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of the European Social Charter

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THE GOVERNMENT OF LATVIA

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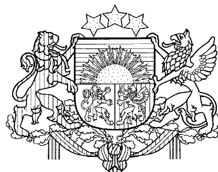

4th Report on the implementation of the European Social Charter (Revised) (Article 2, Article 4§2-5, Article 5, Article 6, Article 21, Article 22, Article 26, Article 28 and Article 29)

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ARTICLE 2: ALL WORKERS HAVE THE RIGHT TO JUST CONDITIONS OF WORK

ARTICLE 2 PARA. 1

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The general provisions regulating the working and rest time are stipulated in Labour law[1].

Chapter 31 (Articles 130 – 137) of Labour Law provides for general provisions regarding working time.
Article 130 of Labour law prescribes that 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 the employer, with the exception of breaks in work. The beginning and end of work shall be specified by working procedure regulations, shift schedules, or by an employment contract. The regular working time is set out in the Article 131 of the said law - "regular daily working time of an employee may not exceed eight hours, and regular weekly working time – 40 hours. Daily working time within the meaning of this Law means working time within a 24-hour period. If daily working time on any weekday is less than the regular daily working time, the regular working time of some other weekday may be extended, but not more than by one hour. In such case the provisions of the length of weekly working time are complied with. Paragraph three of Article 131 prescribes that regular working time of employees associated with a special risk may not exceed seven hours a day and 35 hours a week if they are engaged in such work for not less than 50 per cent of the regular daily or weekly working time. The Cabinet of Ministers may determine regular shortened working time also for other categories of employees."

Article 132 sets out working time for persons under 18 years of age providing that for persons who are under 18 years of age a working week of five days shall be specified. Specific provisions for children who have reached the age of 13 years state that they may not be employed:
1) for more than two hours a day and more than 10 hours a week if the work is performed during the school year; and
2) for more than four hours a day and more than 20 hours a week if the work is performed during a period when there are holidays at educational institutions, but when a child has already reached the age of 15 years – for more than seven hours a day and more than 35 hours a week.

[1] https://likumi.lv/doc.php?id=26019

Adolescents may not be employed for more than seven hours a day and more than 35 hours a week. If persons who are under 18 years of age continue to, in addition to work, acquire primary education, secondary education or an occupational education, the time spent on studies and work shall be summed up and may not exceed seven hours a day and 35 hours a week. If persons who are under 18 years of age are employed by several employers, the working time shall be summed together.

Article 133 provides that a working week of five days is specified for employees. If due to the nature of the work it is not possible to determine a working week of five days, an employer, after consultation with the employee representatives, specifies a working week of six days. If a working week of six days is specified, the length of daily working time does not exceed seven hours. The length of the daily working time for employees whose regular working time may not exceed the length specified in Article 131, Paragraph three of the Law may not exceed six hours.
Work on Saturdays shall end earlier than on other days. The length of the working day on Saturdays must be specified by a collective agreement, working procedure regulations, or by an employment contract.

Article 134 of Labour law regulates part time work organization by providing that an employer and an employee may agree in the employment contract on part-time work that is shorter than the regular daily or weekly working time. The employer shall determine part-time work if it is requested by a pregnant woman, a woman for a period following childbirth up to one year, but if the woman is breastfeeding then for the whole period of breastfeeding, as well as by an employee who has a child below 14 years of age or a disabled child under 18 years of age. The same provisions, which apply to an employee who is employed for regular working time, apply to an employee who is employed part-time. Refusal by an employee to change over from regular working time to part-time or vice versa may not of itself serve as a basis for a notice of termination of an employment contract or restriction of the rights of an employee in any other way. This provision shall not restrict the right of an employer to give a notice of termination of an employment contract if such notice is adequately substantiated with the performance of urgent economic, organisational, technological or similar measures in the undertaking. An employer shall, upon the request of an employee, transfer the employee from regular working time to part-time or vice versa if such possibility exists in the undertaking. An employer shall inform employee representatives regarding the possibility of employing employees part-time in the undertaking if the employee representatives request such information. If part-time is determined for an employee, employing of him/her over such working time is permissible on the basis of a written agreement between the employer and the employee.
Labour law provides that before public holidays the length of the working day shall be reduced by one hour, unless a shorter working time has been specified by a collective agreement, working procedure regulations, or an employment contract (Article 135 of Labour Law).

As for overtime work, the Labour law provides that overtime work shall mean work performed by an employee in addition to regular working time. Overtime work is permitted if the employee and the employer have agreed so in writing.

An employer has the right to employ an employee on overtime without his/her written consent in the following exceptional cases:

1) if this is required by the most urgent public need;

2) 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 work activities in the undertaking; or

3) for the completion of urgent, unexpected work within a specified period of time.

If overtime work in the cases referred above continues for more than six consecutive days, the employer needs a permit from the State Labour Inspectorate (hereinafter – SLI) for further overtime work, except in cases when repetition of similar work is not expected. Overtime work may not exceed an average of eight hours in seven day period that is calculated within the accounting period that does not exceed four months. It is prohibited to employ in overtime work persons who are under 18 years of age. A pregnant woman, a woman for a period up to one year after giving birth and a woman who is breastfeeding for the whole period of breastfeeding, but not longer than until child reaches two years of age, may be employed in overtime work if she has given her written consent (Article 136 of Labour Law).

Concerning the regulation of aggregated working time please see the information provided and described under point No.3 Article 2, Paragraph 5 of this Report.

The Labour Law and other regulatory enactments that regulate employment legal relationships shall be binding to all employers irrespective of their legal status and on employees if the mutual legal relationships between employers and employees are based on an employment contract.

However there are several exceptions to the general principle of Labor Law's application. For instance, Labour Law itself prescribes that the relevant norms of this law shall not be applied for those employees of State and local government authorities, the remuneration and other issues related thereto of which is regulated by the Law On Remuneration of Officials and Employees of State and Local Government Authorities[2] (hereinafter - Remuneration Law). In compliance with Article 2 Paragraph seven of the Remuneration Law, the employment legal relationship, position legal relationship or the provisions of regulations governing the service are applicable to officials (employees) as far as this is not determined by Remuneration Law. Thus taking into account that the Remuneration Law does not govern the matters related to the position or employment legal relationship or the provisions regulating the service, the provisions of the Labour Law or the special legislation governing the service should be applied regarding the relevant matters.

Remuneration Law entered into force on 1 January 2010. The provisions of the Remuneration Law are coordinated with social partners during their development and adoption. The Remuneration Law is binding for the officials of the State and local government authorities (employees) referred to in Article 2 Paragraph two of the Law or employed in the authorities referred to in Article 2 Paragraph one (ministries, institutions subordinated to ministries, independent institutions, local governments, etc.), based on an employment

[2] https://likumi.lv/doc.php?id=202273

contract, in the State service, who have been elected, approved or appointed to the position or otherwise perform certain official (service, job) duties in a State or local government authority.

Article 3, Paragraph two of the Law On the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration (hereinafter – the Law on Career Course or service), provides that norms of regulatory enactments regulating employment legal relationships shall not be applicable to officials, except the norms determining the time periods, including limitation period, prohibition of differential treatment, term, type and calculation of payment of work remuneration, payment of average earnings in cases when an employee does not work due to justifiable reasons, calculation of average earnings, deductions from work remuneration and limits thereof, civil legal liability of an employee, granting of prenatal and maternity leave, granting of leave to the father, adopter of a child or another person and granting of parental leave, as well as the rights pertaining to pregnant women and breastfeeding women and women during the period following childbirth up to 1 year. Articles 26, 27 and 28 of the Law On the Career Course of Service establish that the regular daily working time of an official shall be 8 hours during a period of 24 hours and 7 hours on the day before a public holiday, the regular weekly working time – 40 hours per week.
If it is not possible to observe a regular length of daily or weekly working time due to the nature of work, the head of the Institution or his/her authorised official shall determine the aggregated working time. The aggregated working time shall not exceed the hours of regular working time for four months period. If an aggregated working time has been specified, an official shall be granted a rest time not shorter than 36 consecutive hours in a time period of 7 days.
According to Paragraph 1 Article 29 of the Law On the Career Course of Service, taking into account the necessity of the service, upon the order of the head of the Authority, an official may be involved in the performance of official duties over the specified service duties, weekly rest days and statutory holidays, as well as during the weekly rest period, not exceeding 144 hours in a four-month period.

On 2009 Medical Treatment Law[3] was supplemented with Article 53.[1] that provides that the norms of the regulatory enactments regulating employment legal relations shall be applicable to a medical practitioner insofar as it is not specified otherwise in Medical Treatment Law.
The Law on Medical Treatment contains provisions, which stipulates that upon a medical practitioner or medical institution initiative, extended normal working hours, which exceeds the normal working hours specified in the Labour Law, may be applied to a medical practitioner, as well as regulates requirements and criteria regarding to the application of an extension to the normal working hours, including the requirement for a medical treatment institution to receive a written consent of the medical practitioner to the application of the extension to the normal working hours not less than once every four months, as well as determines that it is prohibited to punish a medical practitioner or otherwise directly or indirectly cause unfavourable

[3] https://likumi.lv/doc.php?id=44108

consequences thereto, if this person does not agree to the application of an extension to the normal working hours.
The regulatory framework regarding working time of medical practitioners during the period from 2013 to 2016 has not been changed.

On July 1, 2017, amendments on the Law on Medical Treatment came into force, which stipulate that medical practitioners and persons of an emergency medical assistance team who are not medical practitioners may establish an extended normal working time not exceeding 55 hours a week, but in the case of prolonged normal working time, payment for working time exceeding the normal working time prescribed by the Labour Law shall be determined in proportion to the increase of working time not less than 1.10 times the prescribed hourly wage rate.
In order to ensure the necessary payments regarding extension to the normal working hours for medical practitioners, in 2017 Ministry of Health received EUR 1 888 234 from the national budget programme 02.00.00 “Funds for Unforeseen Events”.

Furthermore, on January 1, 2018 amendments on the Law on Medical Treatment enter into force, which provide a gradual abandonment of the extended normal working hours, in 2018 – not more than 50 hours a week, 2019 - not more than 45 hours a week, but in 2020 completely abandon the extension of normal working time.

At the same time, to ensure that medical practitioners and persons of an emergency medical assistance team who are not medical practitioners and for whom the duration of the extension to the normal working hours will be reduced, maintain at least at the current work remuneration, in 2018 payment for working time exceeding the normal working time prescribed by the Labour Law shall be determined in proportion to the increase of working time not less than 1,20 times the prescribed hourly wage rate and in 2019 – not less than 1,35.

Article 3 Paragraph four of State Civil Service Law provides that the norms of regulatory enactments regulating legal employment relations that prescribe the principle of equal rights, the prohibition of differential treatment principle, prohibition to cause adverse consequences, working hours and rest time, remuneration, the financial liability of employees and terms shall apply to the legal relations of the State civil service insofar as such are not prescribed by this Law.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In compliance with the Paragraph 1 of Article 3 of State Labour Inspectorate Law the function of SLI is the implementation of the State supervision and control in the field of employment legal relationships and labour protection. In order to ensure the implementation of the function referred to in the Paragraph 1 of this Article, the SLI shall supervise and control observance of the requirements of the regulatory enactments regarding employment legal

relationships and labour protection (Subparagraph 1 Paragraph 2, Article 3, State Labour Inspectorate Law).

Officials of the SLI have the right to issue warnings and orders to employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection, as well as to impose administrative fines on employers and on other persons for the examination of administrative violations in accordance with the procedures prescribed (Subparagraphs 6, 9, Paragraph 2, Article 5, State Labour Inspectorate Law).

In accordance with the Paragraph 1 Article 41 of the Latvian Administrative Violations Code in the case of a violation of regulatory enactments regulating employment legal relations, except for the cases, which are specified in the Paragraphs 2 and 3 of this Article – a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 35 up to EUR 350, and for a legal person – from EUR 70 up to EUR 1100. In the cases of the violations provided for in Paragraph 1 of this Article, if they have been recommitted within a year after the imposition of administrative sanction – a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 350 up to EUR 700, and for a legal person – from EUR 1100 up to EUR 2900.

The SLI also carries out several preventive measures, for example, provides consultations free of charge to employers and employees regarding the requirements of regulatory enactments with respect to employment legal relationships and labour protection, provides replies on questions at presence and by advisory phone. In 2016 a single email address of the SLI was created where consultations and explanations on the labour issues could be received.

With an aim to inform society, the SLI also provides up to date information on the issues regarding labour relations and labour protection on their website. This information is provided on other social networks as well. As regards young people the SLI organized and coordinated process of several information events for pupils and young people in 2013 and 2014, for example, the informative day for students of the “Alberts” college was organized several times. In the framework of the mentioned day young people were introduced to the main branches of activities of the SLI, current events, and the basics of labour legal relations.

Also as regards education of young people the Free Trade Union Confederation of Latvia organized the competition "Profs" for vocational school students on labour relations and labour protection issues in 2013. This measure gained a lot of popularity and youth responsiveness.

Significant judgements (summary of judgments) on the labour issues are to be found free of charge on the website of the Supreme Court of the Republic of Latvia. This helps the SLI and other State institutions to reach the uniform interpretation of the provisions regulating labour relations and labour protection.

3. Please provide pertinent figures, statistics or factual information, in particular: average working hours in practice for each major

professional category; any measures permitting derogations from legislation regarding working time.

Please see also the answers under Point No.1 and No.2 of this Report.

Table no.1

Violations detected by State Labour Inspectorate

Paragraph 31 of the Labour Law	Violations in total	Orders	Penalties
2014	368	272	96
2015	314	204	110
2016	284	183	101

Data source: SLI

ARTICLE 2 PARA. 2

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to provide for public holidays with pay;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Article 74 Paragraph one of Labour Law an employer has a duty to pay out the remuneration[4] if an employee does not perform work on public holidays, which fall on a working day specified for the employee.
Article 144 of Labour Law states that employees shall not be required to work on public holidays prescribed by law. If it is necessary to ensure continuity of the work process, it is permitted to require an employee to work on a public holiday by granting him/her rest on another day of the week or by paying appropriate compensation.
Article 68 of Labour Law provides that an employee who performs overtime work or work on a public holiday shall receive a supplement of not less than 100 per cent of the hourly or daily wage rate specified for him/her, but if piecework pay has been agreed upon, a supplement of not less than 100 per cent of the piecework rate for the amount of work done. A collective agreement or an employment contract may specify a higher supplement for overtime work or work on a public holiday.
In addition Article 135 of Labour Law prescribes that before public holidays the length of the working day shall be reduced by one hour, unless a shorter working time has been specified by a collective agreement, working procedure regulations, or an employment contract.
Paragraph 6 of Article 14 of the Law On Remuneration establishes that officials, except officials with special service ranks, shall receive additional payment for overtime work and for work on holidays in the amount of 100 per

[4] If for an employee a time salary has been specified, he/she shall be paid out the specified remuneration for work. If for an employee a piecework salary has been specified, he/she shall be paid out average earnings.

cent of the hourly salary determined for them, or compensate overtime work for them by granting rest time on another weekday.

For officials with special service ranks – Paragraph 2 of Article 27 of the Law On the Career Course of Service states that officials with the regular working time shall not be employed on the public holidays specified by the law.
Taking into account Article 3 of the Law On the Career Course of Service the Labour Law shall be applied regarding term, type and calculation of payment of work remuneration. Paragraph 1 of Article 68 of the Labour Law establishes that an employee (in this case an official with special service ranks), who performs work on a public holiday shall receive a supplement of not less than 100 per cent of the hourly or daily wage rate specified for him/her.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see the information described under Point No.2 Article 2, Paragraph 1 of this Report.

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Please see also the answers under Point No.1 and No.2 of Article 2, Paragraph 1 of this Report.

Table no.2

Violations detected by State Labour Inspectorate

Year	Article of Labour Law	Violations in total	Orders	Penalties
2014	Article 74	21	4	17
	Article 68	47	20	27
2015	Article 74	16	7	9
	Article 68	39	12	27
2016	Article 74	44	12	32
	Article 68	38	13	25

Data source: SLI

ARTICLE 2 PARA. 3

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to provide for a minimum of four weeks' annual holiday with pay;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Article 107 of the Constitution of the Republic of Latvia 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.

Article 149 of Labour Law provides that every employee has the right to annual paid leave. Such leave may not be less than four calendar weeks, not counting public holidays. Persons under 18 years of age shall be granted annual paid leave of one month. By agreement of an employee and the employer, annual paid leave in the current year may be granted in parts, nevertheless one part of the leave in the current year shall not be less than two uninterrupted calendar weeks. In exceptional cases when the granting in the current year of the full annual paid leave to an employee may adversely affect the normal course of activities in the undertaking, it is permitted with the written consent of the employee to transfer part of the leave to the subsequent year. In such case, the part of the leave in the current year shall not be less than two consecutive calendar weeks. The part of the transferred leave shall as far as possible be added to the leave of the next year. Part of the leave may be transferred only to the subsequent year. These provisions on transferred leave shall not apply to persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding but not longer than until child reaches two years of age. It is not permitted to compensate annual paid leave with money, except in cases when employment legal relationships are terminated and the employee has not used his/her annual paid leave. The employer has the duty to pay remuneration for the whole period for which the employee has not used his/her annual paid leave.

Article 150 of Labour law provides that annual paid leave shall be granted each year at a specified time in accordance with agreement between the employee and the employer or with a leave schedule which shall be drawn up by the employer after consultation with employee representatives. All employees shall become acquainted with the leave schedule and amendments to it and it shall be available to every employee. An employer has a duty to, when granting annual paid leave, as far as possible to take into consideration the wishes of employees. An employee may request the granting of annual paid leave for the first year if he/she has worked for the employer for at least six months without interruption. The employer has a duty to grant such leave in full. A woman at her request shall be granted annual paid leave before prenatal and maternity leave or immediately after irrespective of the time the woman has been employed by the relevant employer. Employees under the age of 18 and employees who have a child under three years of age or a disabled child up to 18 years of age shall be granted annual paid leave in summer or at a time of his/her choice. If an employee under the age of 18 years continues to acquire education, annual paid leave shall be granted as far as possible to match the holidays at the educational institution. Annual paid leave shall be transferred or extended in case of temporary incapacity of an employee.

Article 75 of Labour Law sets out the amount payable for the period of annual paid leave - it shall be calculated by multiplying the daily or hourly average earnings by the number of working days or hours during the leave.

Paragraph 1 Article 41 of Law on Remuneration states that officials shall be granted an annual paid leave. The provisions of Chapter 35 of the Labour Law apply to this leave.

Paragraph 5 of Article 41 of the Law on Remuneration determines that an annual paid leave shall be granted for an official with a special service rank – 30 calendar days, not including public holidays. After every 5 years of the term of service annual paid leave shall be extended for 3 calendar days, but not more than for 15 calendar days in total.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see the information described under Point No.2 Article 2, Paragraph 1 of this Report.

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Please see also the answers under Point No.1 and No.2 of Article 2, Paragraph 1 of this Report.

Table no.3

Violations detected by State Labour Inspectorate

Year	Article of Labour Law	Violations in total	Orders	Penalties
2014	Article 149	70	45	25
	Article 150	10	3	7
2015	Article 149	90	35	55
	Article 150	14	7	7
2016	Article 149	94	39	55
	Article 150	12	5	7

Data source: SLI

ARTICLE 2 PARA. 4

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Labour Protection Law[5] all employers have an obligation to protect the occupational safety and health of workers.

Article 4 of Labour Protection Law lists general principles of labour protection, providing that:
(1) An employer shall take labour protection measures in accordance with the following general principles of labour protection:
1) establishing the working environment in such a way as to avoid working environment risks or to reduce the effect of unavoidable working environment risks;
2) preventing the working environment risks at source;
3) adapting the work to the individual, mainly as regards the choice of design of the workplace, the work equipment, as well as the working and production methods paying special attention to alleviating monotonous work and work at a predetermined work-rate and to reducing negative effect thereof on health;
4) taking into account technical, hygiene and medical progress;
5) replacing the dangerous by the safe or the less dangerous;
6) developing a co-ordinated and comprehensive system of labour protection measures;
7) giving priority to collective labour protection measures in comparison with individual labour protection measures;
8) preventing the effect of the working environment risks on the safety and health of those employees for whom in accordance with regulatory enactments special protection has been determined;
9) performing employee instruction and training in the field of labour protection; and
10) co-operating in the field of labour protection with the employees and the trusted representatives.
(2) A self-employed person has an obligation to take care of his/her safety and health at work, as well as safety and health of those persons who are affected or may be affected by his/her work.

