees might work on weekly rest periods, the law stipulates the provision of at least two weekly rest periods with a 14-day period.

Workers are entitled to a rest break of at least 30 minutes where the daily working time exceeds 6 hours. However, the break should be given on completion of no more than 4 hours of work. Rest breaks can be divided into parts provided that no part is less than 15 minutes. Young workers are granted rest breaks once they have worked for one half the daily working time.

The daily rest period (on completion of daily work and before start of new working day) must be 12 consecutive hours for adult workers within a period of 24 hours. The daily rest period is 14 consecutive hours for young workers.

Sources: §140,142-143 of Labour Law 2001, last amended in 2017; Order No. 278 of the Cabinet of Ministers for 2014, adopted on 23 June 2013

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Latvia has ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Law 2001, last amended in 2017

Written Employment Particulars

A legal relationship is established between the worker and the employer through a contract of employment. Under an employment contract, an employee undertakes to perform specific work while the employer undertakes to pay the agreed work remuneration and ensure fair and safe working conditions that are not harmful to the health of the worker. An employment contract is entered into writing prior to the commencement of work. An employment contract includes name, address and other identification of contracting parties; starting date of employment relationship; expected duration of employment relationship (for fixed term contracts); workplace; trade, profession and specialty in conformity with the Classification of Occupations and the general description of work; amount of work remuneration and time of payment; agreed daily or weekly working time; length of paid annual leave; duration of contract termination notice; and the provisions of applicable collective agreement.

An employment contract is prepared in duplicate, one copy to be kept by each party. An employer has a duty to ensure that an employment contract is entered into writing and maintain a record of contracts entered into. If employer does not provide a written contract to the worker, an employee has the right to request that employment contract may be expressed into writing.

When preparing an employment contract for a 'foreigner' (except EU citizens and citizens who have free movement rights in the EU), an employer is required to ask the prospective employee to present their visa or residence permit that allows them to engage in paid work in Latvia. The amended Labour Law also regulates contents of an employment. It requires that an employment contract should not include restrictions on language skills, should be in Latvian and should be available for inspection by the appropriate authority. If a foreign employee does not understand Latvian; their own (foreign) language may be used in addition.

Sources: §39-41 of Labour Law 2001, last amended in 2017

Fixed Term Contracts

An employment contract is entered into for a specified period in order to perform specified short term work such as seasonal work; work in activity areas where an employment contract is normally not entered into for an unspecified period, taking into account the nature of the relevant occupation or the temporary nature of the relevant work; replacement of an employee who is absent or suspended from work, as well as replacement of an employee whose permanent position has become vacant hiring of a new employee; casual work which is normally not performed in the undertaking; specified temporary work related to short-term expansion of the scope of work of the undertaking or to an increase in the amount of production; emergency work in order to

prevent the consequences caused by force majeure, an unexpected event or other exceptional circumstances which adversely affect or may affect the normal course of activities in an undertaking; temporary paid work intended for an unemployed person or other work related to his or her participation in active employment measures, or work related to the implementation of active employment measures; and work of a student of a vocational or academic educational institution, if it is related to preparation for activity in a certain occupation or study course.

Maximum number of successive fixed term contract is not clearly defined under the law however term of a fixed term contract may not exceed five years (including renewals) if another term has not been defined in another law. It is considered extension of a prior employment contract if a new contract has been entered into before passing of more than 60 days of termination of an employment contract. The maximum length of a seasonal contract (including extensions) cannot be longer than 10 months during a year.

Sources: §43-45 of Labour Law 2001, last amended in 2017

Probation Period

The Labour Law allows specifying a probation period in order to assess whether an employee is suitable for performance of work entrusted to him/her. A probation period is valid only if it is clearly specified in the employment contract. The maximum term for probation period is three months however this does not include a period of temporary incapacity and other periods when an employee could not perform work for a justified cause. There is no probation period for persons under 18 years of age.

If an employee keeps working after termination of probation period, it is considered that the worker has successfully completed the probation.

Sources: §46-47 of Labour Law 2001, last amended in 2017

Notice Requirement

A worker may be dismissed due to circumstances related to his behaviour/activities; due to economical, organizational or technological measures taken by the company or due to long term illness of a worker; and due to other reasons decided by a court.

The notice period in Latvia is subject to the provisions of Labour Law however a collective agreement or employment contract may provide for a longer notice period. An employer can dismiss a worker only if there is a specific reason for it and employer is required to notify the employee of circumstances leading to the termination of employment contract. The duration of notice period varies from 10 days to one month. However, if the employee, while performing work, has acted illegally and has lost the trust of employer or was under influence of alcoholic, narcotic or toxic substance, the employer may dismiss the employee immediately. During the probation period (of three months), the notice period is three days.

The notice period is 10 days in the following cases: the employee has (without any justified cause) significantly violated the employment contract or the specified working procedures; the employee, while performing work, has acted contrary to moral principles and such action is incompatible with the continuation of professional relationships; the employee has grossly violated labor protection regulations and has jeopardized the safety and health of other persons; the employee is unable to perform the contracted work due to his or her state of health and such state is certified with a doctor's opinion; and if the work is not able to perform work due to illness continuously more than six months; or one year during a term of three years. Prenatal and maternity leave as well as a period of incapacity due to an accident at work or occupational disease is excluded from the period. A new provision allows an employer to give notice of termination of an employment contract to an employee who is declared to be disabled if the employee is not able to do the work specified in the contract.

The notice period is one month if the employee lacks adequate occupational competence for performance of the contracted work; the employee who previously performed the relevant work has been reinstated at work; the number of employees is being reduced; and the employer – legal person or partnership – is being liquidated. Upon agreement between the parties, the employment contract may be terminated even before the employer's notice has expired.

On an exceptional basis, an employer has the right to bring an action related to termination of employment in court in cases not referred to above if there is a good cause. Any condition that does not allow the continuation of employment legal relationships on the basis of considerations of morality and fairness is regarded as such good cause. The issue whether there is good cause is settled by court at its discretion.