Labour Protection Law and Regulations of the Cabinet of Ministers No.660 adopted on 2 October 2007 "Procedures for the Performance of Internal Supervision of the Working Environment" determines that the employer shall carry out the internal supervision of the working environment and assessment of risks, including chemical, biological, physical (noise, vibration, radiation etc.), psychosocial risks, etc. Risk assessment shall be carried out or reviewed not less than once a year in all enterprises.

According to Article 1 of Labour Protection Law special risks are working environment risks related to such an increased psychological or physical load or such increased risks to the safety and health of an employee which cannot be prevented or reduced up to the permissible level by other labour protection measures, only by reducing the working hours during which the employee is exposed to such risks. In order to determine the occupations where the workers are subjected to special risks an employer has an obligation to organise a labour protection system which includes internal supervision of the working environment, including evaluation of the working environment risks

[5] https://likumi.lv/doc.php?id=26020

(Article 5 of Labour Protection Law) and according to Article 7 Paragraph two of the said law an employer shall document the results of the evaluation of the working environment risks and compile a list of the persons or occupations (positions) or workplaces where employees perform a work related to special risks. A reduction in working hours if employees perform a work related to special risks is applicable to any sector. It depends on risk assessment of work environment factors.

Article 131 Paragraph three of Labour Law provides that regular working time of employees associated with a special risk may not exceed seven hours a day and 35 hours a week if they are engaged in such work for not less than 50 per cent of the regular daily or weekly working time.

Article 138 Paragraph three of Labour Law stipulates that it is prohibited to employ night employee whose work is associated with special risk for more than eight hours within 24-hour period during which he/she has performed night work, however, this rule may not be applied in the cases referred to in Article 140, Paragraph two of this Law[6] after consulting with the employees' representatives.

According to Article 66 of Labour Law a supplement shall be specified for an employee who performs work related to special risks (work which in accordance with the evaluation of the working environment risks is associated with an increased psychological or physical load or such increased risks to the safety and health of an employee which cannot be prevented or reduced up to the permissible level by other labour protection measures). The amount of such supplement shall be determined by a collective agreement, working procedure regulations, an employment contract or by order of an employer.

Labour law also prescribes that employers shall grant an additional break to employees who are exposed to special risk. The employer shall determine the length of breaks after consultation with employee representatives and such breaks shall be included as working time (Article 145 of Labour Law).

Article 151 Paragraph one provides that annual paid supplementary leave shall be granted to employees the work of which is associated with a special risk – at least three working days. Article 75 of Labour Law sets out the amount payable for the period of annual paid supplementary leave - it shall be calculated by multiplying the daily or hourly average earnings by the number of working days or hours during the leave.

For officials – Paragraph 1 Article 15 of the Law On Remuneration states that an official shall receive special additional payments for work (service) related to special risk, for conditions related to the specifics of a position (service, work).

[6] (2) The duration of the one-day and the weekly rest provided for by the Law may not be applied in the framework of aggregated working time if:
1) an employee has to spend a long time on the way to the work;
2) an employee performs the security guard or surveillance activities;
3) due to the nature of the work it is necessary to ensure continuity of the work;
4) an employee performs seasonal work;
5) short-term expansion of the scope of work of the undertaking or increase in the amount of production is expected.

During the period of time since 2013 to 2016, the following regulation was in force for officials with special service ranks – Subparagraph 11.2 of the Regulation of Cabinet of Ministers Nr.568 adopted on 21 June 2010 “Regulations Regarding Monthly Salary and Special Supplement of the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration”. Appendix 4 of these Regulations establishes additional payments for special risk services and conditions related to the service specifics. These Regulations lost its force since 1st January 2017.
From the 1st January 2017 Law On Remuneration and Regulation of Cabinet of Ministers Nr.806 adopted on 13 December 2016 “Regulations Regarding Granting Procedures and Amount of Monthly Salary and Special Supplement of the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration” regulates additional payments for service related to special risk.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see the information described under Point No.2 Article 2, Paragraph 1 of this Report.

In addition survey of undertakings is the major method used by the SLI in the course of supervising and controlling compliance with the requirements of regulatory enactments of legal employment relationship and labour protection. In the course of surveying undertakings officials of the SLI aim to identify the actual situation in the undertaking in the field of legal employment relationship and labour protection, to assess its compliance with the requirements of valid regulatory enactments and to achieve that employers draw up legal employment relationship in compliance with the requirements of regulatory enactments and that both employers and employees perform their obligations and utilise their rights in a good faith, as well as that the work environment which is safe for the health and does not impose any threat is created at undertakings. In case of finding deficiencies or violations the degree of severity of the violations, the cases of re-committing and other circumstances are evaluated and a decision is taken regarding the most efficient action for achieving the correct arrangement of the work environment at the undertaking, ensuring the work conditions which are safe for the health and do not impose any threat:
1) an ordinance is issued imposing a legal obligation upon the employer to eliminate found violations within a particular term;
2) an administrative penalty is applied (a warning or a fine) by following the principle of proportionality between the administrative violation, its consequences and the amount of the applied penalty (Article 41^4 of the Latvian Administrative Violations Code[7])

[7] Article 41^4 Violation of the Regulatory Enactments regulating Labour Protection

3) upon finding violations which cause a direct threat to the life and safety of employees, a decision is taken or an ordinance is issued regarding suspension of the operation of the entity/site or a warning is issued regarding suspension of the operation of the entity/site with application of Article 41[5] of the Administrative Violations Code[8].

In the case of violation of the regulatory enactments that regulate labour protection, except for the violations referred to in Paragraphs two, three, four, five and six of this Article a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 70 to EUR 350, and for a legal person from EUR 70 to EUR 700.
In the case of non-performance of a work environment risk assessment and the non-development of a labour protection measures plan or the non-conformity thereof with the requirements of regulatory enactments regulating labour protection – a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 70 to EUR 350, and for a legal person from EUR 140 to EUR 1100.
In the case of not using safety signs and not placing them appropriately in the work environment —
a warning shall be issued or a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 70 to EUR 350, and for a legal person from EUR 140 to EUR 700 .
In the case of not sending employees for the performance of mandatory health examinations, if such are provided for in regulatory enactments, —
a warning shall be issued or a fine shall be imposed on the employer or the receiver of the service of provision of labour — for a natural person or an official in an amount from EUR 70 to EUR 350, and for a legal person from one EUR 140 to EUR 700.
In the case of failure to investigate an accident at work in conformity with the requirements of regulatory enactments or its concealment —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 140 to EUR 500, and for a legal person – from EUR 350 to EUR 1400.
In the case of failure to investigate an accident at work in conformity with the requirements of regulatory enactments or its concealment, as a result of which the employee has been caused serious health disorders or his/her death has occurred —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 500 to EUR 700, and for a legal person – from EUR 2100 to EUR 4300.
In the cases of the violations provided for in Paragraph one, two, three, four and five of this Article, if they have been recommitted within a year after the imposition of administrative sanction —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 500 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.
In the case of the violations provided for in Paragraph six of this Article, if they have been recommitted within a year after the imposition of administrative sanction —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 570 to EUR 700, and for a legal person – from EUR 5700 to EUR 14000.
[8] Article 41[5] Violation of the Regulatory Enactments regulating Labour Protection that Cause a Direct Threat to the Safety and Health of Employees
In the case of violation of regulatory enactments that regulate labour protection, which cause a direct threat to the safety and health of an employee, except the violations referred to in Paragraphs two, three and four of this Article —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 500 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.
In the case of not ensuring employees with personal means of protection necessary for work, if this causes a direct threat to the safety and health of an employee —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 350 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.
In the case of using work equipment not in conformity with the requirements of regulatory enactments regulating labour protection or non-observance of safety requirements, if this causes a direct threat to the safety and health of an employee —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 350 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.

Clause 7 of Regulation of Cabinet of Ministers No.660 of October 2, 2007 Procedures for the Performance of Internal Supervision of the Work Environment (hereinafter - Regulation No.660) provides that the employer, the labour protection specialist, the competent specialist or the competent institution, in performing the internal supervision of the work environment, shall co-operate with a trusted representative or a representative of the employees and involve the employees.
Clause 36 of Regulation No. 660 provides that the employer shall inform all employees and trusted representatives or representatives of employees regarding:
1. the risk factors and the work environment risk that exists in an undertaking and every workplace as a result of such factors;
2. the benefit obtained by employees and the undertaking as a result of the elimination of risk factors and the reduction in the work environment risk;
3. their tasks and duties pertaining to internal supervision of the work environment (also, regarding the actions required in emergency situations);
4. probable consequences, which may occur as a result of failure to comply with the prescribed work procedures;
5. labour protection measures;
6. the results of evaluation of the work environment risk, the conclusions made on the basis of such results, the plan of labour protection measures and the labour protection measures taken or to be taken.
Clause 37 of Regulation No.660 provides that the employer shall inform each employee regarding the issues referred to in Clause 36 of these Regulations, which apply directly thereto.
Clause 38 of Regulation No.660 provides that the employer shall ensure that the information referred to in Clause 36 of these Regulations is available and comprehensible to employees.

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Please see also the answer under Points No.1 and No.2 of Article 2, Paragraph 1 of this Report.

In the case of failing to instruct employees or the non-performance of training on issues regarding the safety and health of employees at work, if this causes a direct threat to the safety and health of an employee —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 350 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.
In the cases of the violations provided for in Paragraph one, two, three and four of this Article, if they have been recommitted within a year after the imposition of administrative sanction —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 570 to EUR700, and for a legal person – from EUR 4300 to EUR 14000.

Table no.4

Violations of Regulation No.660 found by the State Labour Inspectorate

	2013	**2014**	**2015**	**2016**
TOTAL NUMBER OF VIOLATIONS	3856	3935	3881	3151
Clause 7 of Regulation No. 660	-	67	32	29
Clause 36 of Regulation No. 660	-	482	638	571
Clause 37 of Regulation No. 660	-	30	39	28
Clause 38 of Regulation No. 660	-	132	91	88
Total number of found violations	15898	16387	16905	15265
ORDINANCES	3785	3802	3700	3005
Clause 7 of Regulation No. 660	-	65	31	27
Clause 36 of Regulation No. 660	-	464	625	554
Clause 37 of Regulation No. 660	-	29	38	27
Clause 38 of Regulation No. 660	-	132	90	85
Total number of violations found in ordinances	13769	12389	12287	10892
PENALTIES	71	133	181	146
Clause 7 of Regulation No. 660	-	2	1	2
Clause 36 of Regulation No. 660	-	18	13	17
Clause 37 of Regulation No. 660	-	1	1	1
Clause 38 of Regulation No. 660	-	-	1	3
Total number of applied penalties	2129	3998	4618	4373

Data source: SLI

There are no pertinent statistics on the issue regarding a work related to special risks and related to reduction of working hours or additional paid holidays for workers.

ARTICLE 2 PARA. 5

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Article 107 of the Constitution of the Republic of Latvia 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.
Article 143 Paragraph one of Labour Law provides that the length of a weekly rest period within a seven-day period shall not be less than 42 consecutive hours. This provision need not apply if aggregated working time has been prescribed. Paragraph two of the same Article states - "If a working week of five days is specified, an employee shall be granted two of the week's days of rest, and if a working week of six days is specified, one of the week's days of rest. Both of the week's days of rest are customarily granted as consecutive days".
Paragraph three of the mentioned Article states that generally the week day of rest shall be Sunday. If it is necessary to ensure continuity of a work process, it is permitted to have an employee work on a Sunday, granting him/her a day of rest on another day of the week.
On the basis of the employer's written order, an employee may be engaged in work during the weekly rest period by granting him/her equivalent compensatory rest time and providing minimum two weekly rest periods referred to in Paragraph one of this Article within any period of 14 days in the following cases:
1) if such is required by the most urgent public needs;
2) to prevent the consequences caused by *force majeure*, an unexpected event or other exceptional circumstances which adversely affect or may affect the usual course of activities in the undertaking; and
3) for the completion of urgent, unforeseen work within a specified period of time (Article 143, Paragraph four of Labour Law).
Paragraph five provides that in accordance with the provisions of Paragraph four of this Article, it is prohibited to employ persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding, but not longer than until the child reaches two years of age.
Additionally Article 143 Paragraph six of the Labour Law provides that in case an employer determines one working day, which falls in between a public holiday and week's days of rest, as a holiday and transfers it to Saturday of the same week or of another week within the framework of the same month, the length of the week's days of rest shall not be less than 35 consecutive hours.

Paragraph 2 Article 27 of the Law On the Career Course of Service states that for regular working time weekly rest days shall be Saturday and Sunday.
Paragraph 3 Article 28 of the Law On the Career Course of Service states that if an aggregated working time has been specified, an official with special service ranks shall be granted a rest time pursuant to the work schedule and, in a time period of 7 days, it shall not be shorter than 36 consecutive hours.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see the information described under Point No.2 Article 2, Paragraph 1 of this Report.

3. Please provide pertinent figures, statistics or any other relevant information, in particular: circumstances under which the postponement of the weekly rest period is provided.

Please see also the answers under Point No.1 and No.2 of Article 2, Paragraph 1 of this Report.

Article 140 of Labour Law regulates the aggregated working time and Paragraph one provides that if due to the nature of the work it is not possible to comply with the length of the regular daily or weekly working time determined for the relevant employee, the employer, after consultation with the representatives of employees may determine aggregated working time so that the working time in the accounting period does not exceed regular working time determined for the relevant employee. If the aggregated working time is determined for the employee, the employer has a duty to inform the employee in writing thereof, specifying the length of the accounting period[9], as well as to familiarise the employee with the work schedule in due time.
Paragraph two of the same Article states that duration of one-day and weekly rest provided for by the Law may not be applied in the framework of aggregated working time if:
1) an employee has to spend a long time on the way to the work;
2) an employee performs the security guard or surveillance activities;
3) due to the nature of the work it is necessary to ensure continuity of the work;
4) an employee performs seasonal work;
5) short-term expansion of the scope of work of the undertaking or increase in the amount of production is expected.

Paragraph four of the same Article provides that in any case it is prohibited to employ an employee for more than 24 hours in succession and 56 hours per week within the framework of the aggregated working time. The employee shall be granted the rest time immediately after performance of the work.
Paragraph five provides that the work performed by an employee over the regular working time determined in the accounting period shall be regarded as overtime work. And Paragraph six provides that in case the aggregated working time has been determined, the employer shall ensure that within the accounting period the one-day rest time is not shorter than an average of 12 hours within 24-hour period and the weekly rest is not shorter than an average of 35 hours in seven day period, including the one-day rest.

[9] Unless a longer accounting period is provided for by the collective agreement or the employment contract, the aggregated working time accounting period shall be one month. The employee and the employer may agree in the employment contract regarding the length of the accounting period, however, not longer than three months, but in the collective agreement – not longer than 12 months (Article 140 Paragraph three of Labour Law)

Table no.5

Violations detected by State Labour Inspectorate

Year	Article of Labour Law	Violations in total	Orders	Penalties
2014	Article 140	96	78	18
	Article 143	1	1	-
2015	Article 140	73	51	22
	Article 143	3	-	3
2016	Article 140	76	57	19
	Article 143	5	2	3

Data source: SLI

ARTICLE 2 PARA. 6

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 28 Paragraph one of Labour Law provides that an employer and employee establish mutual employment legal relationships by an employment contract.
According to Article 40 Paragraph one of the same Law an employment contract shall be entered into in writing prior to commencement of work.
The same Article Paragraph two lists the information that an employment contract shall include:
1) an employee's given name, surname, personal identification number (for foreigner who does not have a personal identification number, the date of birth), the place of residence, the employer's given name, surname (business name), personal identification number (for foreigner who does not have a personal identification number, the date of birth) or registration number and address;
2) the starting date of employment legal relationships;
3) the expected duration of employment legal relationships (if the employment contract has been entered into for a specified period of time);
4) the workplace (the fact that the employee may be employed in various places if the performance of the duties of employment is not provided for at a particular workplace);
5) the trade, profession, speciality (hereinafter – occupation) of the employee in conformity with the Classification of Occupations and the general description of the contracted work;
6) the amount of work remuneration and time of payment;
7) the agreed daily or weekly working time;
8) the length of the annual paid leave;
9) the term for giving a notice of termination of the employment contract; and

10) the provisions of the collective agreement and working procedure regulations to be applied to employment legal relationships.
The information referred to in Paragraph two, Clauses 6, 7, 8 and 9 of this Article may be substituted by a reference to relevant provisions in regulatory enactments, in the collective agreement or by a reference to working procedure regulations. An employment contract, in addition to the information set out in Paragraph two of this Article, shall also include other information if the parties consider it necessary.
Further Article 40 states that an employment contract shall be prepared in duplicate, one copy to be kept by the employee, the other by the employer. An employer has a duty to ensure that an employment contract is entered into in writing and to maintain a record of the contracts of employment entered into. The employer has the duty to present signed employment contracts upon the request by monitoring and controlling institutions.
Paragraph ten of the same Article provides that an employment contract shall be signed in the official state language. If an employee is a foreigner who does not have sufficient knowledge of the official state language, the employer has the duty to notify the provisions of the employment contract to the employee in a language known by him/her in writing.
However in cases, when entering into an employment contract, its written form has not been complied with, an employee has the right to request that the employment contract be expressed in writing. For this purpose, an employee may use any evidence pertaining to the existence of employment legal relationships and the content of such relations. If the employee and the employer, or at least one of the parties, has started to perform the duties contracted for, an employment contract that does not conform to the written form shall have the same legal consequences as an employment contract expressed in writing. If the employer does not ensure entering into an employment contract in writing and the employer or the employee cannot prove other duration of existence of employment legal relations, specified working time and work remuneration, it shall be considered that the employee has been employed for three months already and that a normal working time and minimum monthly salary has been specified for him/her[10].
Paragraph 8 of Regulations of Cabinet of Ministers No. 827 of 7 September 2010 “Regulations Regarding Registration of Persons Making Mandatory State Social Insurance Contributions and Reports Regarding Mandatory State Social Insurance Contributions and Personal Income Tax” provides that:
“8. An employer (including a micro-enterprise taxpayer) shall register each employee with the State Revenue Service, by submitting information regarding employees (Annex 1) within the following time periods:
8.1. regarding persons who start working – not later than one day before a person commences working, if information is provided in a paper form, or not later than one hour before a person commences working, if information is provided electronically via electronic declaration system;
8.2. regarding employees who have changed or lost the status of the employee laid down in the Law On State Social Insurance, including employees to whom child care leave or leave without retaining of work salary (including leave without retention of work salary which is granted to an

[10] Article 41 of Labour Law

employee to whom a child to be cared for is given under the care and supervision in accordance with a decision of the Orphan's court before approval of the adoption) is granted or terminated – not later than within three working days after change or loss of the status.”

For officials – Paragraphs 2 and 3 of Article 37 of State Civil Service Law stipulates that an official shall be transferred to another position in the same institution by a decision of the head of such institution or the minister, to another institution subordinate to the minister – by a decision of the minister. In transferring a civil servant his/her point of view shall be evaluated.
Regarding time limits the provisions of Paragraph 3 of Article 51 of the Labour Law shall be taken into account (Paragraph 4 Article 2 of the State Civil Service Law).
For officials with special service ranks – the provisions of Chapter III of the Law On the Career Course of Service shall be used regarding transfer of an official to another position, being in service in not holding definite office and suspension from the fulfilment of the duties of office.
For example, Paragraph 1 Article 12 stipulates conditions when an official may be transferred to another vacant position. Paragraph 1 Article 14 states that an official, against whom criminal prosecution has been initiated, may be suspended from the fulfilment of the duties of office by a written order.
Regarding time limits the provisions of Paragraph 3 Article 51 of the Labour Law shall be taken into account (Paragraph 2 Article 3 of the Law On the Career Course of Service).