An employer has to observe special requirements in terminating workers' representatives. Prior to giving a notice of termination, an employer has a duty to ascertain whether an employee is a member of a trade union. Without prior consent of the relevant trade union, an employer is prohibited from giving a notice of termination of a contract of employment to an employee who is a member of a trade union. Exceptions to this prohibition are the notice during probationary period as well as situations when an employer terminates contract on any of the following grounds: an employee, when performing work, is under the influence of alcoholic, narcotic or toxic substances; an employee who previously performed the relevant work has been reinstated at work; or the employer – legal person or partnership – is being liquidated.

The above protection has been withdrawn from union members and given only to employee representatives in new Trade Union Law (to be effective from 01 November 2014).

From 1 January 2015 onwards, the notice period for employers who wish to terminate employees from work collectively due to redundancy has been reduced from 45 days to 30 days. Previously, employees could only initiate dismissal procedures for collective

redundancies after giving 45 days' notice to the state employment agency. Amendments to the law have reduced this period to 30 days.

Suspension from work is a temporary prohibition, imposed by a written order of an employer (detailing the reasons for the suspension for work or a reproof or reprimand), which requires an employee to be present at the workplace and to perform work, without paying work remuneration to the employee during the period of suspension.

An employee can be suspended from work if he/she is under the influence of alcohol or narcotic substances. The Labour Law however requires that an employer has to pay an employee his/her average earnings if the suspension is unjustified and due to the fault of the employer.

Sources: §58, 100-110 of Labour Law 2001, last amended in 2017

Severance Pay

If an employee is dismissed due to the economic, organizational, technological measures or due to long term illness (of if an employee terminates employment contract for a good cause), the company is obliged to pay the severance pay to the worker in the following amounts: one month's salary for employment tenure in the firm for less than 5 years; two months' salary for employment tenure in the firm for a period of 5-10 years; three months' salary for employment tenure in the firm for a period of 10-20 years; and four months' salary for employment tenure of more than 20 years.

No severance pay is required from the employer in the case of termination on account of misconduct. A higher severance pay may be provided under a collective agreement or an employment contract.

The employer is also obligated to provide the employees, upon termination of the employment, compensation for the entire period in which paid annual leave was not taken.

Sources: §100, 101, 112 and 149 of Labour Law 2001, last amended in 2017

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

Latvia has not ratified the Conventions 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Law 2001, last amended in 2017
- Law on Payment of State Allowances during the Period from 2009 till 2014
- Law on Maternity and Sickness Insurance 1997

Paternity Leave

A father is entitled to leave of 10 calendar days immediately after the birth of a child within two months from the birth of a child. Paternity allowance is 80% of the beneficiary's average insurance contribution wage. If the paternity allowance amounts to €32.75 per calendar day (after calculation), worker is granted this amount. However, if it exceeds €32.75 per calendar day, paternity allowance is €32.75 plus 50% of the amount of benefits exceeding that.

Paternity leave is also granted for a period of 10 calendar days in the event of adoption of a child under three years of age.

Sources: §155 of Labour Law 2001, last amended in 2017; §14 of the Law on Payment of State Allowances during the Period from 2009 till 2014; §10(1-3) of the Law on Maternity and Sickness Insurance 1997; <http://www.vsaa.lv/en/services/parents/paternity-benefit>

Parental Leave

Every employee has the right to parental leave in connection with the birth or adoption of a child. Worker is required to notify the employer in writing one month in advance of the beginning and the length of the parental leave or parts thereof. The parental leave is granted for a period not exceeding one and a half years (18 months) up to the day the child reaches the age of eight years (in a single period or in parts).

Worker's employment is secure during the term of parental leave and worker returns to his/her job after availing parental leave. If return to actual position/work is not possible, employer has to ensure that worker gets similar or equivalent work with not less favourable conditions and employment provisions.

The amount of parental benefit depends on the duration of benefit. Generally, the parental benefit is 70% of the claimant's average insurance contribution wage but cannot be less than €171 per month. The benefit is 60% of the beneficiary's average insurance contribution wage until the child is 1 year of age. The benefit is 43.75% of the beneficiary's average insurance contribution wage until the child is 1.5 years old. The benefit is 30% of the insurance contribution wage for persons who are not on parental leave and self-employed until the child is 1.5 years old.

Until 31 December 2014, minimum amount of parental benefit is €32.75 per calendar day (after calculation), worker is granted this amount. However, if it exceeds €32.75 per calendar day, paternity allowance is €32.75 plus 50% of the amount of benefits exceeding that.

Sources: §156 of Labour Law 2001, last amended in 2017; §5(3) of the Law on Payment of State Allowances during the Period from 2009 till 2014; §10(6) of the Law on Maternity and Sickness Insurance 1997;
<http://www.vsaa.lv/en/services/parents/adoption/remuneration-care-adopted-child>

Flexible Work Option for Parents / Work-Life Balance

Employers are required to consider part-time work requests made by pregnant workers, women workers for a period of one year after childbirth, breastfeeding workers, workers who have a child under 14 years of age or a disabled child less than 18 years of age.

Employer has to transfer an employee from regular work to part-time work or vice versa if such possibility exists in the undertaking. If part-time is determined for an employee, employing of him/her is allowed on the basis of a written agreement between the employer and employee.

Sources: §134 of Labour Law 2001, last amended in 2017

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Latvia has ratified the Convention 183 only.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Labour Law 2001, last amended in 2017
- Law on Payment of State Allowances during the Period from 2009 till 2014
- Law on Maternity and Sickness Insurance 1997

Free Medical Care

Every person residing legally in Latvia has the right to medical care paid from State budget. The statutory health care system covers health care services except those excluded from its scope. Medical services are provided by physicians and institutions that have contractual agreements with National Health Service.

The patients, except those under 18, pregnant women, disabled, needy persons and others with one of a number of specified conditions, makes a financial contribution for general practitioners' visits, specialists' visits, stays in hospitals, pharmaceuticals as well as for several diagnostic examinations. The amount of contribution varies depending on the service. (www.vm.gov.lv/en/health_care/patient_contribution/)

No Harmful Work

Employer has to ensure the evaluation of working environment risk for the work performed by pregnant workers and women up to one year after child birth and during the whole period of breastfeeding.