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see the information described under Point No.2 Article 2, Paragraph 1 of this Report.

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Please see also the answers under Point No.1 and No.2 of Article 2, Paragraph 1 of this Report.

Table no.6

Violations detected by State Labour Inspectorate

Article 40 of Labour Law	Violations in total	Orders	Penalties
2014	2025	1270	755
2015	1638	844	794
2016	1560	820	740

Data source: SLI

ARTICLE 2 PARA. 7

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to ensure that workers performing night work benefit from measures which take account of the special nature of the work."

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 138 Paragraph one of Labour Law describes night work as any work performed at night for more than two hours. Nighttime shall mean the period of time from 22 to 6 o'clock. Nighttime with respect to children within the meaning of this Law shall mean the period of time from 20 to 6 o'clock. Paragraph two of the same Article provides that a night-employee shall mean an employee who normally performs night work in accordance with a shift schedule, or for at least 50 days in a calendar year.
Regular daily working time for a night employee shall be reduced by one hour. This provision shall not apply to employees who have been prescribed regular shortened working time. Regular daily working time for a night employee shall not be reduced if such is required by the particular characteristics of the undertaking. It is prohibited to employ night employee whose work is associated with special risk for more than eight hours within 24-hour period during which he/she has performed night work, however, this rule may not be applied in the cases referred to in Article 140, Paragraph two of this Law after consulting with the employees' representatives (Article 138 Paragraph three of Labour Law).
Article 138 of Labour Law also provides that a night employee has the right to undergo a health examination before he/she is employed in night work, as well as the right to subsequently undergo regular health examinations not less frequently than once every two years, while an employee who has reached the age of 50 years, not less frequently than once a year. Expenditures associated with such health examination shall be covered by the employer.
An employer shall transfer a night employee to an appropriate job to be performed during the day if there is a doctor's opinion that the night work negatively affects the health of the employee Article 138 Paragraph five of Labour Law).
Paragraph six of the same Article provides that it is prohibited to employ at night persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding if there is a doctor's opinion that the performance of the relevant work causes a threat to the safety and health of the woman or her child. But Article 138 states that an employee who has a child less than three years of age may be employed at night only with his/her consent.
Article 151 Paragraph two of Labour Law stipulates that a collective agreement or an employment contract may determine that night worker shall be granted annual paid supplementary leave.
Article 67 of Labour Law provides that an employee who performs night work shall receive a supplement of not less than 50 per cent of the specified hourly or daily wage rate specified for him/her, but if a lump-sum payment has been

agreed upon, a supplement of not less than 50 per cent of the piecework rate for the amount of work done. A collective agreement or an employment contract may specify a higher supplement for night work.
Article 137 Paragraph one obliges an employer to keep accurate accounts for each employee of total hours worked, as well as separately overtime hours, hours worked at night, on the week's days of rest and public holidays.

For officials – Paragraph 4 Article 14 of the Law On Remuneration states that officials shall receive an additional payment for night-work in the amount of 50 per cent of the hourly salary determined for them.

For officials with special service ranks – Paragraphs 3 and 4 of Article 34 of the Law On the Career Course of Service states that work, which an official with special service ranks performs during the period from 22.00 to 06.00 for more than 2 hours, shall be accounted as night work. Such hours worked of each person shall be accounted in tables for accounts of working time.
Regarding additional payments Paragraph 4 Article 14 of the Law On Remuneration shall be used.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see the information described under Point No.2 of Article 2, Paragraph 1 of this Report.

3. Please provide pertinent figures, statistics or any other relevant information, in particular: the hours to which the term 'night work' applies.

According to Article 138 Paragraph one and two night work shall mean any work performed at night for more than two hours. Nighttime shall mean the period of time from 22 to 6 o'clock. Nighttime with respect to children within the meaning of this Law shall mean the period of time from 20 to 6 o'clock. A night-employee shall mean an employee who normally performs night work in accordance with a shift schedule, or for at least 50 days in a calendar year.

Please see also the answers under Point No.1 and No.2 of Article 2, Paragraph 1 of this Report.

Table no.7

Violations detected by State Labour Inspectorate

Year	Article of Labour Law	Violations in total	Orders	Penalties
2014	Article 67	16	7	9
	Article 137	148	77	71
	Article 138	-	-	-
2015	Article 67	13	2	11
	Article 137	125	38	87
	Article 138	1	-	1
2016	Article 67	4	2	2
	Article 137	122	43	79
	Article 138	-	-	-

Data source: SLI

Evaluating this Article, please take into consideration answers provided also on Article 21 and 22.

<u>ARTICLE 4: THE RIGHT TO A FAIR REMUNERATION</u>

ARTICLE 4 PARA. 2

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 136 of Labour Law gives the definition and description of overtime time work. Thus Paragraph 1 defines overtime work as work performed by an employee in addition to regular working time. The Labour Law permits overtime work only in case if the employee and the employer have so agreed in writing but Paragraph 3 of the above mentioned Article provides for exceptions of this rule - "An employer has the right to employ an employee on overtime without his/her written consent in the following exceptional cases:

1) if this is required by the most urgent public need;

2) 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 work activities in the undertaking; or

3) for the completion of urgent, unexpected work within a specified period of time." If overtime work in the cases referred to in Paragraph three of this Article continues for more than six consecutive days, the employer needs a permit from the State Labour Inspectorate for further overtime work, except in cases when repetition of similar work is not expected.

Article 136 of Labour Law states that overtime work may not exceed an average of eight hours in seven day period that is calculated within the reference period that does not exceed four months.

Paragraph 6 and 7 of the same Article also describes restrictions concerning the employment in overtime work:

1) It is prohibited to employ in overtime work persons who are under 18 years of age;
2) A pregnant woman, a woman for a period up to one year after giving birth, and a woman who is breastfeeding for the whole period of breastfeeding, but not longer than until child reaches two years of age, may be employed in overtime work if she has given her written consent.

This Article also provides that in case an employer determines one working day, which falls in between a public holiday and week's days of rest, as a holiday and transfers it to Saturday of the same week or of another week within the framework of the same month, in case of transfer of a working day the referred to work shall not be considered as overtime work.

As to remuneration for overtime work – Article 68 of Labour Law provides that an employee who performs overtime work or work on a public holiday shall receive a supplement of not less than 100 per cent of the hourly or daily wage rate specified for him/her, but if piecework pay has been agreed upon, a

supplement of not less than 100 per cent of the piecework rate for the amount of work done. A collective agreement or an employment contract may specify a higher supplement for overtime work or work on a public holiday.

The amendments of 27July 2017 of Labour Law that came into force on 16 August, 2017 provide that it is possible to compensate overtime with additional rest period. Thus Article 136 Paragraph 9 states that the employee and the employer may agree that the supplement for overtime work is substituted with a paid rest period corresponding to the number of overtime hours worked as well as the procedure for granting such paid rest period. Paragraph 10 of Labour Law prescribes that if the supplements for overtime work are not granted for the employee but are replaced by the paid rest, then such paid rest is granted within one month from the day of performance of the overtime work, but if the aggregated working time is determined for the employee the paid rest is granted in the next accounting period but no later than within three months. If the employee and the employer agree so then the paid rest may be added to the annual paid leave by way of derogation from the general procedure set out in this Article. Paragraph 11 of Labour Law determines that if the employee and the employer have agreed that the paid rest is granted to the employee for the overtime work, but the employment relationship is terminated until the day of use of the paid rest, the employer has an obligation to pay the respective supplements for overtime work.

As to employees in public sector, Article 14 Paragraph 6 of Law On Remuneration of Officials and Employees of State and Local Government Authorities (hereinafter – Remuneration Law) provides that officials (employees), except soldiers and officials with special service ranks of the Ministry of the Interior system institutions and the Prisons Administration, shall receive additional payment for overtime work and for work on holidays in the amount of 100 per cent of the hourly salary determined for them, or compensate overtime work for them by granting rest time on another weekday.

In compliance with the Remuneration Law, monthly wages of officials and employees are set based on the functions to be performed by the relevant position, considering the specifics of the official duties, the degree of responsibility and complexity thereof. Also Regulations of Cabinet of Ministers No. 66 of 29 January 2013 „Regulations Regarding Work Remuneration of Officials and Employees of State and Local Government Authorities, and Procedures for Determination thereof" (hereinafter referred to as Regulation No. 66), issued pursuant to the Remuneration Law and governing the procedure of setting the monthly wage of officials and employees of the State and local government authorities, are based on the relevant group of monthly wages set for the relevant position which, in turn, is defined by classifying the position in compliance with Regulations of Cabinet of Ministers No. 1075 of 30 November 2010 „Catalogue of Positions of State and Local Government Authorities". In classification of positions the functions to be performed by the position, the degree of responsibility and complexity of the position, as well as the requirements set for the position regarding the required education and professional experience are taken into account.

The Remuneration Law provides also for another form of remuneration, including supplements, bonuses and social guarantees. In compliance with Article 14 Paragraph 6 of the Remuneration Law, officials (employees) except soldiers and officials with special service ranks of the Ministry of the Interior system institutions and the Prisons Administration, receive a supplement for overtime work and for work on holidays in the amount of 100 per cent of the hourly salary determined for them, or compensate overtime work for them by granting rest time on another weekday. The following Paragraphs of Article 14 provide that:

(8) Overtime work for an official (employee) for whom a normal weekly working time is set is paid or compensated by granting paid rest time for each calendar month in accordance with the working time registration data.

(9) For an official (employee) for whom aggregated working time is determined, his/her reporting period is four months, if another reporting period is not determined in regulatory enactments or collective agreement. Overtime which has been worked during the reporting period exceeding the aggregate number of hours of the normal working time during four months, defined by regulatory enactments or the collective agreement is paid for or compensated by granting paid rest time. The time when work is not performed due to justified reasons is not included in the total amount of hours of normal working time.

(9^1) For the purpose of having the overtime compensated by rest time on another day of the week, the State or local government authority and the official (employee), upon agreeing on performance of the overtime work or agreeing to it, agree also on the terms of granting the rest time latest within a year as from the moment referred to in Paragraph Eight or the first sentence of Paragraph One of the present Article.

Regarding officials with special service ranks of the Ministry of the Interior system institutions and the Prisons Administration special regulation is included in Article 14 of the Remuneration Law as regarding payment of overtime.

(7) The performance of service duties over the set time for fulfilment of service duties is compensated for officials with special service ranks of the Ministry of the Interior system institutions and the Prisons Administration by granting rest time the duration of which complies with the time over the set time for fulfilment of service duties.

(7^1) If performance of service duties over the set time for fulfilment of service duties is compensated for officials with special service ranks of the Ministry of the Interior system institutions and the Prisons Administration by granting rest time in compliance with Paragraph Seven of the present Article and threatens the ability of the relevant Ministry of the Interior system institution or the Prisons Administration to secure performance of official duties, the head of the authority or an official authorised by him/her may decide on payment for the time of performance of the relevant official duties. In this case the payment for performance of official duties exceeding the set time for performance of official duties, which cannot be compensated by granting rest

time, is determined as follows (taking into account the number of overtime hours):

1) for performance of the official duties exceeding the set time of performance of official duties, during the time when it was not possible to grant a break to the official, in compliance with the hourly rate of wage set for the relevant official;

2) for performance of the official duties exceeding the set time of performance of official duties, during the time not referred to in Paragraph 1 of the present Paragraph, in compliance with the hourly rate of wage set for the relevant official by adding a supplement in the amount of 100 per cent of the hourly rate of wage set for the relevant official.

(7^2) In the course of deciding on the payment which should be set for performance of the official duties provided for by Paragraph 71 of the present Article exceeding the set time for performance of the official duties, the condition that primarily the time of performance of the official duties exceeding the set time of performance of the official duties consisting of the time referred to in Paragraph 2 of Paragraph 71 of the present Article is compensated by granting rest time.

(10) For an official with special service ranks of the Ministry of the Interior system institutions and the Prisons Administration, for performance of the official duties exceeding the set time for performance of the official duties a payment is provided (taking into account the number of overtime hours) in compliance with the hourly rate of wage set for the relevant official by adding a supplement in the amount of 100 per cent of the hourly rate of wage set for the relevant official, if an official is involved in performance of the official duties exceeding the set time for performance of the official duties:

1) for securing particularly important State events, eliminating consequences of accidents and natural disasters, securing the public order and safety or performing other extraordinary assignments, and the funds of the State budget have been granted based on a special Resolution of the Cabinet of Ministers or allocated within the annual State Budget Law;

2) for securing the public order and safety public sports or culture events of public importance if the payment is made from the revenues of the institution for provided paid services;

3) for securing implementation of projects financed or co-financed from the European Union policy instruments or other foreign financial aid if the payment is done from the financial funds granted for implementation of such projects;

4) for ensuring performance of continuous or urgent, not envisaged assignments if the official is involved in performance of the official duties based on the resolution of the head of the institution or an official authorised by him/her.

Regulations of the Cabinet of Ministers No.595 “Regulations regarding the lowest monthly salary and the special additional payments for medical practitioners” (hereinafter – Regulations No.595) determines the lowest monthly salaries for medical practitioners employed in local government

institutions, State and local government capital companies or public-private capital companies which have entered into an agreement regarding a health care service to be provided, and who provide health care services paid from the State budget, and for medical practitioners who provide health care services paid from the local government budgets in local government educational institutions, as well as special additional payments for work related to special risk, the amount of additional payments and the procedures for determination thereof.

Taking into consideration the situation in the national economy, in 2009 the wage of medical practitioners was reduced by 20 per cent. Medical care institutions received funding for medical treatment services that are paid from State basic budget, could ensure additional payments for medical practitioners in the amount of 5 per cent, although medical practitioners must be provided with additional payments for night work, overtime work, for working with special risks.

The amount of monthly wage for medical practitioners during the period from 2013 to 2016 has been raised according to the increase of the national minimum monthly wage.

Furthermore, according to the Regulations No.595 in 2017 medical practitioners are provided with additional payments in the amount of 8 per cent of the monthly salary for work related to special risk.

It is scheduled that in 2018 there will be 44 per cent increase for wages of doctors and functional specialists, 38 per cent for medical and patient care and assistants for functional specialists, and 24 per cent for treatment and patient care support personnel, based on the average wage increase planned both for medical staff in outpatient sector and in impatient sector, including additional payments in the amount of 18 per cent of the monthly salary.

Additionally it should be noted that Article 137 Paragraph one of Labour Law obliges an employer to keep accurate accounts for each employee regarding total hours worked, as well as separately - overtime hours, hours worked at night, on the week's days of rest and public holidays. It is important as Article 71 of Labour Law provides that when paying work remuneration, an employer shall issue a written calculation of the work remuneration, specifying the work remuneration disbursed, the taxes deducted and the mandatory state social insurance contributions made, as well as the hours worked, including overtime hours, the hours worked at night and on public holidays have been specified. Employer has a duty to explain such calculation upon employee's a request

Article 139 of Labour Law determines the rules of shift work providing that "if it is necessary to ensure continuity of a work process, an employer, after consultation with employee representatives, shall determine shift work. In such case the length of a shift may not exceed the regular daily working time prescribed for the relevant category of employees." Paragraph three of the same Article states that the time worked by an employee after the end of a shift shall be considered to be overtime work.

Article 140 of Labour Law is devoted to description of aggregated working time stating that "if due to the nature of the work it is not possible to comply with the length of the regular daily or weekly working time determined for the

relevant employee, the employer, after consultation with the representatives of employees may determine aggregated working time so that the working time in the accounting period does not exceed regular working time determined for the relevant employee. If the aggregated working time is determined for the employee, the employer has a duty to inform the employee in writing thereof, specifying the length of the accounting period, as well as to familiarise the employee with the work schedule in due time." Paragraph five of this Article provides that the work performed by an employee over the regular working time determined in the reference period shall be regarded as overtime work.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In compliance with the Paragraph 1 Article 3 of the State Labour Inspectorate Law the function of the State Labour Inspectorate is the implementation of the State supervision and control in the field of employment legal relationships and labour protection. In order to ensure the implementation of the function referred to in the Paragraph 1 of this Article, the State Labour Inspectorate shall supervise and control observance of the requirements of the regulatory enactments regarding employment legal relationships and labour protection (Subparagraph 1 Paragraph 2, Article 3, State Labour Inspectorate Law).
Officials of the Labour Inspectorate have the right to issue warnings and orders to employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection; as well as to impose administrative fines on employers, as well as on other persons for the examination of administrative violations in accordance with the procedures prescribed (Subparagraphs 6, 9, Paragraph 2, Article 5, State Labour Inspectorate Law).

In accordance with the Paragraph 1 of the Article 41 of the Latvian Administrative Violations Code in the case of a violation of regulatory enactments regulating employment legal relations, except for the cases, which are specified in the Paragraphs 2 and 3 of this Article – a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 35 up to EUR 350, and for a legal person – from EUR 70 up to EUR 1100. In the cases of the violations provided for in Paragraph 1 of this Article, if they have been recommitted within a year after the imposition of administrative sanction – a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 350 up to EUR 700, and for a legal person – from EUR 1100 up to EUR 2900.

SLI also carries out preventive measures, for example, provides consultations free of charge to employers and employees regarding the requirements of regulatory enactments with respect to employment legal relationships and labour protection, provides replies to questions at presence and by advisory phone. In 2016 a single email address of the SLI was created where consultations and explanations on the labour issues can be received.

With an aim to inform society, SLI also provides up to date information on the issues regarding labour relations and labour protection on the website. This information is provided on other social networks as well. As regards young people the SLI organized and coordinated process of several information events for pupils and young people in 2013 and 2014, for example, the informative day for students of the Alberta college was organized several times. In the framework of the mentioned day young people were introduced to the main activities of the State Labour Inspectorate, current events, and the basics of labour legal relations.

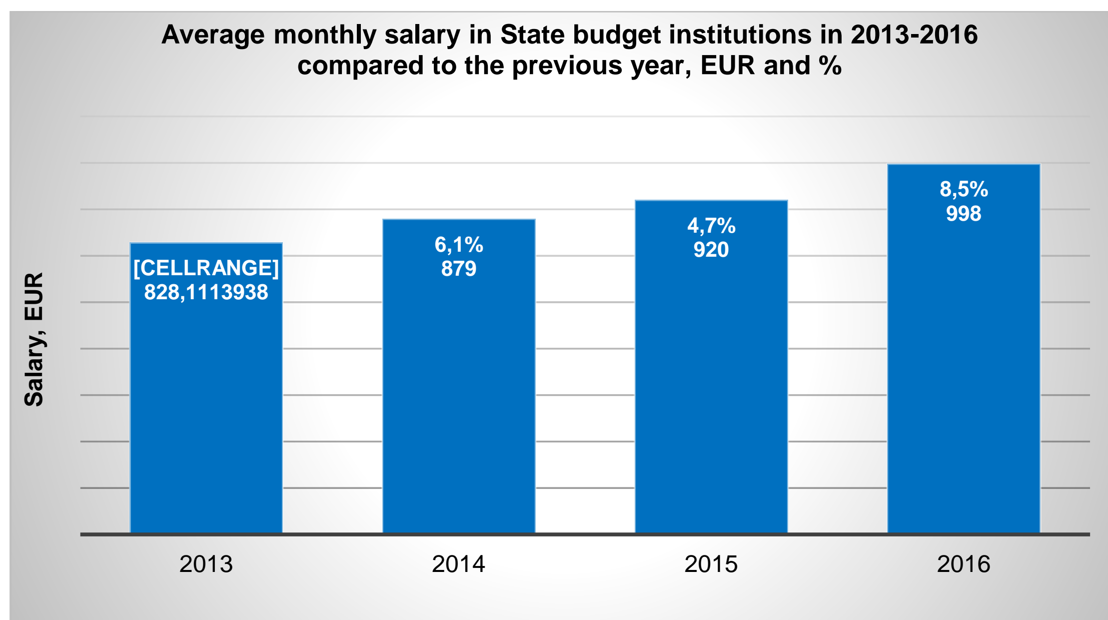
Also as regards education of young people the Free Trade Union Confederation of Latvia organized the competition "Profs" for vocational education students on labour relations and labour protection issues in 2013. This measure gained a lot of popularity and youth responsiveness.