An employer, on receipt of a doctor's opinion, is prohibited from employing above mentioned women workers if it is known that the performance of relevant work poses a threat to the safety and health of the woman or her child. Employer is required to adapt the working conditions and working time in such a way that pregnant and breastfeeding women workers are not exposed to above referred risks.

If adaptation in working conditions is not possible, employer has a duty to temporarily transfer the pregnant woman (as well as woman workers up to one year of childbirth and during the whole period of breastfeeding) to a different and more appropriate job. The work remuneration in this new job may not be less than the previous average wage. If even transfer to another suitable post is not possible, worker may be granted paid leave.

Night work (22:00 to 06:00) and overtime work is prohibited for pregnant workers, women workers up to one year after childbirth and during the whole period of breastfeeding. Overtime is allowed only if woman worker has given her consent in writing.

Sources: §37(7), 136(7), 138(1,6 & 7) & 99 of Labour Law 2001, last amended in 2017

Maternity Leave

Women workers are entitled to maternity leave of 112 days (56-day parental and postnatal leave). The compulsory leave is two weeks prior to the expected date of birth and two weeks after childbirth, as certified by a doctor's opinion. If a woman has initiated pregnancy related medical care at a preventive medical institution by the 12th week of pregnancy and has continued for the whole period of pregnancy, she is granted a supplementary leave of two weeks (14 days) adding it to prenatal leave (70 calendar days in total).

In case of multiple birth or complications in pregnancy, childbirth or postnatal period, a woman is granted a postnatal leave of two weeks (14 days) and thus making postnatal leave 70 calendar days in total.

Sources: §37(7) & 154 of Labour Law 2001, last amended in 2017

Income

Maternity benefit is paid for the entire duration of maternity leave (112 or 126 or 140 days). Maternity benefit is granted to a woman who is covered by the Maternity and Sickness Benefit Act with the condition that woman is not working and hence losing the work remuneration. Self-employed women who lose income are also covered.

Maternity benefit is granted to the father or to another person who is actually taking care of the child at home, for the entire period of childcare, which however cannot be longer than 70 days after the birth of child only under the following conditions: If the mother of the child has died during delivery or until the forty-second day of postnatal period and if the mother has refused from taking care and raising of a child.

If the mother is not able to take care of the child until the 42nd day after childbirth due to her illness, injury or other reasons related to her health condition, the father of the child or other person that is actually taking care for the child at home is granted maternity benefit for those days when the mother herself is unable to take care of the child.

During the term of maternity leave, workers (including self-employed women) are paid 80% of the average insurance contribution wage. Until 31 December 2014, if the maternity allowance amounts to €32.75 per calendar day (after calculation), worker is granted this amount. However, if it exceeds €32.75 per calendar day, maternity allowance is €32.75 plus 50% of the amount of benefits exceeding that.

If a person becomes a worker or a self-employed person during the period of maternity leave, the maternity benefit is paid for the entire period of maternity leave for which a sick leave certificate has been issued.

Sources: §154 of Labour Law 2001, last amended in 2017; §5-10 of the Law on Payment of State Allowances during the Period from 2009 till 2014; §14 of the Law on Maternity and Sickness Insurance 1997; <http://www.vsaa.lv/en/services/employees/maternity-benefit>

The text in this document was last updated in January 2019. For the most recent and updated text on Employment & Labour Legislation in Latvia in Latvian, please refer to: <https://mysalary.lv/>

Protection from Dismissals

An employer is prohibited from giving a notice of termination of an employment contract to a pregnant woman, as well as to a woman following the period after birth up to one year and during the breastfeeding period until a child reaches the age of two years. Workers, however, can be fired under certain conditions as specified under the law.

Sources: §101(1)(1-5 & 10) & 109(1) of Labour Law 2001, last amended in 2017

Right to Return to Same Position

Worker has the right to retain previous job while availing maternity, maternity or parental leave. If reinstatement in actual job is not possible, employer has to ensure equivalent or similar work with equal circumstances and employment provisions.

Sources: §154(5), 155(6) & 156(4) of Labour Law 2001, last amended in 2017

Breastfeeding/ Nursing Breaks

Women workers are entitled to breastfeeding breaks if they have a child less than 1.5 years (18 months) of age. Employee is required to inform the employer in good time of the necessity for such breaks. Breastfeeding break is at least 30 minutes for once in every three hours of work. For a full time, worker (working 8 hours a day), the break period is normally one hour (60 minutes). Employer is required to determine the length of breastfeeding breaks in consultation with the employee representatives. When determining these breaks, wishes of relevant employees have to be taken into consideration as far as possible. Breastfeeding breaks may be added to daily work breaks or transferred to the end of working time thus shortening the length of working day accordingly. Breastfeeding breaks are paid breaks and are included in the working time.

Sources: §146 of Labour Law 2001, last amended in 2017

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Latvia has ratified both the Conventions 81 & 155.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Protection Act 2002, last amended in 2010
- Cabinet Regulation No. 372 of 20 August 2002 on Occupational Safety & Health Requirements for the Use of Personal Protective Equipment
- Law on the State Labour Inspection adopted in June 2008

Employer Cares

An employer is required to protect the health and safety of workers at the workplace in accordance with the provisions of Labour Protection Act. Workers have the right to the type of work and working environment which is safe and without risk to health.

Employers have to ensure the health and safety of worker by implementing measures including prevention of occupational risks; provision of information and training; and provision of necessary organization and means. Employer is required to undertake a risk assessment at the workplace; take necessary measures to avoid risks; reduce risks at the source of occurrence; adapting the work to the individual with regard to choice of design, work equipment & production methods, and assessed the risks that cannot be avoided.

An employer is under obligation to organize a labour protection system which includes internal supervision of the working environment, including evaluation of the working environment risks; establishment of an organizational structure of the labour protection; and consultation with employees in order to involve them in improvement of labour protection.