Significant judgements (summary of judgments) on labour issues are to be found free of charge on the website of the Supreme Court of the Republic of Latvia. This helps the SLI and other State institutions to achieve uniform interpretation of the provisions regulating labour relations and labour protection.

3. Please provide pertinent figures, statistics (estimates, if necessary) or any other relevant information, in particular: methods used to calculate the increased rates of remuneration; impact of flexible working time arrangements on remuneration for overtime hours; special cases when exceptions to the rules on remuneration for overtime work are made.

Please see also the answer under Point No.2 of this Paragraph.

Table no.8



Data source: Ministry of Finance

Table no.9

Violations detected by State Labour Inspectorate

Year	Article of Labour Law	Violations in total	Orders	Penalties
2014	Article 140	96	78	18
	Article 68	47	20	27
	Article 71	94	85	9
	Article 136	19	9	10
	Article 137	148	77	71
	Article 139	35	33	2
2015	Article 140	73	51	22
	Article 68	39	12	27
	Article 71	80	61	19
	Article 136	23	15	8
	Article 137	125	38	87
	Article 139	15	14	1
2016	Article 140	76	57	19
	Article 68	38	13	25
	Article 71	47	30	17
	Article 136	17	10	7
	Article 137	122	43	79
	Article 139	23	22	1

Data source: SLI

ARTICLE 4 PARA. 3

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

to recognise the right of men and women workers to equal pay for work of equal value;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 7 of Labour Law provides that everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration. These rights shall be ensured without any direct or indirect discrimination – irrespective of a person's race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

Article 29 of Labour Law provides:

"(1) Differential treatment based on the gender of an employee is prohibited when establishing employment legal relationships, as well as during the period of existence of employment legal relationships, 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.

(2) Differential treatment based on the gender of employees is permitted only in cases where a particular gender is an objective and substantiated precondition, which is adequate for the legal purpose reached as a result, for the performance of the relevant work or for the relevant employment.

(3) If in case of a dispute an employee indicates conditions which may serve as a basis for his/her direct or indirect discrimination based on gender, the employer has a duty to prove that the differential treatment is based on objective circumstances not related to the gender of the employee, or also that belonging to a particular gender is an objective and substantiated precondition for performance of the relevant work or the relevant employment.

(4) Harassment of a person and instructions to discriminate against him/her shall also be deemed to be discrimination within the meaning of this Law.

(5) Direct discrimination exists if in comparable situations the treatment of a person in relation to his/her belonging to a specific gender is, was or may be less favourable than in respect of another person. Less favourable treatment due to granting of a prenatal and maternity leave or a leave to the father of a child shall be considered as direct discrimination based on gender.

(6) Indirect discrimination exists if apparently neutral provisions, criterion or practice cause or may cause adverse consequences for persons belonging to one gender, except in cases where such provisions, criterion or practice is objectively substantiated with a legal purpose the achievement of which the selected means are appropriate.

(7) Harassment of a person within the meaning of this Law is the subjection of a person to such actions which are unwanted from the point of view of the person, which are associated with his/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.

(8) If the prohibition against differential treatment and the prohibition against causing adverse consequences is violated, an employee in addition to other rights specified in this Law, has the right to request compensation for losses and compensation for moral harm. In case of dispute, a court at its own discretion shall determine the compensation for moral harm.

(9) The provisions of this Article, as well as Article 32, Paragraph one and Article 34, 48, 60 and 95 of this Law, insofar as they are not in conflict with the essence of the relevant right, shall also apply to the prohibition of differential treatment based on race, skin colour, age, disability, religious, political or other conviction, national or social origin, property or marital status, sexual orientation or other circumstances of an employee."

Article 60 of Labour Law provides that:
"(1) An employer has a duty to specify equal work remuneration for men and women for the same kind of work or work of equal value.
(2) If an employer has violated the provisions of Paragraph one of this Article, the employee has the right to request the remuneration that the employer normally pays for the same work or for work of equal value.
(3) An employee may bring the action referred to in Paragraph two of this Article to court within a three-month period from the day he/she has learned or should have learned of the violation of the provisions of Paragraph one of this Article."

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see the information provided under Point No.2 Article 4, Paragraph 2 of this Report.

Article 204[17] of Latvian Administrative Violations Code provides that in case of violation of the prohibition on discrimination specified in regulatory enactments – a fine shall be imposed in an amount from EUR 140 up to EUR 700.

3. Please supply detailed statistics or any other relevant information on pay differentials between men and women not working for the same employer by sector of the economy, and according to level of qualification or any other relevant factor.

Please see also the answer under Point No.2 Article 4, Paragraph 2 of this Report.

Table no.10

Violations detected by State Labour Inspectorate

Article 7 of the Labour Law	Violations in total	Orders	Penalties
2014	24	3	21
2015	7	3	4
2016	5	-	5

Data source: SLI

ARTICLE 4 PARA. 4

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

to recognise the right of all workers to a reasonable period of notice for termination of employment;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Please see also the information provided under Point No.1 Article 4, Paragraph 3 of this Report.

Article 7 of Labour Law provides that everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration. These rights shall be ensured without any direct or indirect discrimination – irrespective of a person's race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

Thus also the conditions concerning the notice of termination stipulated by Labour Law refers equally to all employees covered by Labour Law, also those who are employed part-time - "The same provisions, which apply to an

employee who is employed for regular working time, apply to an employee who is employed part-time" (Article 134 Paragraph three of Labour Law).

Article 101 of Labour Law explicitly describes the case when the employer has the right to give an employee a notice of termination:
"(1) An employer has the right to give a written notice of termination of an employment contract only on the basis of circumstances related to the conduct of the employee, his/her abilities, or of economic, organisational, technological measures or measures of a similar nature in the undertaking in the following cases:
1) the employee has without justified cause significantly violated the employment contract or the specified working procedures;
2) the employee, when performing work, has acted illegally and therefore has lost the trust of the employer;
3) the employee, when performing work, has acted contrary to moral principles and such action is incompatible with the continuation of employment legal relationships;
4) the employee, when performing work, is under the influence of alcohol, narcotic or toxic substances;
5) the employee has grossly violated labour protection regulations and has jeopardised the safety and health of other persons;
6) the employee lacks adequate occupational competence for performance of the contracted work;
7) the employee is unable to perform the contracted work due to his/her state of health and such state is certified with a doctor's opinion;
8) an employee who previously performed the relevant work has been reinstated at work;
9) the number of employees is being reduced;
10) the employer – legal person or partnership – is being liquidated; or
11) 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 the cause of which is related to exposure to the environment factors or an occupational disease.
(2) If an employer intends to give a notice of termination of an employment contract on the basis of the provisions of Paragraph one, Clause 1, 2, 3, 4 or 5 of this Article, the employer has a duty to request from the employee an explanation in writing. When deciding on the possible termination of the employment contract, the employer has a duty to evaluate the seriousness of the violation committed, the circumstances in which it has been committed, as well as the personal characteristics of the employee and his/her previous work.
(3) An employer may give a notice of termination of an employment contract on the basis of the provisions of Paragraph one, Clause 1, 2, 3, 4 or 5 of this Article not later than within one month from the date of detecting a violation, excluding the period of temporary incapacity of the employee or the period when he/she has been on leave or has not performed work due to other special reasons, but not later than within a 12-month period from the date the violation was committed.

(4) It is permitted to give a notice of termination of an employment contract due to the reasons referred to in Paragraph one, Clause 6, 7, 8 or 9 of this Article if the employer cannot employ the employee with his/her consent in other work in the same or another undertaking.
(5) On an exceptional basis, an employer has the right within one month to bring an action for termination of employment legal relationships in court in cases not referred to in Paragraph one of this Article if he/she has good cause. Any condition which does not allow the continuation of employment legal relationships on the basis of considerations of morality and fairness shall be regarded as such cause. The issue whether there is good cause shall be settled by court at its discretion.
(6) Prior to giving a notice of termination of an employment contract, an employer has a duty to ascertain whether the employee is a member of an employee trade union."

When giving a notice of termination of an employment contract, an employer has a duty to notify the employee in writing regarding the circumstances that are the basis for the notice of termination of the employment contract (Article 102 of Labour Law).
Article 47 of Labour Law provides that during the probation period, the employer and the employee have the right to give a notice of termination of the employment contract in writing three-days prior to termination. An employer, when giving the notice of termination of an employment contract during a probation period, does not have a duty to indicate the cause for such notice.
Article 103 of Labour Law contains information about time period for a notice of termination by employer. It states:
"(1) Unless the collective agreement or the employment contract specifies a longer time period for a notice of termination, an employer, when giving a notice of termination of an employment contract, shall comply with the following time periods:
1) without delay – if the notice of termination of the employment contract is given in the cases specified in Article 101, Paragraph one, Clause 2 or 4 of this Law;
2) 10 days – if the notice of termination of the employment contract is given in the cases specified in Article 101, Paragraph one, Clause 1, 3, 5, 7 or 11 of this Law; and
3) one month – if the notice of termination of the employment contract is given in the cases specified in Article 101, Paragraph one, Clause 6, 8, 9 or 10 of this Law.
(2) Upon the request of the employee, a period of temporary incapacity shall not be included in the time limit of a notice of termination, except the case referred to in Article 101, Paragraph one, Clause 11 of this Law.
(3) The right to revoke a notice of termination by the employer shall be determined by the employee unless the collective agreement or the employment contract has specified such right.
(4) By agreement of the employee and the employer, an employment contract may also be terminated before the expiry of the time period for a notice of termination."
Article 111 of Labour Law provides that in case notice of termination of an employment contract has been given on the basis of Article 101, Paragraph

one, Clause 6, 7, 8, 9 or 10 of this Law, the employer at the written request of the employee has a duty to grant sufficient time to the employee, within the scope of the contracted working time, for seeking other work. The collective agreement or the employment contract shall specify the length of such time and the earnings to be maintained for the employee during this time period.

Article 41 of the State Civil Service Law provides regulations on termination of State civil service relations. Regarding time limits the provisions of Article 103 of the Labour Law shall be applied.
Article 47 of the Law on the Career Course of Service provides the regulations on retirement of an official from service. Article 47 Paragraph 6 states that if an official is retired from service due to the liquidation of the Institution or the position of the official or due to the reduction of the number of officials, the official shall be warned about it 30 days in advance.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see also the information provided under Point No.2 Article 4, Paragraph 2 of this Report.

Table no.11

Violations detected by State Labour Inspectorate

Year	Article of Labour Law	Violations in total	Orders	Penalties
2014	Article 7	24	3	21
	Article 29	16	2	14
	Article 47	29	5	24
	Article 101	30	5	25
	Article 103	14	3	11
	Article 111	11	11	-
	Article 134	32	24	8
2015	Article 7	7	3	4
	Article 29	1	-	1
	Article 47	26	-	26
	Article 101	35	1	34
	Article 103	25	-	25
	Article 111	13	13	-
	Article 134	25	22	3
2016	Article 7	5	-	5
	Article 29	1	-	1
	Article 47	26	5	21
	Article 101	32	6	26
	Article 103	21	1	20
	Article 111	26	25	1
	Article 134	23	18	5

Data source: SLI

ARTICLE 4 PARA. 5

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.”

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Chapter 21 of Labour Law is fully dedicated to description of deductions from work remuneration and restrictions thereof. Thus Article 78 of Labour Law provides:
“(1) Deductions arising from the right of an employer to reclaim may be made from the work remuneration payable to an employee in order to reclaim:
1) amounts overpaid due to an error of the employer if the employee has been aware of such overpayment, or under the circumstances he/she should have been aware of it, or if the overpayment is based on circumstances for which the employee is to blame;
2) an advance paid work remuneration, or an advance paid to the employee in connection with official travel or a work trip not used and not repaid on time, or an advance to cover other anticipated expenditures; and
3) paid average earnings for days of leave not earned if the employee is dismissed from work before the end of the working year for which he/she has already received leave, except in cases where an employment contract is terminated on the basis of Article 101, Paragraph one, Clause 6, 7, 9 or 10[11].
(2) In cases provided for by Paragraph one, Clauses 1 and 2 of this Article, an employer may issue an order in writing to make deductions not later than within a two-month period from the date of the overpayment or from the date of expiry of the term specified for repayment of an advance. The employer shall without delay notify the employee of the issue of such order.
(3) If an employee contests the basis or the amount of the employer’s right to reclaim provided for by Paragraph one, Clauses 1 and 2 of this Article, the employer may bring a relevant action to court within a two-year period from

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[11] Article 101 Notice of Termination by an Employer
“(1) An employer has the right to give a written notice of termination of an employment contract only on the basis of circumstances related to the conduct of the employee, his/her abilities, or of economic, organisational, technological measures or measures of a similar nature in the undertaking in the following cases:
1) the employee has without justified cause significantly violated the employment contract or the specified working procedures;
2) the employee, when performing work, has acted illegally and therefore has lost the trust of the employer;
3) the employee, when performing work, has acted contrary to moral principles and such action is incompatible with the continuation of employment legal relationships;
4) the employee, when performing work, is under the influence of alcohol, narcotic or toxic substances;
5) the employee has grossly violated labour protection regulations and has jeopardised the safety and health of other persons;
6) the employee lacks adequate occupational competence for performance of the contracted work;
7) the employee is unable to perform the contracted work due to his/her state of health and such state is certified with a doctor’s opinion;
8) an employee who previously performed the relevant work has been reinstated at work;
9) the number of employees is being reduced;
10) the employer – legal person or partnership – is being liquidated; or
11) 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 the cause of which is related to exposure to the environment factors or an occupational disease.

the day of payment of the overpaid amount or from the day of expiry of the term specified for repayment of the advance."

Article 79 of Labour Law states that an employer has the right to deduct from the work remuneration payable to an employee the compensation for losses caused to him/her due to an illegal, culpable action of the employee. Making of such deduction requires written consent from the employee. If an employee contests the basis or the amount of a claim for compensation of losses caused to the employer, the employer may bring a relevant action in court within a two-year period from the day the losses were caused.

Article 80 of Labour Law contains information on restrictions on deductions made from work remuneration providing that if an employer makes deductions from the work remuneration payable to an employee in compliance with Article 79, Paragraph one of this Law in order to compensate the losses caused to the employer, such deductions shall not exceed 20 per cent of the monthly work remuneration payable to the employee. In any case, the work remuneration equal to the minimum monthly salary and the resources equal to the amount of the state social security benefit for each minor child shall be maintained for the employee. The amount to be deducted from the work remuneration on the basis of enforcement documents shall be determined in compliance with the Civil Procedure Law[12]. It is prohibited to make deductions from severance pay, compensation for expenses of an employee and other sums payable to an employee against which recovery may not be directed according to the Civil Procedure Law may not be brought[13].

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[12] Article 594 of Civil Procedure Law - Amount of Deductions from Remuneration for Work and Equivalent Payments of a Debtor

(1) Until the debt to be recovered is discharged, deductions shall be made, in accordance with the enforcement documents, from remuneration for work and payments equivalent thereto paid to a debtor:

1) in recovery of the maintenance cases for the support of minor children or for the benefit of the Administration of Maintenance Guarantee Fund – in preserving the work remuneration of the debtor and payments equivalent thereto in the amount of 50 per cent of the minimum monthly wage;

2) in recovering support, compensating for losses arising from personal injuries which have resulted in mutilation or other injury to health or in the death of a person, or compensating for losses which have been occasioned through commission of a crime, as well as executing the decisions taken in the administrative violation matters – 50 percent, preserving the debtor's work remuneration and payments equivalent thereto in the amount of 50 per cent of the minimum monthly wage and saving for each dependent minor child assets in the amount of the State social security benefit ;

3) in other types of recovery, unless provided otherwise by law – 30 per cent.

(2) If recovery is directed against remuneration for work pursuant to several enforcement documents, the employee shall in any event retain 50 per cent of the remuneration for work and payments equivalent thereto, except in the case specified in Paragraph one, Clause one and two of this Article.

(3) [31 October 2002]

(4) The amount to be deducted from remuneration for work and payments equivalent thereto shall be calculated from the amount to be received by a debtor after payment of taxes.

(5) Assets in the amount of the State social security benefit for each dependent minor child of debtor is preserved if the debtor has dependent underage child at the time when the deductions are made from debtor's work remuneration and payments equivalent thereto. The amount of funds to be preserved is calculated by the employer the relevant legal person, taking into account the number of dependent persons of the debtor at the moment of deduction.

[13] Article 596 of Civil Procedure Law - Amounts against which Recovery may not be Directed

Recovery may not be directed against:

1) severance pay, funeral benefit, lump sum benefit to the surviving spouse, State social benefits, State support to a child having celiac disease, survivor's pension and allowance for the loss of provider;

2) compensation for wear and tear of tools belonging to an employee and other compensation in accordance with laws and regulations governing lawful employment relations;

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see also the information provided under Point No.2 Article 4, Paragraph 2 of this Report.

Table no.12

Violations detected by State Labour Inspectorate

Year	Article of Labour Law	Violations in total	Orders	Penalties
2014	Article 78	6	-	6
	Article 79	21	4	17
	Article 80	18	-	18
2015	Article 78	6	-	6
	Article 79	17	3	14
	Article 80	12	-	12
2016	Article 78	6	4	2
	Article 79	20	3	17
	Article 80	8	3	5

Data source: SLI

3) amounts to be paid to an employee in connection with official travel, transfer, and assignment to work in another populated area;
4) social assistance benefits;
5) child maintenance in the amount of minimum child maintenance stipulated by the Cabinet of Ministers which on the basis of a court decision is to be paid by one of the parents, as well as child maintenance to be disbursed by the Maintenance Guarantee Fund.

ARTICLE 5: THE RIGHT TO ORGANIZE

"With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Contracting Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this Article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations."

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

During the period 2013 to 2016 the following changes has been made to the legal framework governing the right to organise in Latvia.

On 6 March 2014 the Parliament of Latvia adopted the new "Law on Trade Unions" (hereinafter – the Law) which entered into force on 1 November 2014 and accordingly the previous "Law on Trade Unions" of 13 December 1990, lost its force. The aim of the Law is to define the general provisions of the formation and the operation of trade unions and their associations (hereinafter referred to as "trade unions"), as well as the principles followed by trade unions in cooperation with employers, the organisations of employers and their associations, State and local government authorities. The Law is designed to improve and modernise the legal framework for the operation of the trade unions, as well as prevent inconsistencies with other regulatory enactments and to ensure compliance with the rules of international laws. Free Trade Union Federation of Latvia (hereinafter – FTUCL and/or LBAS) and the Ministry of Justice were involved in the drafting of the Law.

The provisions of the Law are applicable to all legal entities, except in cases where a group of subjects is specifically removed from the scope of addressees of the Law by the provisions of different law - for instance, the Paragraph one of Article 20 of Law on State Security Institutions provides that it is prohibited for officials of State security institutions to carry out political activities, to organise strikes, demonstrations, pickets and to participate therein, to establish trade unions and to participate in the operation thereof.

The Law consists of eighteen Articles that are divided in four parts as well as transitional provisions.
The first part of the Law "General Provisions" consists of eleven Articles that provide the aim of the Law, the regulatory enactments that regulate the activity of trade unions, the definition of trade union as well as regulates the right to establish a trade union and to join a trade union, provides the right of trade unions to establish associations, stipulates the independence and equality of trade unions and regulates the establishment of a trade union and an association of trade unions. The Law explicitly stipulates person's right not to join a trade union and not to become a member of trade union, if he/she

does not want it, and regulates the establishment of a trade union. The Law also separates undertaking trade union and trade union established outside an undertaking, for instance, in branch industry or profession. According to Article 7 the number of founders of an undertaking trade union may not be less than 15 or less than one fourth of the total number of the employees of the undertaking which may not be less than 5 employees. The number of the founders of a trade union established outside an undertaking may not be less than 50. An association of trade unions may be established when minimum three trade unions registered in compliance with the procedure provided for in the law unite.
The above mentioned part of the Law also regulates issues concerning the name of a trade union, the registration of trade union and also defines the legal status of trade union and its permanent unit. According to the Law a trade union is a voluntary union of persons established for the purpose of representing and protecting the labour, economic, social and professional rights and interests of employees. The Law also provides that permanent unit of a trade union is granted the status of a legal person as from the moment when it is entered in the Register of Associations and Foundations.

The second part of the Law “Competence and activities of trade unions” consists of three Articles that determine the rights of trade unions and their implementation, including the right to perform economic activity, as well as the rights and duties of authorised officials of a trade union. The Law provides that in the course of representing and protecting the labour, economic, social and professional interests of employees, trade unions are entitled to conduct collective negotiations, to receive information and to consult with employers, the organisations of employers and their associations, to sign collective agreements (general agreements), to declare strikes and to implement other rights specified by regulatory enactments. The Law also provides that trade unions are entitled to participate in the development of draft regulatory enactments and policy planning documents and are entitled to request and to receive the information required for the performance of their functions and for the attainment of their objectives from State and local government authorities. Simultaneously the law provides that a trade union is represented by an institution or an official authorised for this purpose by the Articles of the trade union. As to the right to perform economic activity, the Law provides that a trade union is entitled to perform economic activity in the form of complementary activity related with the maintenance or the utilisation of its own property and other economic activity in order to achieve its goals.

The third part of the Law “Representation of trade unions in the social dialogue and tripartite cooperation institutions as well as in the relations with the State and local government authorities” that consists of three Articles, regulates issues concerning bipartite social dialogue and tripartite cooperation as well as representation of trade unions in the relations with the State and local government authorities. The Law provides that the representation of trade unions in the social dialogue with employers, the organisations of employers and their associations shall be implemented in compliance with the agreement between trade unions and employers, the organisations of employers and their associations. The Law also regulates the relations of trade unions with the State and local government authorities.

The fourth part of the Law "Responsibility for breaches of the Law" provides that persons shall be brought to responsibility for violations of the present Law.

Finally the transitional provisions provide that within six months after the date of the entry into force of the present Law the Register of Enterprises of the Republic of Latvia shall enter the data regarding the trade unions which are not excluded from the Register of Trade Unions in the Register of Associations and Foundations without changing the scope of the information and without requiring their re-registration. Within five years after the date of the entry into force of the present Law trade unions shall submit the Articles compliant with the requirements of the present Law and other regulatory enactments and the information regarding the persons who are entitled to represent the trade union to the Register of Enterprises of the Republic of Latvia. The transitional provisions also foresee that the trade union to the structural unit of which the status of a legal person was granted in compliance with the Law "On Trade Unions", shall register the relevant structural unit in the Register of Associations and Foundations as the permanent unit of the trade union, transform it into a structural unit without the status of a legal person or liquidate it. This permanent unit of a trade union shall be entered in the Register of Associations and Foundations until 31 December 2017 by submitting the application and the decision referred to in Paragraph four of Article 11 of the Law and attaching to those the information regarding the taxpayer's number assigned to the structural unit of the trade union by the State Revenue Service, if applicable. The above mentioned structural units of trade unions with the status of a legal person established in compliance with the Law "On Trade Unions" shall maintain the status of a legal person until their entry in the Register of Associations and Foundations as permanent units of trade unions, their transformation into structural units without the status of a legal person or their liquidation, but no later until 31 December 2017.

As regards the right to organise for public servants, the information on the restrictions described in the previous Reports on the Article 5 of the European Social Charter has not changed.

Providing further information on the activities on Senior Affairs Council, in order to ensure efficient cooperation between non-governmental organisations and State authorities in identification and evaluation of the problems faced by seniors and development of solutions thereof was created in May 2013. It is founded as an advisory body for joint evaluation of the topical issues faced by retired persons. The Council's tasks include not only finding ways for improving the financial situation of retired persons, but also discussing a broader ranges of issues related to seniors, including health care, employment, life-long learning, etc.

Staff members from line ministries and State authorities, as well as external experts on economy, inclusion, employment, pension policy and demography matters are involved for discussing particular issues -as required.

The Senior Affairs Council members include representatives from seniors' organisations according to the territorial coverage (Latvian Federation of Pensioners, Latvian Seniors' Alliance, Latgale Regional Union of Pensioners,

Riga Alliance of Active Seniors), as well as from the Ministry of Welfare, the Ministry of Health, the State Social Insurance Agency and the Cross-Sectoral Coordination Centre. Seven meetings have been held in 2013; 2 in 2014; 3 in 2015 and one in 2016.

Please see as well information provided under Article 6, Paragraph 1 and 2 of this Report.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

During the period 2013 - 2016 social partners - LBAS and LDDK - implemented several ESF projects:

1. The Employers' Confederation of Latvia has implemented during the European Union Structural Funds 2007-2013 programming period a project "Strengthening the Administrative Capacity of the Employers' Confederation of Latvia (hereinafter – ECL) in Latvia's Regions" (No. 1DP/1.5.2.2.1./08/IPIA/SIF/002), implementation time: January 2009 to June 2015, financed from European Social Fund and Latvia's State budget in a total amount of EUR 1 592 955.58.

Project goal was to facilitate the development of regional social dialogue and to increase the ability of social partners to take part in the elaboration and implementation of policy, resulting in establishment of five regional ECL structural units in Rīga, Liepāja, Rēzekne, Cēsis and Jēkabpils, in order to ensure the representation of the interests of employers in policy decisions at the national and EU level.

The main project activities were:

- Establishment of five regional ECL structural units, whose work is coordinated by five regional social dialogue coordinators who facilitate the establishment of regional organizations of employers and ensure their participation in the policy making;
- Expert analysis of the current situation and EU and Latvian various level normative acts and policy planning documents to increase the capacity of social partners for taking part in development and implementation of national and EU employment, regional development, labor , social security, health care and educational policy;
- Three training programmes were developed and organised to facilitate bilateral and tripartite social dialogue aiming to educate the leaders and experts of employers' organisations on social dialogue, management of regional development process, and entrepreneurial activities;
- 1849 representatives of employers and employers' organizations trained on negotiation skills, conflict resolution and mediation as part of social dialogue;
- Informative and educational materials published about human resource planning and evaluation methods, good management, and social partnerships in Latvia's regions;

- 85 experience exchange trips were organized to learn about practices in other EU member states regarding regional social dialogue;

- Carried out informative campaign about development and advantages of regional social dialogue;

- Within the Latvia's Presidency of the Council of the European Union in 2015 the international forum "The Role of Social Dialogue in Ensuring the Economic Growth and Qualitative Work Places" and the conference "Entrepreneurship in Regions to Strengthen the European Union Competitiveness" was organized to discuss at EU level the issues in Latvia for social dialogue development, including regional social dialogue.

The main project results were:

- Five regional ECL structural units in Rīga, Liepāja, Rēzekne, Cēsis and Jēkabpils have been established;
- Trained representatives and experts from employers' organizations, as well as employers themselves are able to use their knowledge in practice and to train their members and employees on social dialogue issues;
- After training, employers has become actively involved in the work of ECL's regional structures and in regional social dialogue;
- Knowledge from experience exchange trips is used to strengthen regional social dialogue in Latvia;
- Based on expert analysis of legislation, representatives of employers have drafted their positions on employment and social policy issues and will continue to defend and implement them;
- All of this has served as a basis for the ongoing development of regional social dialogue, thus facilitating stable economic growth in Latvia in future.

2. Strengthening the Administrative Capacity of the Free Trade Union Confederation; Latvia has implemented during the European Union Structural Funds 2007-2013 programming period a project "Strengthening the Administrative Capacity of the Free Trade Union Confederation of Latvia" (No. 1DP/1.5.2.2.1./08/IPIA/SIF/001); implementation time: from January 2009 to June 2015, financed from European Social Fund and Latvia's State budget in a total amount of EUR 1 683 004.07.
Project goal was to facilitate the development of social dialogue at the regional level and to strengthen the possibilities of the Free Trade Union Confederation of Latvia as a social partner to participate in the development and implementation of policy at national and regional level.

The main project activities were:

- Development of co-operation and coordination (includes 2 sub-activities);

- Designing of training programmes and training organization (includes 4 sub-activities);
- Experience sharing and expertise (includes 3 sub-activities);
- Organization of workshops and conferences (includes 2 sub-activities);
- Information and publicity measures (includes 8 subactivities).

The main project results were:

- Five regional FTUCL structural units in Daugavpils, Valmiera, Jelgava, Liepāja and Riga have been established;
- Coordinators worked on involvement of new members in trade unions, went to companies and met with trade union leaders, trade unionists, employees and employers, worked to strengthen cooperation between sectoral trade unions and trade organizations, cooperated with entrepreneurs, employers' organizations, local governments and non-governmental organizations, encouraged the conclusion of collective agreements in companies and carried out other tasks reinforcing trade unions' capacities;
- 3 training programs were developed within the project: "Development of Bilateral and Tripartite Social Dialogue - at the National, Regional and Enterprise Level", "The Mechanism for Involvement of Social Partners in the Development and Implementation of Policy Plans", "Strengthening Structure Capacity of Trade Union", which were renewed over time;
- Using developed training programs, 123 training courses were organized. Target audience involved, experts, managers, specialists and heads of FTUCL member organizations, as well as heads of trade organizations and members of trade unions;
- Knowledge from experience exchange trips is used to strengthen regional social dialogue in Latvia;
- In order to raise awareness of employees and their representatives about the levels of social dialogue, the creation of social dialogue in the regions and the implementation of European Union directives in the workplaces, 2 methodological materials were developed in the project: "Social Security Policy in Crisis Conditions in Latvia" and "Step by Step to Collective Agreement" as well as 2 handbooks: "A Handbook on the practical implementation of Framework Agreements and agenda 2009-2010 of the European Social Partners" and "The Trade Union Roadmap 2006-2011". At the end of the project, the final report "The Circle of Social Dialogue. The Contribution of Trade Unions to the development of Social Dialogue in Latvia 2011-2015" was issued;
- There were 98 workshops organized within project on the functioning of regional structures, the regional social dialogue in general and the possibilities to engage in policy processes at national and regional level, as well as socioeconomic issues in the regions and the role of trade unions in regional reform and sector restructuring;
- During the implementation of the project, 26 newsletters were prepared and published, each in 5000 copies. Each of the newsletters was dedicated to a topical theme related to social dialogue at different levels and opportunities to engage in social dialogue.

At the end of both aforementioned projects following operational programme results were achieved:

		Base value in 2004	Achieved result in 2015
Strengthening the Administrative Capacity of Social partners	Number of established regional units of ECL and FTUCL	**0**	**10**
	Share of employees with whom collective agreements have been concluded	**18%**	**21,2%**

3. Sub - activity 1.3.1.3.2. “Practical application of the legislation on occupational safety, health and labour relations in sectors and enterprises” of operational programme “Human Resources and Employment” in 2007-2013 planning period has been implemented. (No. 1DP/1.3.1.3.2./08/IPIA/NVA/001); implementation time: from September 2008 to December 2013, financed from European Social Fund and Latvia's State budget in a total amount of 3 616 534 EUR, beneficiary: Free Trade Union Confederation of Latvia.
Project goal is to promote application of the legislation on working relations and occupational safety and health in order to improve the working environment and enhance satisfaction of employees with their working conditions, to reduce violation of labour relations and the number of accidents at work, encourage employees and employers to examine the legislation on labour relations and occupational safety and health, their rights and duties, to foster socially responsible entrepreneurship in order to fight illegal employment.
The main project activities were:

- establishment of consulting centers in planning regions;
- the work environment risk assessment at the workplace;
- research on working conditions and risks in Latvia;
- development of electronic work environment risk assessment system and database on collective agreements;
- awareness raising and educational campaigns and measures on labour relation and labour protection issues;
- development of informative, educational, methodical materials on labor relation and labor protection issues;
- development and implementation of labor protection training modules for vocational education teachers;
- training of managers and specialists of employers' organizations and trade unions, training of employers and employees (trust representatives) in labor protection.

4. Measure No. 3.4.2.2 "Development of Social Dialogue for elaboration of Better Regulation in Business Support area" will be implemented within specific objective No.3.4.2. of operational programme “Growth and

employment" in 2014-2020 planning period. This will ensure development of bipartite industrial social dialogue with purpose to elaborate better regulation in order to promote the improvement of the business environment in five priority industries: timber industry, chemical industry and allied industries, construction industry, transport and logistics industry, telecommunications and communications. Social partners together with partners from various industries will analyze aspects of international trade, competitiveness and employment, focusing in particular on updating and activating the social dialogue of aforementioned industries, as well as in parallel stimulating and involving representatives of other industries in bilateral social dialogue, including small and very small businesses and start-ups, thus facilitating common understanding between associations and trade unions of industries on ways how to improve business environment, work conditions, legal and practical relations between employers and employees and providing discussions on better regulation development issues for different industries. There will be two projects implemented in amount of EUR 750 000 each until 30 June 2022. With these projects social partners will contribute to the reduction of illegal employment and the shadow economy by concluding five general agreements at industry level, which will set the rules on[14]:

- working time;
- training and lifelong learning;
- holidays;
- insurance;
- wages, salaries and social security;
- unemployment and pension funds;
- labour protection regulation;
- reconciliation of work and family life;
- babysitting services etc.

[14] Not all of the components will be included in each general agreement. Exact amount of components of general agreement will depend on results of social dialogue. The minimum aspect to be covered by the general agreement is the minimum wage in the industry, which will promote fair business and competitiveness between companies in the industry and effective tax control.

It is expected, that at the end of both aforementioned projects following operational programme results will be fulfilled:

		Base value in 2013	**Planned result in 2023**
Development of Social Dialogue for elaboration of Better Regulation in Business Support area	Number of organized events for involvement of industrial associations and trade unions in social dialogue	**-**	**25**
	Number of industrial general agreements concluded	**1**	**5**

5. Specific objective No.731 "To improve labour protection, especially in enterprises of hazardous industries" of operational programme "Growth and employment" in 2014-2020 planning period will be implemented. Implementation time: from October 2016 to December 2022; financed from European Social Fund and Latvia's State budget in a total amount of EUR 12 643 472; beneficiary-State Labour Inspectorate (hereafter – SLI); partners: FTUCL and ECL. Partners` activities:
- settlement of work disputes (5250 consultations);
- study visits to companies in hazardous industries (36 visits);
- awareness raising activities for vocational education students (72 activities).

6. Specific objective No.732 "To prolong preservation of capacity for labour and employment of elderly employees" of operational programme "Growth and employment" in 2014-2020 planning period will be implemented. Implementation time: from January 2017 to December 2022; financed from European Social Fund and Latvia's State budget in a total amount of EUR 10 596 211; beneficiary -State Employment Agency; partners: FTUCL and ECL. Partners activities:
- collective bargaining for inclusion age management in collective agreements, employment contracts (supplemented employment contracts or collective agreements (74 employers)).

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

The latest case on freedom of association and discrimination based on trade union activities was currently examined in the European Court of Justice (Application no. 59402/14 *Aušra STRAUME vs Latvia*). At the same time European Court of Human Rights found admissible a case of discrimination against a Chairwoman of Dispatchers Trade Union that was considered and

analysed as an individual labour rights dispute by all three levels of courts in Latvia. The chairwoman of the Dispatchers Trade Union was suspended from work and dismissed for referring a complaint to the Ministry regarding violations of individual (working time, insurance) and collective rights (collective agreement) of dispatchers and voicing up drawbacks of work organisation and management.

Within one of the recent cases (case nr.C2961114; judgement passed on 29.03.2016) the court was reviewing discrimination based on trade union activity of the elected trade union leader. The trade union leader received disciplinary sanctions during trade union dispute with the employer. The case revealed challenges to prove causation in cases of discrimination based on trade union activity.

ARTICLE 6: THE RIGHT OF WORKERS TO BARGAIN COLLECTIVELY

ARTICLE 6 PARA. 1

"With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

to promote joint consultation between workers and employers;"

1. Please describe the general legal framework applicable to the private as well as the public sector. Please specify the nature of, reasons for and extent of any reforms.

On August 16, 2017 the amendments of Labour law came into force. *Inter alia* the amendments of Article 18 "Parties to a Collective Agreement" of Labour law were elaborated. These amendments were drafted taking into account social partners suggestions in order to stimulate the conclusion of collective agreements and also because social partners had raised several questions that were not clearly regulated by Labour law before (for example, the right of separate employers to join already concluded general agreement, right to derogate from general agreement etc.).

Paragraph 2 of Article 18 is now supplemented providing a possibility for a separate employer as well as the union of employers to join an already concluded general agreement, if the respective authorization is existent or such right is provided by articles of association of the organization. Simultaneously, it is provided that a collective agreement in a sector or territory is concluded by the union of the trade unions that unites the biggest number of employees in Latvia or the trade union that is included in the union that unites the biggest number of employees.

Paragraph 3 of Article 18 provides that the general agreement concluded by the organization of employers or the union of employers' organizations is binding to the members of the organization or union of organizations. The amendments provide that this is binding also to the members of the organization or union of organizations of employers' that had joined the general agreement later.

Paragraph 3 of Article 18 is supplemented with the regulation – principle, that undertaken obligations must be fulfilled, i.e., in case the employer discontinues his membership of employers' organization or employers' organization discontinues its membership of employers' organization union; it does not mean an automatic liberation from obligations that were undertaken by joining or concluding the collective agreement. Thus it is secured that all employers that have undertaken the obligations by joining or concluding the collective agreement, cannot unanimously declare that they are not going to fulfill them.

Paragraph 4 of Article 18 contained the criteria, according to which the general agreement was binding to all employers of the relevant sector and shall apply to all employees employed by such employers. Taking into account that the new amendments provide possibility for members of the organization or union of organizations of employers' to join the already concluded general agreement, Paragraph 4 of Article 18 is amended accordingly.

Additionally the size of one of the criteria is decreased. Before it was provided that, if members of an organization of employers or an association of organizations of employers employ more than 50 per cent of the employees in a sector or the turnover of their goods or the amount of services is more than 60 per cent of the turnover of goods or amount of services of a sector, a general agreement entered into between the organization of employers or association of organizations of employers and an employee trade union or an association (union) of employee trade unions shall be binding on all employers of the relevant sector and shall apply to all employees employed by such employers. With the amendments the second criterion mentioned in the Paragraph 4 Article 18 has been decreased from 60 per cent to 50 per cent.
Thereby Paragraph 4 Article 18 now provides that the fact that members of an organization of employers or an association of organizations of employers employ more than 50 per cent of the employees in a sector or the turnover of their goods or the amount of services is more than 50 per cent of the turnover of goods or amount of services of a sector will be determined according to the data set by Central Statistical Bureau. Before the source of data was not specified by the law and accordingly the social partners of each sector had to prove the fulfilment of the set criteria with the information that was at their disposal.
Until now Paragraph 4 Article 18 provided that with respect to the referred employers and employees, the general agreement shall come into effect on the day of its publication in the official gazette "*Latvijas Vēstnesis*" unless the agreement specifies another time for coming into effect. In order to give the opportunity to employers to prepare for fulfillment of their new obligations the amendments to Paragraph 4 of Article 18 now provide that the general agreement shall come into effect not earlier than after three months following its publication in the official gazette "*Latvijas Vēstnesis*" unless the agreement specifies another time for coming into effect.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In relation to promotion of joint consultations between workers and employers the State carries out several activities, especially, connected with the European Social Fund projects. Concerning the ESF projects launched, please see also information provided under Point No.2 of Article 5 of this Report.

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Please see also information provided under Point No.3 Paragraph 2 of this Article.

ARTICLE 6 PARA. 2

"With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;"

1. Please describe the general legal framework applicable to the private as well as the public sector. Please specify the nature of, reasons for and extent of any reforms.

On 6 March 2014 the Parliament of Latvia adopted the new Trade Union Law which entered into force on 1 November 2014 and accordingly the previous Law On Trade Unions of 13 December 1990, lost its force. The aim of the Law is to define the general provisions of the formation and the operation of trade unions and their associations (hereinafter referred to as "trade unions"), as well as the principles followed by trade unions in cooperation with employers, the organisations of employers and their associations, State and local government authorities. The Law is designed to improve and modernise the legal framework for the operation of the trade unions, as well as prevent inconsistencies with other regulatory enactments and to ensure compliance with the rules of international laws. Free Trade Union Confederation of Latvia and the Ministry of Justice were involved in the drafting of the Law.
The Law includes provisions on protection of trade union representatives against discrimination based on their involvement in trade union work and provides for possibilities to obtain appropriate facilities to carry out functions.