An employer has to ensure the functioning of the labour protection system in the enterprise. Expenditures related to labour protection are covered by the employer, as well as in accordance with procedure prescribed by law – from the special budget of occupational accidents.

Sources: §5 & 11 of the Labour Protection Act 2002, last amended in 2010

Free Protection

Personal Protective Equipment is regulated under Regulation of the Cabinet of Ministers and relevant provisions in the Labour Protection Act.

Employers are required to follow the principle of giving collective safety measures priority over individual protective measures. Personal Protective Equipment (PPE) is used when an environmental risk factor cannot be avoided or mitigated by the use of collective means of protection. The use of PPE is determined by taking into account the occupational risk factors and how often and how long the employee is at risk as well as the job characteristics and its effectiveness. PPE is used only for the purpose for which it is manufactured. Employer is required to ensure that instructions are understandable and accessible to the workers.

The text in this document was last updated in January 2019. For the most recent and updated text on Employment & Labour Legislation in Latvia in Latvian, please refer to: <https://mysalary.lv/>

Personal Protective Equipment should be provided to each worker for individual use. If the same equipment has to be used by multiple workers, employer should take appropriate measures to meet hygiene requirements and ensure that it does not adversely affect workers' health. An employer has to provide employees with (free of charge) means of protection and take measures to ensure the maintenance of protective equipment in working order and comply with hygiene requirements in accordance with the manufacturer's instructions (e.g. protective equipment storage, inspection, cleaning, disinfection, repair).

A worker has the right to refuse work if the work equipment (to be used or the workplace) is not supplied with the necessary safety devices or the employee has not been given at his/her disposal the necessary personal protective equipment. Employees are also under obligation to use collective protective equipment, as well as personal protective equipment given at their disposal in accordance with the documentation determined by regulatory enactments (manufacturer's instructions, safety data sheets regarding chemical substances and chemical products, etc.), and to place the relevant protective equipment following its use in the place provided for it.

Sources: §17(3), 18(2) & 25(3) of the Labour Protection Act 2002, last amended in 2010; Cabinet Regulation No. 372 of 20 August 2002 on Occupational Safety & Health Requirements for the Use of Personal Protective Equipment

Training

The Labour Protection Act requires employers to provide training to the workers on OSH related issues.

Training for safety and health at work forms an integral part of the induction of workers. Employers are required to train workers in safe and healthy working practices. An employer is under obligation to arrange for the employee to receive occupational health and safety instructions and training corresponding to the employee's position and occupation before an employee commences work or changes jobs. Such instruction or training is repeated if the work equipment or technology is changed or upgraded. The instruction and training of employees is adapted to changes in working environment risks and repeated periodically.

An employer has to ensure the commencement of additional training for the trusted representatives in the field of labour protection within one month following the election thereof. The additional training for the trusted representatives in the field of labour protection is carried out during working hours. The employer has to cover the expenditures associated with the additional training. The labour protection instruction and training should be understandable to employees and suitable for their professional preparedness. The employer must ascertain that the employee has understood the labour protection instruction and training.

Workers are also under obligation to participate in the instruction and training in the field of labour protection organized by the employer. Employers are also required to determine additional training related to labour protection issues for the employee who has violated regulatory enactments regarding labour protection or other provisions regarding labour protection if such a violation has not caused risks to the safety and health of other persons by retaining minimum salary to the employee during the training period.

Sources: §6(2), 14 & 17(6) of the Labour Protection Act 2002, last amended in 2010

Labour Inspection System

The Ministry of Welfare is the leading state institution in the areas of labour, social security, children and family rights, gender equality and equal rights for persons with disability. The State Labour Inspectorate is the authority responsible for enforcement of labour law including general working conditions and OSH law.

The Inspectorate is regulated under the Law on the State Labour Inspection adopted in June 2008. The main task of State Labour Inspectorate is to ensure effective implementation of state policy in the field of labour relations, employment legal relationships, labour protection and the technical supervision of dangerous equipment.

Some of the main tasks of the Labour Inspection include monitoring and observance of the requirements of regulatory enactments regarding employment legal relationships, labour protection and technical supervision of dangerous equipment; control how employers and employees mutually fulfill the obligations determined by employment contracts and collective agreements; promote social dialogue; take measures to facilitate the prevention of differences of opinion between employers and employees; research matters of employment legal relationships, labour protection and technical supervision of dangerous equipment; carry out investigation of accidents at work and perform uniform registration thereof in accordance with procedures prescribed by regulatory enactments; participate in investigation of cases of occupational diseases in accordance with procedures prescribed by regulatory enactments; and investigate accidents with dangerous equipment in accordance with procedures prescribed by the Cabinet.

The activities of the Labour Inspection are defined on the basis of the planning documents developed and approved at the national level on two main areas which include illegal employment and labour protection.

Sources: Law on the State Labour Inspection adopted in June 2008

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Latvia has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Law on Payment of State Allowances during the Period from 2009 till 2014
- Law on Maternity and Sickness Insurance 1997
- Law on Compulsory Insurance against Accidents at Work and Occupational Diseases, 1997 (last amended in 2014)
- Cabinet Regulation No. 50 of 16 February 1999 Procedures for the Granting and Calculation of Insurance Compensation of Compulsory Social Insurance against Accidents at Work and Occupational Diseases
- Labour Law 2001, last amended in 2017

Income

Sickness benefits are paid when a worker (including self-employed) is unable to report to work (and thus loses income) for any of the following reasons: sickness or injury; medical or preventive care; care for sick children under 14 years; quarantine; treatment in a medical convalescence center; and hospital stay for fitting of prosthesis or orthosis.

Temporary incapacity for work/sickness benefit is paid from the 11th day of incapacity until capacity for work is recovered. The sickness benefit is paid initially for a period of 26 weeks, from the first day of incapacity for work, without interruption and extendable to 52 weeks on the basis of recommendation/conclusion of the State Medical Commission for Assessment of Health Condition and Working Ability. Intermittently, the sickness benefit is paid for a maximum of 52 weeks in a three-year period.

After a one day waiting period, employer pays compensation from the second until tenth day of incapacity. If a person is unable to work because of caring for a sick child less than 14 years of age, the daily benefits are paid from the first until the fourteenth day if the child is cared for at home and from 15th to 21st day if the child is cared for at the hospital.

During the term of incapacity for work, workers (including self-employed women) are paid 80% of the average insurance contribution wage from the State Social Insurance Agency. For the first 10 days of sickness, sick pay is paid by the employer as follows: at least 75% of the worker's average earnings for the second and third day; and at least 80% of the worker's average earnings from the fourth to the tenth day of sickness.

Until 31 December 2014, if the sickness benefit amounts to €16.38 per calendar day (after calculation), worker is granted this amount. However, if it exceeds €16.38 per calendar day, the benefit is €16.38 plus 50% of the amount exceeding €16.38.

Sources: §12 of the Law on Payment of State Allowances during the Period from 2009 till 2014; §17 of the Law on Maternity and Sickness Insurance 1997;
<http://www.vsaa.lv/en/services/employees/sickness-benefit>

Medical Care

Every person residing legally in Latvia has the right to medical care paid from State budget.

The statutory health care system covers health care services except those excluded from its scope. Medical services are provided by physicians and institutions that have contractual agreements with National Health Service. The patients, except those under 18, pregnant women, disabled, needy persons and others with one of a number of specified conditions, have to make a financial contribution for general practitioners' visits, specialists' visits, stays in hospitals, pharmaceuticals as well as for several diagnostic examinations. The amount of contribution varies depending on the service.

Source: (www.vm.gov.lv/en/health_care/patient_contribution/)

Job Security

Employment of a worker is secure during the first six months of illness. An employer, however, may serve contract termination notice if the employee does not perform work due to temporary incapacity for more than six months, if the incapacity is uninterrupted, or for one year within three years, if the incapacity repeats with interruptions, excluding a prenatal and maternity leave in such period, as well as a period of incapacity, if the reason of incapacity is an accident at work or occupational disease.

Sources: §101(1)(11) of Labour Law 2001, last amended in 2017

Disability / Work Injury Benefit

Work injuries may be classified on the basis of their consequences as those resulting in: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

There is no minimum qualifying period. Accidents that occur while commuting to and from work are not covered. For occupational diseases, a worker must have at least three years of coverage after 1997. The compensation for loss of capacity for work is calculated based on the degree of incapacity determined by the Health and Working Capacity Medical Expert Commission (VDEAVK) and the average insurance contribution wage. Incapacity Benefit is not paid for less than 25% loss in working capacity.

The monthly pension is 80% of the average monthly earnings for a 100% loss of working capacity; up to 80% of the average monthly earnings for a loss in working capacity of 80-99%; up to 65% of the average monthly earnings for a loss in working capacity of 50-79%; and up to 50% for a loss in working capacity of 25-49%.

The temporary disability benefit is identical to the sickness benefit mentioned above. For more information, please refer to the section on paid sick leave.

In the case of death of a worker, survivors' benefit depends on the number of survivors and the average insurance contribution wage. The surviving spouse gets 25% of the insured worker's average income. The orphan's pension (with one parent alive) is up to 25% for one orphan; up to 35% for two orphans; up to 45% for three orphans; and up to 55% for four or more orphans. For full orphans, the pension is up to 40% of the insured worker's wage for one orphan; up to 50% for two orphans; up to 60% for three orphans; and up to 70% for four or more orphans. The Orphans Pension is paid until a child reaches 18 years of age (24 years for full time students and no age limit for disabled children).

There is a provision for funeral benefit which is twice the average insurance contribution wage (for employed persons) or twice the permanent disability benefit for pensioners.

Sources: Law on Compulsory Insurance against Accidents at Work and Occupational Diseases, 1997 (last amended in 2014); Cabinet Regulation No. 50 of 16 February 1999 Procedures for the Granting and Calculation of Insurance Compensation of Compulsory Social Insurance against Accidents at Work and Occupational Diseases;

<http://www.vsaa.lv/en/services/parents/survivors-benefits/insurance-indemnity-after-loss-supporter-related-accident-work-o>;

<http://www.vsaa.lv/en/services/seniors/fnral-allowance>;

<http://www.vsaa.lv/en/services/employees/accident-work-or-occupational-disease/insurance-indemnity-related-to-accident-at-work-or-occupational-disease>;

<http://ec.europa.eu/social/main.jsp?catId=1117&langId=en&intPageId=4637>

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Latvia has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Law on Unemployment Insurance 2000, last amended in 2017
- Law on Payment of State Allowances during the Period from 2009 till 2014
- Law on State Pensions 1995, last amended in 2017

Pension Rights

The current pensionable age is 62 years and 3 months with at least 15 years of insurance coverage. The retirement age is increasing by three months every year (from 2014) and reaches 65 years by January 01, 2025. Special conditions apply to certain persons with disabilities; to parents with large families (5 or more children) or child with disability; to persons who worked under hazardous or dangerous conditions before 1996 for a certain number of years; to certain persons affected by the Chernobyl disaster; and to politically repressed persons. There is both provision for early pension (from the age of 60, however eliminated from January 2014) and deferred pension.

The minimum old age pension is: €74.30 (€117.39, if disabled since childhood) for 20 years of insurance coverage; €83.28 (€138.74, if disabled since childhood) for 21-30 years of insurance coverage; €96.05 (€160.08, if disabled since childhood) for 31-40 years of coverage; and €108.85 (€181.42, if disabled since childhood) for more than 40 years of coverage.

Source: <http://www.vsaa.lv/en/services/seniors/old-age-pension>

Dependents' / Survivors' Benefit

There is a provision for survivors' pension in the event of death of an insured worker. The eligible survivors include children under 18 years of age (24 years for full time students) and family members who are incapable of work and were earlier supported by the deceased person. These family members include brothers, sisters, grandchildren younger than 18 if they don't have parents capable of work. The age limit for children, brothers, sisters, and grandchildren is raised to 24 years in case of full-time students. On the other hand, there is no age limit for those who have become disabled before reaching the age of 18 years.