Please see also information provided under Point No.1 of Article 5 and Point No.1 Paragraph 1 of this Article.

Regulations of Cabinet of Ministers No. 600 of September 6th 2016 "Operational Programme's "Growth and Employment" 3.4.2., specific aid target's "Public administration's professional development and the development of social dialogue for creation of better regulation for support of small and medium-sized enterprises, the fight against corruption, and the shadow economy reduction areas" measure's No. 3.4.2.2. "The development of social dialogue for creation of better legal framework for business support area" implementing rules"[15] is adopted. The aim of the measure: No. 3.4.2.2. is to ensure the development of bilateral sectoral social dialogue in order to promote a better legal framework for facilitation of business environment arrangement in the five priority sectors – the timber industry, the chemical industry and its connected branches, construction, transport and logistics, telecommunications and communication. The time framework of the projects is not later than June 30, 2022. Responsible authority, fulfilling the functions

[15] http://likumi.lv/ta/id/284840-darbibas-programmas-izaugsme-un-nodarbinatiba-3-4-2-specifiska-atbalsta-merka-valsts-parvaldes-profesionala-pilnveide

for the measure No. 3.4.2.2., shall be performed by State Chancellery. A project applicant in the framework of the measure: No. 3.4.2.2. is a social partner at the national level that ensures employers' or workers' organisations interest representation – the FTUCL and the ECL.

In public sector the sectoral collective agreement in healthcare sector was renewed in January 2017 and is signed between Nursing and Health Care Personnel Trade Union, Trade Union of Employees of State Institutions, Self-governments and Finance Sector, Health and Social Care Workers Trade Union and the Ministry of Welfare of Latvia. The agreement applies to all institutions subordinated to the Ministry of Welfare that have trade unions of the mentioned sectoral organisations. The agreement sets minimum rates of pay.

In private sector there is one branch collective agreement which is signed in the railway sector. It is also a generally binding (*erga omnes*) collective agreement.

Concerning sectoral collective bargaining positive development is the initiative of the Education and Science Workers Trade Union to sign regional sectorial collective agreements in education sector.

Lack of sectorial collective bargaining can be explained by the developed culture to regulate employment standards in detail through legal regulations. The main negotiations on labour related issues therefore take place within the tripartite cooperation system and result in amendments to the Labour Law and other related legislative acts.

Wages in Latvia mostly are set by law instead of being determined by collective agreements. Some existing collective agreements have indications and guidance on how to set wages and organise wage system. However, minimum wage rates are set by the Regulations of the Cabinet of Ministers. In public sector collective bargaining on wage rates is limited by Law on Remuneration of Officials and Employees of State and Local Government Authorities.

In addition, challenges to sectorial collective bargaining can be explained by lack of awareness and understanding of benefits of collective bargaining among employers, as well as unionisation rates of the employers' side to reach the representativity thresholds for extended collective agreements.

Remuneration Law, as provided by Paragraph 2 of Article 3, allows signing of collective agreements in State and local government authorities – State or local government authority shall, in developing regulatory enactments and collective agreements, consult the representatives of officials (employees) regarding remuneration in accordance with the regulatory enactments regulating employment legal relations, position legal relations or course of the service.

At the same time, the Remuneration Law Paragraph 3 Article 3 defines the obligation to comply with the provisions defined by the Remuneration Law regarding setting of remuneration in collective agreements – State or local government authority shall not disburse and intend another remuneration for an official (employee) in internal laws and regulations, binding regulations of the local government, collective agreements and employment contracts other

than that which is determined in this Law, except the cases provided for in Paragraphs 4 and 5 of this Article.

The above mechanism ensures efficient and transparent use of the funds of the State budget, as well as secures uniform approach to planning of the funding intended for remuneration in the State budget. Thus, by defining particular elements of remuneration by the law, the possibility of uneconomical use of the taxpayers' funds is prevented. At the same time, the Remuneration Law also stipulates an opportunity to provide in collective agreements and to disburse a higher remuneration from the funds which are not provided from the State budget, for example, from the funds received for performance of research activities, from the funds obtained on the basis of international cooperation agreements.

On 14 October 2010 Parliament adopted amendments to Paragraph 4 Article 3 of the Remuneration Law by extending the range of elements related with additional remuneration which State or local government authority is authorised to include in internal regulations, mandatory local government regulations, collective agreements or employment contracts within the framework of financial resources allocated to it.

Paragraph 4 of Article 3 of the Remuneration Law currently in force provides as follows:
A State or local government authority may, within the framework of the financial resources granted to it, only provide the following remuneration for officials (employees) in internal laws and regulations, binding regulations of the local government, collective agreements and labour contracts:
1) shortening of the duration of a working day by more than one hour before holidays;

2) one paid holiday on the first day at school because of commencement of school-time of a child in Grade 1-4;

3) maximum three paid holidays because of entering into marriage;

4) one paid holiday on the day of graduation when an official (employee) or his/her child graduates from an educational establishment;

5) monetary award the amount of which does not exceed the monthly wage set for the relevant official (employee) within one calendar year, because of an important achievement (event) for State or local government authority, taking into account the official's (employee's) contribution to achievement of the goals of the relevant authority;

6) *(excluded by the Law of 16.06.2011)*;

7) a benefit in the amount of up to 50 per cent of the monthly wage once during a calendar year to the official (employee) for each supported minor with disability aged up to 18 years;

8) a benefit in the amount of up to 50 per cent of the monthly wage once during a calendar year upon taking the annual paid vacation, taking into account the length of service at State or local government authority, the performance and other criteria set by the State or local government authority, as well as the condition that the vacation benefit is not transferred to the following calendar year, and upon termination of the position (service,

employment) relationship it is not compensated if the annual vacation has not been used;

9) a remuneration for the time which the official (employee) does not spent at the work place or another location set by the authority and which is used by the official (employee) at his/her discretion, however, upon a relevant request arrives to the set venue and starts performing official duties immediately.

During the time period from 1 May 2013 to the end of 2016, in relation to setting of the remuneration of the officials and employees of State and local authorities several detailing amendments were made in the Remuneration Law by reviewing the ranges of monthly wages in relation to both increase of the minimum monthly wage and changes of the national currency of the Republic of Latvia, by reviewing the motivation tools, i.e. the variable part of remuneration, as well as by defining specific regulation in the area of social guarantees of some groups of employees. Several amendments to the Remuneration Law were adopted by Parliament during the reporting period.

For more detailed information regarding provisions of the Remuneration Law (contents, limits etc.) please see the Remuneration Law[16].

Several amendments to Regulations of Cabinet of Ministers No. 66 „Regulations Regarding Work Remuneration of Officials and Employees of State and Local Government Authorities, and Procedures for Determination thereof" of 29 January 2013 reviewing and increasing the monthly wages set within the scale of monthly wages and by updating the procedure of setting and reviewing monthly wages were adopted by the Cabinet of Ministers during the reference period.

Besides in 2017 to improve the situation, on the initiative of social partners, amendments to the Labour Law were adopted. The amendments lowered the representativity thresholds for employers' organisations to sign *erga omnes* collective agreements as mentioned in Point No.1, Paragraph 1 of this Article. In addition, the amendments provide for mechanism to prove compliance with the representativity criteria.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

With an aim to promote, where necessary and appropriate, mechanism for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements, the State carries out several activities, especially, connected with the ESF projects. Concerning the ESF projects launched, please see also information provided under Point No.2 of Article 5 in this Report.

Recent FTUCL activities aimed at promoting and facilitating the right to organise and collective bargaining include:

1. participation in drafting of new Trade Union Law (in force since 1st November 2014) in defining challenges to establish trade unions, organise

[16] https://likumi.lv/doc.php?id=202273 (with latest amendments, available in Latvian)

trade union activities and enforce trade union rights. In a successful cooperation with the Ministry of Welfare solutions that complied with the ILO conventions and recommendations, as well as the EU *social acquis*, were found and included in the law;
2. drafting and publication of the Commentaries to the Trade Union Law by FTUC experts[17] to raise awareness of current and potential trade union members and facilitate implementation of new law;
3. participation in collective bargaining negotiations of construction sector to support Latvian Builders Trade Union and define challenges of collective bargaining for further improvement of legislative provisions.

3. Please provide pertinent figures, statistics or any other relevant information, in particular on collective agreements concluded in the private and public sector at national and regional or sectorial level, as appropriate.

1. Number of collective agreements on enterprise level is 1268 in 2015, 1152 in 2016. Collective agreements cover approximately 116 278 employees (according to FTUCL information - in general collective agreements in Latvia cover approximately 24 per cent of workers). There is one branch collective agreement in private sector (railway transport) and one branch collective agreement in public sector (health care).

In addition we would like to note that conclusion of collective agreements in both sectors – in private and in public, depends on free will of the parties. The State provides the necessary support to the parties with an aim to promote conclusion of collective agreements, for example it carries out several activities, especially, connected with the ESF projects. Concerning the ESF projects launched, please see information provided under Point No.2 of Article 5 in this Report.

Besides, as regards public sector officials retain the right to participate in processes that are directly relevant to the determination of the procedures applicable to them, including remuneration, as they can express their desires and put forward their initiatives through their representatives.

Regarding the amendments to Article 18, Paragraph 4 of the Labour Law (adopted on 4 March 2010) it should be noted that the mentioned amendments were drafted and reconciled with national social partners and other State institutions at the same time evaluating the consequences that the amendments would have on the sector to which it is applied. Taking into account that all the (employers`, employees` and government`s side) parties were involved in the drafting and reconciliation process, the amendments were subject to tripartite analysis. Besides the amendments were also considered and discussed in the Sub-council for Tripartite Cooperation in Labour Affairs (one of the Sub – councils of the National Tripartite Cooperation Council).

2. According to the State Labour Inspectorate Law one of the tasks of SLI is to promote social dialogue in order to facilitate the prevention of differences of

[17] http://www.lbas.lv/upload/stuff/201511/arodbiedribu_likums_ar_komentariem__internetam.pdf

opinions between an employer and employees and, where appropriate, to invite representatives of the employees. When addressing complicated and problematic conflict situation in companies, SLI invited parties to resolve the conflict in the framework of tripartite social dialogue.
SLI takes measures that broaden the knowledge of employers and employees on peaceful resolution of labour disputes and enhance the process of disputes between the parties involved. Trade unions that represent the interests of employees are actively involved in social dialogue. Regardless of principally different interests of parties involved in dialogue, the process of disputes in most cases is successful. The parties of social dialogue are oriented towards listening to other parties of the dispute, understanding different interests, explaining of those interests to each other. The process of the disputes is oriented towards reasonable resolution that would maximally correspond to interests of parties and would lead to fair resolution of the conflict. Sometimes in the course of the disputes it turns out that respective employer has violated the regulative enactments in the field or legal labour relations.
When evaluating the process of already happened social dialogues, it is possible to conclude that it is easier to debate and find the mutually acceptable resolution in cases when there is stable trade union involved, a well-written collective agreement concluded and the information is readily and timely available for the parties.
In 2014 SLI organized 8 social dialogues and in 5 of them the representatives of trade unions took part. In 2015 SLI organized 2 social dialogues. All the decisions that were taken as a result of social dialogue were fulfilled.
The social dialogues mainly dealt with matters of employment legal relationships – accurate and adequate account of working time, the calculation of annual leave, the procedure of termination of an employment contract, the calculation of supplements etc. Labour protection matters were less dealt with in social dialogues - one of the themes was the identification of psychoemotional risk factors at work and the possible activities for their prevention.
Social dialogue is an effective measure for ensuring the effective cooperation between employer and the representatives of employees and the involvement of SLI officials provides the parties of social dialogue with the professional consultations and information.

ARTICLE 6 PARA. 3

"With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;"

1. Please describe the general legal framework as regards conciliation and arbitration procedures in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

On 15 January 2015 amendments to the Labour Dispute Law of 26 September 2002 have been made (came into force on 17 January 2015). According to the amendments Paragraphs 2 and 3 of Article 20 (Settlement of a Collective Dispute regarding Interests in the Arbitration Court) were updated. Now Paragraph 2 of the Article prescribes that the provisions of Arbitration Law shall apply to establishment of an arbitration court for the settlement of a collective dispute regarding interests. For its part Paragraph 3 of Labour Dispute Law now provides that the provisions of Arbitration Law shall apply to the settlement of a collective dispute regarding interests in the arbitration court.
Paragraph 1 of Article 1 of Arbitration law of 11 September 2014 stipulates that the purpose of this Law is to prescribe the procedures for setting up courts of arbitration and the basic principles of their activity in order to ensure efficient and fair settlement of civil legal disputes through arbitration. The provisions of this Law shall apply to arbitration proceedings in Latvia (Paragraph 2 Article 1).

On 22 May 2014 Mediation Law was adopted (came into force on 18 June 2014). The purpose of this Law according to Paragraph 1 Article 2 is to lay down the judicial preconditions to promote the use of mediation as an alternative way for the settlement of disputes by facilitating harmonisation of social relationship. Mediation may be used for the settlement of disputes in pre-trial proceedings, as well as in judicial proceedings, if not provided for otherwise in the special legal norms (Paragraph 2 Article 2 of Mediation Law). The parties have the right to decide freely on their participation in mediation, commencement of mediation, selection of a mediator, the course of mediation within limits determined by the mediator, discontinuation and termination of mediation with or without entering into an agreement (Article 3 of Mediation Law).

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

No changes.

3. Please provide pertinent figures, statistics or any other relevant information, in particular on the nature and duration of Parliament, Government or court interventions in collective bargaining and conflict resolution by means of, *inter alia*, compulsory arbitration.

Please see information regarding activities of SLI on the promotion of social dialogue provided under Point No.3 of Article 6, Paragraph 2 in this Report.

ARTICLE 6 PARA. 4

"With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake and recognise:

the right of workers and employers to collective action in case of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into."

1. Please describe the general legal framework as regards collective action in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please also indicate any restrictions on the right to strike. Please specify the nature of, reasons for and extent of any reforms.

No changes have been made to the Strike law during the time period from 2013 to 2016.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

No changes.

3. Please provide pertinent figures, statistics or any other relevant information, in particular: statistics on strikes and lockouts as well as information on the nature and duration of Parliament, Government or court interventions prohibiting or terminating strikes and what is the basis and reasons for such restrictions.

According to the Report of the activities of the SLI no strikes were declared to SLI in 2013 and in 2016.

On 31 October 2014 the trade union "LABA" submitted an application to the SLI for organization of strike at stock company "Nordeka". The strike began on 8 November 2014 and 5 persons took part in it. The reason of the strike was dissatisfaction with the salary of bus drivers of the stock company "Nordeka". Demand of the strikers was increases in wage/hourly wage rate for bus drivers of the mentioned stock company, but their demand was not fulfilled.

On 19 November 2015 the Latvian Trade Union of Education and Science Employees (LIZDA) submitted an application to the SLI for one-day warning strike on 27 November 2015. The reasons of the strike were the reforms developed and implemented by the Ministry of Education and Science and also insufficient planned financing for education in the draft of the State budget for 2016. Demand of the strikers was an improved new salary model for teachers according to the LIZDA proposals and increased wages for science and higher education staff. The possible number of strikers mentioned in the application of strike was 22 360 employees of educational institutions.

ARTICLE 21: THE RIGHT OF WORKERS TO BE INFORMED AND CONSULTED WITHIN THE UNDERTAKING

"With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking."

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 10 of Labour Law gives the definition of employee representatives and general description of representation of employees. Paragraph one of the mentioned Article provides that employees shall safeguard their social, economic and occupational rights and interests directly or indirectly through the mediation of employee representatives. Within the meaning of this Law, employee representatives shall mean:
1) an employee trade union on behalf of which a trade union institution or an official authorised by the articles of association of the trade union acts; or
2) authorised employee representatives who have been elected in accordance with Paragraph 2 of this Article.
Authorised employee representatives may be elected if an undertaking[18] employs five or more employees. Authorised employee representatives shall be elected for a specified term of office by a simple majority vote at a meeting in which at least half the employees employed by an undertaking of the relevant employer participate. The course of the meeting shall be recorded in minutes and decisions taken shall also be entered in the minutes. Authorised employee representatives shall express a common view with respect to the employer (Article 10 Paragraph 2). If there are several employee trade unions, they shall authorize their representatives for joint negotiations with an employer in proportion to the number of members of each trade union but not less than one representative each. If representatives of several trade unions have been appointed for negotiations with an employer, they shall express a common view (Article 10 Paragraph 3). If there is one employee trade union or several such trade unions and authorised employee representatives, they shall authorise their representatives for joint negotiations with the employer in proportion to the number of employees represented but not less than one representative each. If representatives of one employee trade union or representatives of several such

[18] Article 5 of Labour Law provides that within the meaning of this Law, an undertaking shall mean any organisational unit in which an employer employs his/her employees.

trade unions and authorised employee representatives have been appointed for negotiations with an employer, they shall express a common view (Article 10 Paragraph 4). In calculating the number of employees upon reaching of which authorised employee representatives may be elected in an undertaking, or institutions of representation may be established, as well as in calculating the number of employees represented, the employees with whom an employment contract has been entered into for a specified term as well as the employees who are performing work in the undertaking within the scope of the work placement service shall also be taken into account (Article 10 Paragraph 5).

Article 11 Paragraph 1 of Labour Law gives the description of rights and duties of employee representatives, when they perform their duties:
1) to request and receive from the employer information regarding the current economic and social situation of the undertaking, and possible changes thereto as well as relevant information regarding the employment in the undertaking of an employee appointed by the work placement service;
2) to receive information in good time and consult with the employer before the employer takes such decisions as may affect the interests of employees, in particular decisions which may substantially affect work remuneration, working conditions and employment in the undertaking;
3) to take part in the determination and improvement of work remuneration provisions, working environment, working conditions and organisation of working time, as well as in protecting the safety and health of employees;
4) to enter the territory of the undertaking, as well as to have access to workplaces;
5) to hold meetings of employees in the territory and premises of the undertaking; and
6) to monitor how regulatory enactments, the collective agreement and working procedure regulations are being observed in employment legal relationships.

Article 11 Paragraph 2 and 3 of Labour Law provide definitions of informing and consultation. Thus within the meaning of Labour Law, informing means a process in which the employer transfers information to employee representatives, allowing them to become acquainted with the relevant issue and to investigate it. Information shall be provided to employee representatives in good time, as well as in an appropriate way and amount. Consultation (within the meaning of Labour Law) shall mean the exchange of views and dialogue between employee representatives and the employer with the purpose of achieving agreement. Consultations shall be performed at the appropriate level, in good time, as well as in an appropriate way and amount so that the employee representatives may receive substantiated answers.

Article 11 Paragraph 4 of Labour Law provides that the rights of employee representatives shall be exercised so that the efficiency of the operations of the undertaking is not reduced.
Employee representatives and experts who provide assistance to employee representatives have the duty not to disclose information brought to their attention that is a commercial secret of the employer. The employer has the duty to indicate in writing what information is to be regarded as a commercial secret. The duty not to disclose information applies to employee representatives and experts who provide assistance to employee representatives also after their activities have been terminated. (Article 11 Paragraph 5 of Labour Law).

Finally Paragraph 6 of the same Article provides that performance of the duties of an employee representative may not serve as a basis for refusal to enter into an employment contract, for termination of an employment contract, or for otherwise restricting the rights of an employee.