The amount of survivor's pension is calculated taking into account the forecast amount of old-age pension for the deceased family provider (insured person) which may not be less than 65% of the state social security benefit for each child. The survivor's pension for orphaned child (ren) is calculated on the basis of forecast old age pension of the insured worker.

Survivor's benefit is 50% of the pension for one child; 75% of the pension for two children; and 90% of the pension for three or more children. Survivor's pension is paid from the day of the death of insured worker. The funeral allowance is twice the deceased person's last monthly average insurance contribution wage or the deceased person's pension.

The text in this document was last updated in January 2019. For the most recent and updated text on Employment & Labour Legislation in Latvia in Latvian, please refer to: <https://mysalary.lv/>

Unemployment Benefits

In order to receive unemployment benefit, a person must be registered with the State Employment Agency as unemployed; must be social insured for at least one year and must have paid insurance contributions for at least nine months during the last twelve months prior to registration as unemployed.

The amount of unemployment benefit is calculated on the basis of average insurance contribution wage. The amount of benefit varies according to the length of insurance record. The unemployment benefit is paid for the maximum term of 9 months. The benefit is 50% of the average insurance wage for an insurance record of 1-9 years; 55% for an insurance record of 10-19 years; 60% for an insurance record of 20-29 years; and 65% of the average insurance wage for an insurance record of more than 30 years.

The above rates (referred to as "set benefits") are granted in full only during the first months of unemployment. If unemployment lasts longer, these are decreased.

For the first 3 months of unemployment, the benefit is 100% of the set benefit. For the next three months (fourth to sixth), the benefit is 75% of the set benefit; and in the last three months (seventh to ninth), the benefit is 50% of the set benefit. The unemployment benefit is granted in the amount of 60% of the double amount of state social security benefit. The current level of state social security benefit is €64.03. 60% of the double of this amount is €76.84. Thus, for the first 3 months, the amount of unemployment benefit is €76.84.

Sources: §12 of the Law on Payment of State Allowances during the Period from 2009 till 2014; Law on Unemployment Insurance 2000, last amended in 2017;
<http://www.vsaa.lv/en/services/employees/unemployment-benefit>

Invalidity Benefits

A person with an insurance coverage of three years but who has not reached the retirement age (62 years, 3 months) and is recognised as disabled is eligible for disability pension. The degree and duration of disability is determined by the Health and Working Capacity Medical Expert Commission (VDEAVK). The invalidity pension is paid until a person becomes eligible for old-age pension.

The amount of invalidity pension for persons in disability groups I & II depends on: the insured person's average insurance wage, calculated over 36 consecutive months during the 5 years preceding the award of invalidity pension; the insured person's insurance record (length of insurance); and the maximum possible rate of insurance record determined between the age of 15 and retirement age.

The amount of invalidity pension for group III corresponds to the amount of State social security benefit which is €64.03 (€106.72, if disabled since childhood).

Invalidity pension is granted at a minimum rate, if the person during the five-year period before the granting of the invalidity pension has not been subject to invalidity insurance. The minimum amount of group I invalidity insurance is equal to state social security benefit X ratio of 1.6 (€102.45 or €170.75, if disabled since childhood). The minimum amount of group II disability insurance is equal to state social security benefit X ratio of 1.4 (€89.64 or €149.41, if disabled since childhood).

Source: <http://www.vsaa.lv/en/services/seniors/disability-pension>

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Latvia has ratified both Conventions 100 & 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Latvian Constitution of 1922, reinstated in 1991, last amended in 2016
- Labour Law 2001, last amended in 2017
- Law on Prohibition of Discrimination of Natural Persons-Economic Operators (adopted in 2012)

Equal Pay

In accordance with article 107 of the Constitution, every worker has the right to receive remuneration commensurate with the work done.

An employer has a duty to specify equal remuneration for men and women for the same kind of work or work of equal value. If an employer has violated the above provision, the employee has the right to request the remuneration that the employer normally pays for the same work or for work of equal value. An employee may also bring a case to the court within a three-month period from the day he or she has learned or should have learned the violation of principle of equal pay for equal work or for work of equal value.

Sources: §60 of Labour Law 2001, last amended in 2017; §107 of Latvian Constitution of 1922, reinstated in 1991, last amended in 2016

Sexual Harassment

In accordance with article 29 of the Labour Law, harassment of a person and instructions to discriminate against him/her are deemed to be discrimination. Harassment means the subjection of a person to such actions which are unwanted from the point of view of the person, which are associated with his or her belonging to a specific gender, including actions of a sexual nature if the purpose or result of such actions is the violation of the person's dignity and the creation of an intimidating, hostile, humiliating, degrading or offensive environment. If the prohibition against differential treatment and the prohibition against causing adverse consequences are violated, an employee has the right to request compensation for losses and compensation for moral harm. In case of dispute, a court at its own discretion determines the compensation for moral harm.

Other than gender/sex, sexual harassment may be based on other grounds like race, skin colour, age, and disability, religious, political or other convictions, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

Similar provisions are found in Law on Prohibition of Discrimination of Natural Persons-Economic Operators.

Sources: §29(4, 7-9) of Labour Law 2001, last amended in 2017

Non-Discrimination

There is a general guarantee of equality in the Latvian Constitution which says that "All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realized without discrimination of any kind."

In accordance with section 7 of the Labour Law, everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration. The Labour Law requires that these rights are ensured without direct or indirect discrimination on the basis of a person's race, skin colour, gender, age, and disability, religious, political or other convictions, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

Differential treatment based on the gender of an employee is prohibited when establishing employment relationship, as well as during the tenure of employment relationship, in particular when promoting an employee, determining working conditions, work remuneration or occupational training or raising of qualifications, as well as when giving notice of termination of an employment contract.

Law on Prohibition of Discrimination of Natural Persons-Economic Operators (adopted in 2012) has provisions to safeguard self-employed persons from discrimination on the ground of gender, age, religion, political or other belief, sexual orientation, and disability, racial or ethnic origin in terms of his approach to economic activity.