A very important role in representation of employee's interests in undertaking plays a collective agreement. Thus Article 21 of Labour Law describes the procedures for entering into collective agreement:

"(1) The entering into a collective agreement shall be proposed by employee representatives, the employer or the organisations or their associations (unions) referred to in Article 18[19] of this Law. An employer, an employer's organisation or an employer's organisation association is not entitled to refuse to enter into negotiations regarding the entering into of a collective agreement (general agreement).
(2) A reply in writing to a proposal regarding the entering into of a collective agreement shall be provided within a 10-day period from the date of receipt of the proposal.
(3) Parties to the entering into of a collective agreement shall organise negotiations and agree on the procedures for the formulation and discussion of the collective agreement. The parties may invite specialists to such negotiations, establish working groups including in them an equal number of representatives of both parties, as well as independently formulate a draft collective agreement.
(4) An employer, upon the request of employee representatives, has a duty to provide to the representatives the necessary information required for the entering into of a collective agreement.
(5) If during the course of negotiations agreement on the procedures for formulation and discussion of a collective agreement or the content of the collective agreement is not reached due to the objections of one party, such party has a duty, not later than within a 10-day period, to give a reply in writing to the proposals expressed by the other party. If a draft of the whole collective agreement is received, a reply in writing shall be provided not later than within

[19] Article 18 of Labour Law, Parties to a Collective Agreement
(1) A collective agreement in an undertaking shall be entered into by the employer and an employee trade union or by authorised employee representatives if the employees have not formed a trade union.
(2) A collective agreement in a sector or territory (hereinafter – general agreement) shall be entered into by an employer, a group of employers, an organisation of employers or an association of organisations of employers, and an employee trade union or an association (union) of employee trade unions if the parties to the general agreement have relevant authorisation or if the right to enter into a general agreement is provided for by the articles of association of such associations (unions).
(3) A general agreement entered into by an organisation of employers or an association of organisations of employers shall be binding on members of the organisation or the association of organisations.
(4) If members of an organisation of employers or an association of organisations of employers employ more than 50 per cent of the employees in a sector or the turnover of their goods or the amount of services is more than 60 per cent of the turnover of goods or amount of services of a sector, a general agreement entered into between the organisation of employers or association of organisations of employers and an employee trade union or an association (union) of employee trade unions shall be binding on all employers of the relevant sector and shall apply to all employees employed by such employers. With respect to the referred to employers and employees, the general agreement shall come into effect on the day of its publication in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia] unless the agreement specifies another time for coming into effect. The general agreement shall be published in the newspaper *Latvijas Vēstnesis* on the basis of a joint application of the parties.
(With amendments made by the Laws of 21.09.2006 and 04.03.2010 entering into force on 25.03.2010.)

one month and the party shall include in it its objections and proposals regarding the draft.
(6) Any employee has the right to submit in writing to the parties to a collective agreement his/her proposals with respect to a draft collective agreement."

Article 22 sets out the conditions for approval of collective agreement providing that in order for a collective agreement entered into by an undertaking to be valid, its approval at a general meeting (conference) of employees is required, except those collective agreements which have been entered into by an employer and employee trade union which represents at least 50 per cent of employees of the undertaking (Article 22 Paragraph 1). The collective agreement shall be approved by a simple majority vote at a general meeting at which at least half the employees of the relevant undertaking participate (Article 22 Paragraph 2). If it is impossible to convene a general meeting of employees due to the large number of employees employed by an undertaking or due to the nature of work organisation, the collective agreement shall be approved by a simple majority vote at a conference of employee representatives at which at least half of the employee representatives participate (Article 22 Paragraph 3). The validity of a general agreement does not require its approval (Article 22 Paragraph 4).

Article 23 of Labour Law gives the conditions upon which the amendment of collective agreement shall be performed – "During the period of validity of a collective agreement, the parties shall amend its provisions in accordance with procedures prescribed by the collective agreement. If such procedures have not been prescribed, amendments shall be made in accordance with the procedures provided for by Article 21 of this Law."

And Article 24 sets out the duty of an employer to familiarise all employees with the collective agreement not later than within one month from its approval or from the time of amendments made to the provisions of the collective agreement. An employer has a duty to make the text of a collective agreement available to every employee.

In addition to general description of rights and duties of employee representatives given in Article 11, Labour Law gives also more detailed conditions of involvement of employees and employee representatives before the employer takes such decisions that may affect the interests of employees, in particular decisions which may substantially affect work remuneration, working conditions and employment in the undertaking:

- Article 44 Paragraph 7 provides that an employer shall inform employees, with whom an employment contract has been entered into for a specified period, regarding job vacancies in the undertaking in which the employee may be employed for an unspecified period. Employers shall inform employee representatives regarding the opportunities in the undertaking to employ employees for a specified period if the employee representatives request such information;
- Article 51 Paragraph 3 provides that work norms shall be determined and amended by an employer after consultation with employee representatives. An employer shall notify an employee of the specification of new work norms or of the amendment of existing work norms not later than one month before the coming into effect of new work norms or amended work norms. An employer

shall notify an employee of temporary and one-time norms before the commencement of employment, but they may not be specified for longer than for three months;

- Article 55 provides that an employer who normally employs not fewer than 10 employees at an undertaking shall adopt working procedure regulations after consultation with representatives of the employees. The working procedure regulations shall be adopted not later than within two months from the date the undertaking has commenced its activities (Article 55 Paragraph 1).

Working procedure regulations if it is not included in the collective labour contract or the employment contract shall provide for the following:

1) beginning and end of working time, breaks in the work, as well as the length of the working week;
2) organisation of working time at the undertaking;
3) date, place and manner of payment of work remuneration;
4) general procedures for granting of leave;
5) labour protection measures at the undertaking; and
6) behavioral regulations for employees and other regulations pertaining to the working procedures in the undertaking (Article 55 Paragraph 2).

All employees shall become acquainted with the accepted working procedure regulations. An employer has a duty to ensure that the text of the working procedure regulations is available to each employee (Article 55 Paragraph 3);

- Article 133 Paragraph 1 provides for involvement of employee representatives in specification of length of working week - "A working week of five days is specified for employees. If due to the nature of the work it is not possible to determine a working week of five days, an employer, after consultation with employee representatives, shall specify a working week of six days.";
- Article 134 is devoted to part – time work regulation and Paragraph five and six provides that an employer shall, upon the request of an employee, transfer the employee from regular working time to part-time or vice versa if such possibility exists in the undertaking. An employer shall inform employee representatives regarding the possibility of employing employees part-time in the undertaking if the employee representatives request such information;
- Article 138 Paragraph 3 sets out that it is prohibited to employ night employee whose work is associated with special risk for more than eight hours within 24-hour period during which he/she has performed night work, however, this rule may not be applied in the cases referred to in Article 140, Paragraph two[20] of this Law after consulting with the employees' representatives;
- Article 139 is devoted to description of shift work providing also that if it is necessary to ensure continuity of a work process, an employer, after consultation with employee representatives, shall determine shift work. In such case the length of a shift may not exceed the regular daily working time prescribed for the relevant category of employees (Article 139 Paragraph 1).

[20] (2) The duration of the one-day and the weekly rest provided for by the Law may not be applied in the framework of aggregated working time if:
1) an employee has to spend a long time on the way to the work;
2) an employee performs the security guard or surveillance activities;
3) due to the nature of the work it is necessary to ensure continuity of the work;
4) an employee performs seasonal work;
5) short-term expansion of the scope of work of the undertaking or increase in the amount of production is expected.

Paragraph five of the Article sets out the duty of an employer to familiarise employees with the shift schedules not later than one month before they come into effect;

- Article 140 describes the conditions of aggregated working time and Paragraph one of the Article provides that if due to the nature of the work it is not possible to comply with the length of the regular daily or weekly working time determined for the relevant employee, the employer, after consultation with the representatives of employees may determine aggregated working time so that the working time in the accounting period does not exceed regular working time determined for the relevant employee. If the aggregated working time is determined for the employee, the employer has a duty to inform the employee in writing thereof, specifying the length of the accounting period, as well as to familiarise the employee with the work schedule in due time;
- Article 145 Paragraph 6 provides that employer shall grant an additional break to employees who are exposed to special risk. The employer shall determine the length of breaks after consultation with employee representatives and such breaks shall be included as working time;
- Article 146 Paragraph 2 provides that breaks of not less than 30 minutes for feeding a child shall be granted not less than every three hours. If an employee has two or more children under one and a half years of age, a break of at least one hour shall be granted. The employer shall determine the length of breaks after consultation with employee representatives. When determining the procedure for granting a break, the wishes of the relevant employees shall be taken into consideration as far as possible;
- Article 150 Paragraph 1 and 2 provide that annual paid leave shall be granted each year at a specified time in accordance with agreement between the employee and the employer or with a leave schedule which shall be drawn up by the employer after consultation with employee representatives. All employees shall become acquainted with the leave schedule and amendments to it and it shall be available to every employee. An employer has a duty to, when granting annual paid leave, as far as possible to take into consideration the wishes of employees.

Labour Law also gives quite extensive instructions to employer in case of collective redundancy. Thus Article 106 provides:

"(1) An employer who intends to carry out collective redundancy shall in good time commence consultations with employee representatives in order to agree on the number of employees subject to the collective redundancy, the process of the collective redundancy and the social guarantees for the employees to be made redundant. During consultations the employer and the employee representatives shall examine all the possibilities of avoiding the collective redundancy of the employees employed in the undertaking or of reducing the number of employees to be made redundant and how to alleviate the effects of such redundancy by taking social measures that create the possibility to further employ or retrain the employees made redundant.

(2) In order to ensure that the employee representatives have an opportunity to submit proposals, the employer shall in good time inform the employee representatives regarding the collective redundancy and notify in writing regarding the reasons of the collective redundancy, the number of employees to be made redundant including the occupation and qualifications of such employees, the number of employees normally employed by the undertaking,

the time period within which it is intended to carry out the collective redundancy and the procedures for calculation of severance pay if they differ from the procedures specified in Article 112 of this Law.
(3) The duties set out in Paragraphs one and two of this Article shall be performed irrespective of whether a decision on collective redundancy is taken by an employer or a dominant undertaking of the employer as a dependent company. An objection that the failure to fulfil the duty of information, consultation and notification is related to the fact that the dominant undertaking has not provided the necessary information is not permitted.
(4) An employer who intends to carry out collective redundancy shall, not later than 30 days in advance, notify in writing thereof the State Employment Agency and the local government in the territory of which the undertaking is located. The notification shall include the given name, surname (name) of the employer, location and type of activity of the undertaking, reasons for the intended collective redundancy, number of employees to be made redundant stating the occupation and qualifications of each employee, number of employees normally employed by the undertaking and the time period within which it is intended to carry out the collective redundancy, as well as provide information regarding the consultations with employee representatives referred to in this Article. The employer shall send a duplicate of the notification to the employee representatives. The State Employment Agency and the local government may also request other information from the employer pertaining to the intended collective redundancy."

Article 107 of Labour Law allows an employer to commence collective redundancy not earlier than 30 days after the submission of a notification to the State Employment Agency, unless the employer and the employee representatives have agreed on a later date for commencing the collective redundancy (Article 107 Paragraph 1). In exceptional cases the State Employment Agency may extend the time limit referred to in Paragraph one of this Article to 60 days. The State Employment Agency shall notify in writing the employer and employee representatives regarding extension of the time period and the reasons for it two weeks before expiry of the time period referred to earlier in this Article (Article 107 Paragraph 2).

Also in case of transfer of undertaking[21] the employer has to follow strict rules concerning information and consultations with employees that are laid down in Article 120 of Labour Law:
"(1) Both the transferor of an undertaking and the acquirer of an undertaking have a duty to inform their employee representatives, but if such do not exist, their employees regarding the date of transfer of the undertaking or the expected date of transfer, the reasons for the transfer of the undertaking, the

[21]Article 117 of Labour Law, Concept of Transfer of an Undertaking
(1) The transfer of an undertaking within the meaning of this Law shall mean the transfer of an undertaking or its unaffiliated, identifiable part (economic unit) to another person on the basis of an agreement, administrative or normative act, judgment of a court or another basis arisen between the parties outside contractual commitments thereof, as well as a merger, division or reorganisation of commercial companies.
(2) The reorganisation of State administrative institutions or of local government administration, as well as transfer of administrative functions of one institution to another institution shall not be regarded as transfer of an undertaking and may not of local government form the basis for a notice of termination of an employment contract.
(3) The provisions of this Chapter shall not apply to sea-going vessels.

legal, economic and social consequences of the transfer, as well as of the measures which will be taken with respect to employees.
(2) The transferor of an undertaking shall perform the duty specified in Paragraph one of this Article not later than one month before the transfer of the undertaking, while the acquirer of an undertaking, not later than one month before the transfer of the undertaking starts to directly affect the working conditions and employment provisions of his/her employees.
(3) The transferor of an undertaking or the acquirer of an undertaking, who in connection with the transfer of the undertaking intends to take organisational, technological or social measures in the undertaking with respect to employees, has a duty not later than three weeks in advance to commence consultations with his/her employee representatives in order to reach agreement on such measures and their procedures.
(4) The provisions of this Article shall apply irrespective of whether the decision on transfer of an undertaking is taken by the employer or the employer as a dominant undertaking of a dependent company. An objection that the failure to fulfil the duty of information and consultations is related to the fact that the dominant undertaking has not provided the necessary information is not permitted."

Article 121 of Labour Law contains specific regulation concerning the representation of employees in case of transfer of an undertaking. It provides that if an undertaking or a part of it retains its independence after transfer of the undertaking, the status and functions of employee representatives affected by such transfer shall be retained with the same provisions that were applicable up to the moment of transfer of the undertaking. Such provisions shall not apply if the preconditions required for the re-election of employee representatives or for the reestablishment of representation of employees have been satisfied.

Labour Law provides provisions meant for protection of rights and interest of employees in an undertaking - Article 94 provides that an employee has the right, for the purpose of protecting his/her infringed rights or interests, to submit a complaint to the person authorised accordingly by the undertaking. Employee representatives also have the right to submit a complaint in order to protect the rights and interests of an employee (Article 94 Paragraph 1). A complaint shall be examined and an answer regarding the decision taken shall be provided without delay, but not later than within a seven-day period from receipt of the complaint. The employee and the employee representative have the right to participate in the examination of the complaint, provide explanations and express their views (Article 94 Paragraph 2). No unfavorable consequences shall be permitted to occur to an employee in connection with the submission and examination of a complaint in accordance with the provisions of this Article (Article 94 Paragraph 3).

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Latvian Administrative Violations Code provides for general administrative sanctions that shall be imposed on the employer if he/she has not fulfilled the obligations set out in Labour Law. Thus Article 41 Paragraph 1 provides that in

the case of a violation of regulatory enactments regulating employment legal relations, except for the cases, which are specified in Paragraphs 2 and 3 of this Article – a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 35 up to EUR 350, and for a legal person – from EUR 70 up to EUR 1100. Paragraph four of the same Article provides that in cases of the violations provided for in Paragraph one of this Article, if they have been recommitted within a year after the imposition of administrative sanction – a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 350 up to EUR 700, and for a legal person – from EUR 1100 up to EUR 2900.

Article 166.[7] of Latvian Administrative Violations Code provides specific sanctions that shall be imposed on employer in case he/she fails to conclude a collective agreement or fails to fulfil the conditions of the collective agreement. So this Article provides that in the case of refusal to conduct collective labour contract discussions or the failure to fulfil the conditions of the collective labour contract – a fine shall be imposed on natural persons or member of the Board in an amount up to EUR 700.

In compliance with the Paragraph one of the Article 3 of State Labour Inspectorate Law the function of the SLI is the implementation of the state supervision and control in the field of employment legal relationships and labour protection. In order to ensure the implementation of the function referred to in the Paragraph 1 of this Article, the SLI shall supervise and control observance of the requirements of the regulatory enactments regarding employment legal relationships and labour protection (Subparagraph 1, Paragraph 2, Article 3, State Labour Inspectorate Law).

Officials of the SLI have the right to issue warnings and orders to employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection; as well as to impose administrative fines on employers, as well as on other persons for the examination of administrative violations in accordance with the procedures prescribed (Subparagraphs 6, 9, Paragraph 2, Article 5, State Labour Inspectorate Law).

3. Please provide pertinent figures, statistics or any other relevant information, in particular on the percentage of workers out of the total workforce which are not covered by the provisions granting a right to information and consultation either by legislation, collective agreements or other measures.

Please see also the answer under Point No.1 and No.2 of this Article.

Table no.13

Violations detected by SLI

Year	Article of Labour Law	Violations in total	Orders	Penalties
2014	Article 21	-	-	-
	Article 94	17	3	14
	Article 106	-	-	-
	Article 107	-	-	-
2015	Article 21	-	-	-
	Article 94	12	-	12
	Article 106	-	-	-
	Article 107	1	1	-
2016	Article 21	1	1	-
	Article 94	12	1	11
	Article 106	1	-	1
	Article 107	-	-	-

Data source: SLI

ARTICLE 22: THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT

"With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

- ***c. to the determination and the improvement of the working conditions, work organisation and working environment;***
- ***d. to the protection of health and safety within the undertaking;***
- ***e. to the organisation of social and socio-cultural services and facilities within the undertaking;***
- ***f. to the supervision of the observance of regulations of these matters."***

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 10 of Labour Law provides the definition of employee representatives and general description of representation of employees. Paragraph one of the mentioned Article stipulates that employees shall exercise the defence of their social, economic and occupational rights and interests directly or indirectly through the mediation of employee representatives. Within the meaning of this Law, employee representatives shall mean:

1) an employee trade union on behalf of which a trade union institution or an official authorised by the articles of association of the trade union acts; or

2) authorised employee representatives who have been elected in accordance with Paragraph 2 of this Article.

Authorised employee representatives may be elected if an undertaking[22] employs five or more employees. Authorised employee representatives shall be elected for a specified term of office by a simple majority vote at a meeting in which at least half the employees employed by an undertaking of the relevant employer participate. The course of the meeting shall be recorded in minutes and decisions taken shall be entered in the minutes. Authorised employee representatives shall express a united view with respect to the employer (Article 10 Paragraph 2). If there are several employee trade unions, they shall authorise their representatives for joint negotiations with an employer in proportion to the number of members of each trade union but not less than one representative each. If representatives of several trade unions have been appointed for negotiations with an employer, they shall express a united view (Article 10 Paragraph 3). If there is one employee trade union or several such trade unions and authorised employee representatives, they shall authorise their representatives for joint negotiations with the employer in

[22] Article 5 of Labour Law provides that within the meaning of this Law, an undertaking shall mean any organisational unit in which an employer employs his or her employees.

proportion to the number of employees represented but not less than one representative each. If representatives of one employee trade union or representatives of several such trade unions and authorised employee representatives have been appointed for negotiations with an employer, they shall express a united view (Article 10 Paragraph 4). In calculating the number of employees upon the reaching of which authorised employee representatives may be elected in an undertaking, or institutions of representation may be established, as well as in calculating the number of employees represented, the employees with whom an employment contract has been entered into for a specified term as well as the employees who are performing work in the undertaking within the scope of the work placement service shall also be taken into account (Article 10 Paragraph 5).

Article 11 Paragraph 1 of Labour Law gives the description of rights and duties of employee representatives, when they perform their duties:

1) to request and receive from the employer information regarding the current economic and social situation of the undertaking, and possible changes thereto as well as relevant information regarding the employment in the undertaking of an employee appointed by the work placement service;

2) to receive information in good time and consult with the employer before the employer takes such decisions as may affect the interests of employees, in particular decisions which may substantially affect work remuneration, working conditions and employment in the undertaking;

3) to take part in the determination and improvement of work remuneration provisions, working environment, working conditions and organisation of working time, as well as in protecting the safety and health of employees;

4) to enter the territory of the undertaking, as well as to have access to workplaces;

5) to hold meetings of employees in the territory and premises of the undertaking; and

6) to monitor how regulatory enactments, the collective agreement and working procedure regulations are being observed in employment legal relationships.

Article 11 Paragraph 2 and 3 of Labour law provide the definitions of informing and consultation. Thus within the meaning of Labour Law, informing shall mean a process in which the employer transfers information to employee representatives, allowing them to become acquainted with the relevant issue and to investigate it. Information shall be provided to employee representatives in good time, as well as in an appropriate way and amount. Consultation (within the meaning of Labour Law) shall mean the exchange of views and dialogue between employee representatives and the employer for the purpose of achieving agreement. Consultations shall be performed at the appropriate level, in good time, as well as in an appropriate way and amount so that the employee representatives may receive substantiated answers.

Please see also the information provided under Article 21 Point No.1 of this Report.