Sources: §7 & 29 of Labour Law 2001, last amended in 2017; §91 of Latvian Constitution of 1922, reinstated in 1991, last amended in 2016

Equal Choice of Profession

No provision could be found in the law prohibiting employment of women workers in the same professions as men. Moreover, in accordance with article 106 of the Latvian Constitution, "everyone has the right to freely choose their employment and workplace according to their abilities and qualifications."

Sources: §106 of Latvian Constitution of 1922, reinstated in 1991, last amended in 2016

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Latvia has ratified both Conventions 138 & 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Labour Law 2001, last amended in 2017

Minimum Age for Employment

The minimum age for employment in permanent work is 15 years. A child is defined as a person who is under 15 years and who until reaching the age of 18 years continues to acquire basic education at school.

In exceptional cases, children from the age of 13, if one of the parents (guardian) has given written consent, may be employed outside of school hours doing light work not harmful to their safety, health, morals and development. Such employment should not interfere with their education.

In exceptional cases, if one of the parents (guardian) has given written consent and permit from State Labour Inspectorate has been received, a child may be employed as a performer in cultural, artistic, sporting and advertising activities if such employment is not harmful to the safety, health, morals and development of the child.

Working hours for children (13-15 years) may not exceed two hours a day and 10 hours a week during school year. During school vacations, working hours may not exceed four hours a day and 20 hours a week.

Sources: §37(1-3) & 132(2) of Labour Law 2001, last amended in 2017

Minimum Age for Hazardous Work

Minimum age for hazardous work is 18 years. Workers between the ages of 15-18 years are considered adolescent workers. Hazardous work is work in special conditions which are associated with increased risk to the workers' safety, health, morals and development. Work in which the employment of adolescents is prohibited and exceptions when employment in such jobs is permitted in connection with occupational training of the adolescents is determined by the Cabinet.

An employer has a duty, prior to entering into an employment contract, to inform one of the parents (guardian) of the child or adolescent regarding the assessed risk of the working environment and the labour protection measures at the relevant workplace.

Persons under 18 years of age are hired only after a prior medical examination and they are required to undergo, until reaching the age of 18, a mandatory medical examination once a year.

The monthly salary for adolescents, employed for 7 hours a day and 35 hours a week, may not be less than the minimum monthly salary as specified by the Cabinet. If an adolescent works, in addition to pursuing secondary or occupational education, he/she is paid for the work done in conformity with the time worked. In such case, the hourly

wage rate specified for the adolescent may not be less than the minimum hourly wage rate.

Night work (20:00 to 06:00) is prohibited for children while for workers under 18 years of age (adolescents), night work (22:00 to 06:00) is also prohibited. Overtime work is also prohibited for workers less than 18 years of age.

An employee under the age of 18 years is granted annual paid leave in summer or at a time of his or her choice. If an employee under the age of 18 years continues to acquire education, annual paid leave is granted as far as possible to match the holidays at the educational institution.

Amendments to the Labour Code (which came into effect from 1 January 2015) have brought about changes in laws relating to employment of youths. Article 37(2) has now been amended and there is a right to employ any person aged between 15 to 18 years, irrespective whether they continue mandatory 9-year schooling and are thus considered either children or adolescents. Furthermore, the maximum working time for youth aged 13 to 15 and youth aged 15 to 18 years has also been amended. Employment of youth aged 15 and more can be up to 7 hours daily and 35 hours weekly during school holidays now, this was previously limited to 4 hours daily and 20 hours weekly during school holidays for children in-between 13 to 18.

Regulation No. 164 of 2015 contains detailed provisions on restrictions of the employment of youths when work with certain types of substances is involved.

Sources: §37(4-6), 63, 132, 136(6), 138 & 150(5) of Labour Law 2001, last amended in 2017

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Latvia has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Latvian Constitution of 1922, reinstated in 1991, last amended in 2016
- Labour Law 2001, last amended in 2017

Prohibition on Forced and Compulsory Labour

In accordance with article 106 of the Latvian Constitution, "Forced labour is prohibited. Involvement in the rectification of disasters and their consequences and employment in accordance with a court decision shall not be considered as forced labour."

Reading this prohibition on forced labour along with article 94-97 of the Constitution, it is clear that there is a strong legal basis against forced labour in Latvia. The text of articles 94-97 is as below:

- Everyone has the right to the freedom and inviolability of the person. To no one may freedom be deprived or derogated otherwise, only as in accordance with the law;
 - The state protects the honour and dignity of persons. Such behaviour against a person as torture, other cruelty or abasement of dignity is prohibited. No one may be subjected to a punishment which is merciless or debasing to the dignity of a person;
- Everyone has the right to the inviolability of a private life, place of residence and correspondence.
- Everyone who is legally residing within the territory of Latvia has the right to freely migrate and to choose a place of residence.

As for Labour Law, there is no provision in it on forced labour. Similarly, the Criminal law does not have a specific section on forced labour.

Sources: §94-97 & 106 of Latvian Constitution of 1922, reinstated in 1991, last amended in 2016

Freedom to Change Jobs and Right to Quit

Workers have the right to terminate an employment contract after serving the necessary contract termination notice. An employee has the right to give a notice of employment contract termination to an employer one month in advance unless a shorter notice period is set by the collective bargaining agreement or employment contract.

An employee who is involved in paid temporary work or other work in relation to his participation in active employment measures has the right to give contract termination notice in writing one day in advance.

An employee also has the right to terminate an employment contract without serving notice if he/she has a good cause. Any condition based on considerations of morality and fairness that does not allow the continuation of employment relationship is regarded as good cause (like sexual harassment, violation of equal pay for equal work principle).

Sources: §100 of Labour Law 2001, last amended in 2017

Inhumane Working Conditions

Earlier the Labour Law required that total overtime work may not exceed 144 hours in a 4-month period. Under the amended Labour Law, this rule is now changed to 'overtime work may not exceed, on average, eight hours over a seven-day period, calculated over the reporting period which does not exceed four months. In hours distributed over a period of 4 months (17.39 weeks), the overtime hours must not exceed 139 hours. If divided over four months, the total working hours (including overtime) in a week are even less than 50 hours on average.

Sources: §136(5) of Labour Law 2001, last amended in 2017

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize:
Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Latvia has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Latvian Constitution of 1922, reinstated in 1991, last amended in 2016
- Labour Law 2001, last amended in 2017
- Trade Union Law, adopted in 2014 (effective from 01 November 2014)
- Labour Disputes Law 2003
- Strike Law 1998, last amended in 2005

Freedom to Join and Form a Union

Freedom of association (and right to join trade unions) is guaranteed under the Latvian Constitution. The Constitution further requires the state to protect the freedom of trade unions.

The Labour Law secures the right to unite in organizations and stipulates that employees (as well as employers) have the right to freely, without any direct or indirect discrimination, unite in organizations and join them in order to defend their social, economic and occupational rights and interests. Affiliation of an employee with trade union or intention to join a trade union may not serve as a basis for refusal to enter into an employment contract, termination of an employment contract or otherwise restrict the rights of an employee. Workers should not be subject to discrimination of any kind for their membership in a union.

The new Law on Trade Unions (effective from 01 November 2014) has relevant provisions on trade union formation, registration and other rights of the trade unions. If a union is formed in a company, it must have at least 15 members or at least one quarter of the employees which may not be less than five workers. If a union is found outside a company, it must have at least 50 members.

Section 13(7) of the new Law on Trade Unions provides that the employer cannot terminate an individual labour agreement with a trade union representative on his own initiative without prior consent of the trade union, excluding occasions where work discipline or the labour agreement has been violated. The earlier law (still in force till October 30, 2014) provided this protection to the trade union members.

Sources: §102 & 108 of Latvian Constitution of 1922, reinstated in 1991, last amended in 2016; §7-10 of Labour Law 2001, last amended in 2017; Trade Union Law, adopted in 2014 (effective from 01 November 2014)

Freedom of Collective Bargaining

Trade unions in representing and defending workers' economic, social and professional interests have the right to collective bargaining, to receive information and give advice to employers, employers' organizations and unions, collective bargaining (general), announce strikes and the implementation of other laws and regulations of the workers' rights.

The general right to collective bargaining comes from the Constitution whereby employed persons have the right to a collective labour agreement, and the right to strike. Collective bargaining is regulated under the Labour Law as well as Labour Disputes Law. Parties to a collective bargaining agreement at the company level are the employer, the employee trade union or authorized employee representatives if the employees have not formed a trade union. A collective bargaining agreement is binding on the parties and its provisions apply to all employees who are employed by the relevant employer, unless provided otherwise in the agreement. An employee and an employer may derogate from the provisions of a collective work agreement only if the relevant provisions of the contract of employment are more favourable to the employee.

A collective agreement is entered into for a specified period of time or for a period of time required for the performance of specific task. A collective agreement comes into effect on the date it was entered into, unless the collective work agreement specifies another time for coming into effect. If a collective agreement does not specify a time of effect, it is deemed to have been entered into for one year.

The National Tripartite Cooperation Council (NTSP) is operational in Latvia since 2006 under a 1998 regulation. As specified in the regulation, NTSP aims to promote the cooperation among social partners at national level and to ensure an integrated way of dealing with issues of socioeconomic development taking into account public and state interests, that would guarantee social stability, increase of the level of well-being and economic growth in the country. The Council is made up of the representatives of Cabinet Ministers, representatives of Trade Union Confederation and representatives of Employers' Confederation. It has 9 representatives each from worker, employer and state groups.

The Council reviews the policy documents and legislation on following issues and submits proposals for their improvement to the relevant Ministry: employment, occupational classification, implementation of ratified ILO Conventions and reporting, social security, evaluation of local legislation in the context of European Social Charter. The Council further aims to foster cooperation at sectoral and regional level. Once the parties in the Council agree on an issue and made a decision, such decision is binding on all the parties.

Sources: §108 of Latvian Constitution of 1922, reinstated in 1991, last amended in 2016; §17-24 of Labour Law 2001, last amended in 2017; Trade Union Law, adopted in 2014 (effective from 01 November 2014); Statute of the National Tripartite Council, 1998

Right to Strike

Workers have the right to strike as provided for in article 108 of the Constitution and regulated under the Strike Law. The right to lockout is provided in the Labour Dispute Law.

In accordance with the Strike Law, workers have the right to strike in order to protect their economic or professional interests. The right to strike must be exercised as the last resort if no agreement and reconciliation has been reached in the collective interest's dispute. Participation in strikes is voluntary and an employee cannot be forced to participate in the strike or be prohibited from participation in strike.

The right to strike is however restricted in certain cases and certain categories of workers are prohibited from exercising the right to strike. These workers are judges, prosecutors, policemen, fire-protection, fire-fighting and rescue service employees, border-guards, members of the state security service, warders and persons who serve in the National Armed Forces. The Strike Law also requires that a minimum service is kept in public services (undertakings, organizations and establishments whose discontinuation of operations would cause a threat to national security or safety, health or life of population, certain groups of inhabitants or particular individuals) which include health emergency services, public transportation, supply of potable water, electricity, gas, communications companies, waste removal, air traffic control services, traffic safety related services, civil protection services, etc.

The union or employee representatives are required to form a strike committee to manage the strike and represent the workers' interests in negotiations with the employer. Strike Committee should inform the employer, State Labour Inspectorate and National Tripartite Cooperation Council about strike at least seven days before its commencement. Employers cannot hire replacement workers to prevent strikes.

Sources: §108 of Latvian Constitution of 1922, reinstated in 1991, last amended in 2016; Strike Law 1998, last amended in 2005; §21 of Labour Disputes Law 2003



DECENT WORK QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

Decent Work Check Latvia is a product of WageIndicator.org
and www.mysalary.lv/home

National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Latvia scored 49 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.