Article 5 of the Labour Protection Law provides that in accordance with the general principles of labour protection, an employer has an obligation to

organise a labour protection system which includes internal supervision of the working environment, including evaluation of the working environment risks; establishment of an organisational structure of the labour protection; and consultation with employees in order to involve them in improvement of labour protection. An employer has an obligation to ensure the functioning of the labour protection system in the undertaking.

Article 8 of the Labour Protection Law provides that an employer shall evaluate the working environment risks in the following order:

1) identifying the working environment factors which cause or may cause risks to the safety and health of employees;
2) identifying the employees or other persons whose safety and health is subject to working environment risks;
3) evaluating the amount and nature of the working environment risks; and
4) determining the labour protection measures necessary in order to prevent or reduce the working environment risks.

Evaluation of the working environment risks in an undertaking shall be performed in accordance with each type of activity thereof. If there are similar working conditions, an evaluation of the working environment risks of one workplace or type of work shall be sufficient. The trusted representative or the representative of employees and an employee who is familiar with the relevant workplace shall be involved in the risk evaluation.

Article 10 of the Labour Protection Law provides that an employer has an obligation to consult with employees or trusted representatives in the field of labour protection, as well as to ensure that the trusted representatives have an opportunity to participate in the meetings regarding the issues relating to the measures which may affect the safety and health of employees; the establishment and activities of the organisational structure of the labour protection; the designation of those employees to whom the provision of first aid and taking of measures regarding fire-fighting and evacuation of employees has been entrusted; the internal supervision of the working environment, and informing of employees regarding labour protection, also in cases, when working with another employer or several employers; the planning and organisation of instruction and training in the field of labour protection; and other labour protection issues. An employer shall inform employees and trusted representatives regarding the working environment risks, the overall labour protection measures in the undertaking and those labour protection measures which are directly relating to each workplace and type of work, as well as the measures taken in accordance with the provisions of Article 12, Paragraph 2 of this Law. An employer shall ensure that labour protection specialists, trusted representatives and employees have access to the information regarding the results of the evaluation of the working environment risks and the list of occupations (positions) or workplaces referred to in Article 7, Paragraph 2 of this Law; the labour protection measures determined by the employer and the protective equipment to be utilised; accidents at work and cases of occupational diseases; explanations, opinions and instructions of the SLI regarding labour protection issues, as well as warnings, orders and decisions of the SLI relating to the labour protection

system in the undertaking; and other labour protection issues in the undertaking.

Article 14 of the Labour Protection Law provides that an employer shall ensure that each employee receives instruction and is trained in the field of labour protection directly relating to his/her workplace and work performance. Such an instruction and training shall be carried out on recruitment, in case of change of the nature of work or working conditions, in case of introduction of a new or in case of change of the previous work equipment, and in case of introduction of a new technology. The instruction and training of employees shall be adapted to changes in working environment risks and shall be repeated periodically. An employer shall 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 shall be carried out during working hours. The employer shall cover the expenditures associated with the additional training. The labour protection instruction and training shall be understandable to employees and suitable for their professional preparedness. The employer shall ascertain that the employee has understood the labour protection instruction and training.

Article 20 of Labour Protection Law is dedicated to the regulation of representation of employees in the field of labour protection. Thus Paragraph 1 and 2 of this Article provide that in an undertaking or a unit thereof where five or more employees are employed, these employees or their representatives, taking into account the number of employees, the nature of the work of the undertaking and the working environment risks, may elect one or more trusted representatives. The election of an employee as a trusted representative may not cause him/her unfavorable consequences or restrict in other way his/her right. If at least two trusted representatives are elected in an undertaking or a unit thereof, they shall elect a principal trusted representative among themselves. If at least 10 trusted representatives are elected in an undertaking, they shall establish a trusted representative committee which shall co-ordinate the work of the trusted representatives. Paragraph 5 of the same Article provides that the Cabinet of Ministers shall determine the procedure for the election and activities of the trusted representatives, taking into account the number of employees, the nature of the work of the undertaking and the working environment risks.

Regulation of Cabinet of Ministers No. 427 of 17 September 2002 “Procedure for the Election of Trusted Representatives and the Activities Thereof"[23] define the procedure of election of operation of trusted representatives. During the time period 2013 – 2016 no violations of the requirements of the above referred regulations have been found.

Article 20 Paragraph three of Labour Protection Law determines the duty of an employer to ensure the necessary means to the trusted representatives, as well as grant them the time during working hours for fulfilment of the obligations of the trusted representatives determined in the collective agreement or another written agreement between the employer and the

[23] https://likumi.lv/doc.php?id=66827

employees in order the trusted representative may exercise his/her right and fulfil his/her obligations, in the field of labour protection. The employer shall pay the trusted representative average earnings for this time.

Article 21 of Labour Protection Law is dedicated to the regulation of participation of trusted employees in the internal supervision of the working environment providing:
"(1) A trusted representative shall participate in the performance of the internal supervision of the working environment, including participate in the evaluation of the working environment risks, planning of the labour protection measures, investigation of accidents at work and cases of occupational diseases, putting into service of production facilities and objects and conformity assessment of work equipment, as well as co-operate with the employer and the labour protection specialist in improvement of the working conditions in the undertaking.
(2) When representing the interests of employees in the field of labour protection, a trusted representative has the right:

1) to express freely both justified opinion of employees and his/her own opinion regarding the labour protection system of the undertaking, including the internal supervision of the working environment;

2) to receive from the employer information related to the labour protection system in the undertaking and that is necessary for the fulfilment of the obligations of the trusted representative;

3) to access workplaces according to the procedure determined in the undertaking;

4) to propose that the employer performs measurements of the working environment risk factors if complaints from employees have been received regarding working environment risk factors harmful to health;

5) to propose to perform a repeated evaluation of the working environment risks at the workplaces where an accident has occurred or serious and imminent threats to the life and health of an employee have arisen;

6) to request that the employer takes labour protection measures and to make proposals the implementation of which would prevent or reduce the risks to the safety and health of employees;

7) to propose that the employer enters into an agreement with employees regarding the determination of labour protection measures, the means necessary thereto and the procedure for the use thereof in accordance with the requirements of the regulatory enactments regarding labour protection, as well as to participate in negotiations regarding the conditions of a collective agreement and amendments in the field of labour protection; and

8) to participate in inspections of workplaces together with officials of the SLI."

Regulations of Cabinet of Ministers No. 660 of 2nd October 2007 „Procedures for the Performance of Internal Supervision of the Work Environment"[24] (hereinafter - Regulation No. 660) Clause 7 provides that the employer, the labour protection specialist, the competent specialist or the competent

[24] Regulation of Cabinet of Ministers No. 660 of 2nd October 2007 "Procedures for the Performance of Internal Supervision of the Work Environment" available on: https://likumi.lv/doc.php?id=164271

institution, in performing the internal supervision of the work environment, shall co-operate with a trusted representative or a representative of the employees and involve the employees.

Clause 36 of Regulation No. 660 prescribes that the employer shall inform all employees and trusted representatives or representatives of employees regarding:
1. the risk factors and the work environment risk that exists in an undertaking and every workplace as a result of such factors;
2. the benefit obtained by employees and the undertaking as a result of the elimination of risk factors and the reduction in the work environment risk;
3. their tasks and duties pertaining to internal supervision of the work environment (also, regarding the actions required in emergency situations);
4. probable consequences, which may occur as a result of failure to comply with the prescribed work procedures;
5. labour protection measures;
6. the results of evaluation of the work environment risk, the conclusions made on the basis of such results, the plan of labour protection measures and the labour protection measures taken or to be taken.

Clause 37 of Regulation No. 660 provides that the employer shall inform each employee regarding the issues referred to in Clause 36 of these Regulations, which apply directly thereto.
Clause 38 of Regulation No. 660 prescribes that the employer shall ensure that the information referred to in Clause 36 of these Regulations is available and comprehensible to employees.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Recent and current activities organised by the FTUCL aimed at facilitating just conditions at work, information and consultation rights and rights to improve determination and improvement of the working conditions include the following activities:

1. the European Social Fund project “Improvement of Implementation and Monitoring of Legislative Acts regarding Occupational Health and Safety” (Nr. 7.3.1.0/16/I/001). Activities of the project include a possibility for workers to get an expert advice on health and safety issues;
2. the European Social Fund project “New Model of Social Cooperation – Facilitating Employees Financial Participation and Involvement in management of Economic Processes” (VS/2015/0382). Activities of the project are aimed at defining challenges and possibilities of employee’s financial participation in Latvia to improve involvement of employees in the economic governance of the enterprise and possibilities to improve working conditions.
3. organisation of competition of labour law and health and safety issues for pupils PROFS. The competition is organised for various schools from different regions of Latvia to raise awareness of young persons on

labour law and health and safety issues, encourage them to improve their knowledge and be prepared for entering labour market.

4. participation in drafting and publication of the Commentaries to Labour Law (*http://www.lbas.lv/upload/stuff/201102/dl_ar_kom.pdf*) to improve knowledge of labour rights of employers and employees and facilitate correct application of law;
5. participation in drafting and organising publication of Commentaries to the Law On Remuneration of Officials and Employees of State and Local Government Authorities (*http://www.lbas.lv/upload/stuff/201701/atlidzibaslikumsarkomentariem.pdf*) to improve correct application of the law and improve enforcement of labour rights in public sector;
6. participation in National Tripartite Cooperation Council in shaping political and legislative documents regarding labour rights;
7. renewing the national level social partners cooperation agreement between the FTUCL and the ECL (*http://www.lddk.lv/wp-content/uploads/2013/12/LDDK_LBAS_vieno%C5%A1an%C4%81s_2013.pdf*)

Concerning compliance with the provisions of the regulatory enactments, Paragraph 1 of Article 3 of State Labour Inspectorate Law the function of the SLI is the implementation of the state supervision and control in the field of employment legal relationships and labour protection. In order to ensure the implementation of the function referred to in the Paragraph 1 of this Article, the SLI shall supervise and control observance of the requirements of the regulatory enactments regarding employment legal relationships and labour protection (Subparagraph 1 Paragraph 2, Article 3, State Labour Inspectorate Law).

Officials of the SLI have the right to issue warnings and orders to employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection; as well as to impose administrative fines on employers, as well as on other persons for the examination of administrative violations in accordance with the procedures prescribed (Subparagraphs 6, 9, Paragraph 2, Article 5, State Labour Inspectorate Law).

Survey of undertakings is the major method used by the SLI in the course of supervising and controlling compliance with the requirements of regulatory enactments of legal employment relationship and labour protection. In the course of surveying undertakings officials of the SLI aim to identify the actual situation in the undertaking in the field of legal employment relationship and labour protection, to assess its compliance with the requirements of valid regulatory enactments and to achieve that employers draw up legal employment relationship in compliance with the requirements of regulatory enactments and that both employers and employees perform their obligations and utilise their rights in a good faith, as well as that the work environment which is safe for the health and does not impose any threat is created at undertakings.

In case of finding deficiencies or violations the degree of severity of the violations, the cases of re-committing and other circumstances are evaluated

and a decision is taken regarding the most efficient action for achieving the correct arrangement of the work environment at the undertaking, ensuring the work conditions which are safe for the health and do not impose any threat:

1) an ordinance is issued imposing a legal obligation upon the employer to eliminate found violations within a particular term;
2) an administrative penalty is applied (a warning or a fine) by following the principle of proportionality between the administrative violation, its consequences and the amount of the applied penalty (Article 41^4 of the Latvian Administrative Violations Code[25]);
3) upon finding violations which cause a direct threat to the life and safety of employees, a decision is taken or an ordinance is issued regarding suspension of the operation of the entity/site or a warning is issued regarding suspension of the operation of the entity/site with application of Article 41^5 of the Administrative Violations Code[26].

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[25] Article 41^4 Violation of the Regulatory Enactments regulating Labour Protection
In the case of violation of the regulatory enactments that regulate labour protection, except for the violations referred to in Paragraphs two, three, four, five and six of this Article a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 70 to EUR 350, and for a legal person from EUR 70 to EUR 700.
In the case of non-performance of a work environment risk assessment and the non-development of a labour protection measures plan or the non-conformity thereof with the requirements of regulatory enactments regulating labour protection – a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 70 to EUR 350, and for a legal person from EUR 140 to EUR 1100.
In the case of not using safety signs and not placing them appropriately in the work environment —
a warning shall be issued or a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 70 to EUR 350, and for a legal person from EUR 140 to EUR 700.
In the case of not sending employees for the performance of mandatory health examinations, if such are provided for in regulatory enactments, —
a warning shall be issued or a fine shall be imposed on the employer or the receiver of the service of provision of labour — for a natural person or an official in an amount from EUR 70 to EUR 350, and for a legal person from EUR 140 to EUR 700.
In the case of failure to investigate an accident at work in conformity with the requirements of regulatory enactments or its concealment —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 140 to EUR 500, and for a legal person – from EUR 350 to EUR 1400.
In the case of failure to investigate an accident at work in conformity with the requirements of regulatory enactments or its concealment, as a result of which the employee has been caused serious health disorders or his/ her death has occurred —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 500 to EUR 700, and for a legal person – from EUR 2100 to EUR 4300.
In the cases of the violations provided for in Paragraph one, two, three, four and five of this Article, if they have been recommitted within a year after the imposition of administrative sanction —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 500 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.
In the case of the violations provided for in Paragraph six of this Article, if they have been recommitted within a year after the imposition of administrative sanction —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 570 to EUR 700, and for a legal person – from EUR 5700 to EUR 14 000.
[26] Article 41^5 Violation of the Regulatory Enactments regulating Labour Protection that Cause a Direct Threat to the Safety and Health of Employees
In the case of violation of regulatory enactments that regulate labour protection, which cause a direct threat to the safety and health of an employee, except the violations referred to in Paragraphs two, three and four of this Article —

Please see the information described under Point No.2 of Article 21 of this Report.

3. Please provide pertinent figures, statistics or any other relevant information on employees who are not covered by Article 22, the proportion of the workforce who is excluded and the thresholds below which employers are exempt from these obligations.

The overall description of results of supervision of the SLI, including the statistical data of number of accidents at work, first-time confirmed occupational disease patients is included in annual reports of the SLI. The Annual reports are available on *http://www.vdi.gov.lv/en/About%20us/annual-reports/* .

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a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 500 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.
In the case of not ensuring employees with personal means of protection necessary for work, if this causes a direct threat to the safety and health of an employee —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 350 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.
In the case of using work equipment not in conformity with the requirements of regulatory enactments regulating labour protection or non-observance of safety requirements, if this causes a direct threat to the safety and health of an employee —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 350 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.
In the case of failing to instruct employees or the non-performance of training on issues regarding the safety and health of employees at work, if this causes a direct threat to the safety and health of an employee —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 350 to EUR 700, and for a legal person – from EUR 1400 to EUR 2900.
In the cases of the violations provided for in Paragraph one, two, three and four of this Article, if they have been recommitted within a year after the imposition of administrative sanction —
a fine shall be imposed on the employer or the receiver of the service of provision of labour – for a natural person or an official in an amount from EUR 570 to EUR 700, and for a legal person – from EUR 4300 to EUR 14 000.

Table no.14

Violations identified by the SLI regarding the Labour Protection Law

Year	2013	2014	2015	2016
TOTAL NUMBER OF VIOLATIONS	518	413	519	446
Article 5 of the Labour Protection Law	-	14	11	13
Article 7 of the Labour Protection Law	-	39	76	80
Article 8 of the Labour Protection Law	-	17	55	25
Article 9 of the Labour Protection Law	-	255	219	170
Article 10 of the Labour Protection Law	-	1	-	5
Article 14 of the Labour Protection Law	-	39	55	37
Article 20 of the Labour Protection Law	-	-	-	-
Article 21 of the Labour Protection Law	-	-	-	1
Total number of found violations	15898	16387	16905	15265
Ordinances	493	357	446	410
Article 5 of the Labour Protection Law	-	9	7	10
Article 7 of the Labour Protection Law	-	36	68	77
Article 8 of the Labour Protection Law	-	14	47	24
Article 9 of the Labour Protection Law	-	226	196	163
Article 10 of the Labour Protection Law	-	1	-	4
Article 14 of the Labour Protection Law	-	31	40	31
Article 20 of the Labour Protection Law	-	-	-	-
Article 21 of the Labour Protection Law	-	-	-	1
Total number of violations found in ordinances	13769	12389	12287	10892
PENALTIES	25	56	73	36
Article 5 of the Labour Protection Law	-	5	4	3
Article 7 of the Labour Protection Law	-	3	8	3
Article 8 of the Labour Protection Law	-	3	8	1
Article 9 of the Labour Protection Law	-	29	23	7
Article 10 of the Labour Protection Law	-	-	-	1
Article 14 of the Labour Protection Law	-	8	15	6
Article 20 of the Labour Protection Law	-	-	-	-
Article 21 of the Labour Protection Law	-	-	-	-
Total number of applied penalties	2129	3998	4618	4373

Data source: SLI

Please see also the answer under Point No.1 and No.2 of this Article.

ARTICLE 26: THE RIGHT TO DIGNITY AT WORK

ARTICLE 26 PARA. 1

"With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations:

to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 7 Paragraph 1 to 5 of the Labour Law describes the principle of equal rights:

(1) Everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration.

(2) The rights provided for in Paragraph 1 of this Article shall be ensured without any direct or indirect discrimination – irrespective of a person's race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

(3) In order to promote the adoption of the principle of equal rights in relation to disabled persons, an employer has a duty to take measures that are necessary in conformity with the circumstances in order to adapt the work environment to facilitate the possibility of disabled persons to establish employment legal relationships, fulfil work duties, be promoted to higher positions or be sent for occupational training or the raising of qualifications, insofar as such measures do not place an unreasonable burden on the employer.

(4) It is the duty of the work placement service as the employer to ensure the same working conditions and apply the same employment regulations to an employee who has been appointed for a specified time to perform work in the undertaking of the recipient of the work placement service as would be ensured and applied to an employee if employment legal relationships between the employee and the recipient of the work placement service had been established directly and the employee was to perform the same work.

(5) The working conditions and employment regulations referred to in Paragraph four of this Article shall apply to work and recreation time, work remuneration, to pregnant women, women during the period following childbirth up to one year, women who are breastfeeding, to the protection assigned to children and adolescents, as well as to the principle of equality and the prohibition of differential treatment.

The prohibition of harassment is included in Article 29 of the Labour Law. Paragraph one to ten of the same Law prescribes prohibition of different treatment:

(1) Differential treatment based on the gender of an employee is prohibited when establishing employment legal relationships, as well as during the period of existence of employment legal relationships, 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.

(2) Differential treatment based on the gender of employees is permitted only in cases where a particular gender is an objective and substantiated precondition, which is adequate for the legal purpose reached as a result, for the performance of the relevant work or for the relevant employment.

(3) If in case of a dispute an employee indicates conditions which may serve as a basis for his/her direct or indirect discrimination based on gender, the employer has a duty to prove that the differential treatment is based on objective circumstances not related to the gender of the employee, or also that belonging to a particular gender is an objective and substantiated precondition for performance of the relevant work or the relevant employment.

(4) Harassment of a person and instructions to discriminate against him/her shall also be deemed to be discrimination within the meaning of this Law.

(5) Direct discrimination exists if in comparable situations the treatment of a person in relation to his/her belonging to a specific gender is, was or may be less favourable than in respect of another person. Less favourable treatment due to granting of a prenatal and maternity leave or a leave to the father of a child shall be considered as direct discrimination based on the gender of a person.

(6) Indirect discrimination exists if apparently neutral provisions, criterion or practice cause or may cause adverse consequences for persons belonging to one gender, except in cases where such provisions, criterion or practice is objectively substantiated with a legal purpose the achievement of which the selected means are appropriate.

(7) Harassment of a person within the meaning of this Law is the subjection of a person to such actions which are unwanted from the point of view of the person, which are associated with his/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.

(8) If the prohibition against differential treatment and the prohibition against causing adverse consequences is violated, an employee in addition to other rights specified in this Law, has the right to request compensation for losses and compensation for moral harm. In case of dispute, a court at its own discretion shall determine the compensation for moral harm.

(9) The provisions of this Article, as well as Article 32, Paragraph 1 and Articles 34, 48, 60, and 95 of this Law, insofar as they are not in conflict with the essence of the relevant right, shall also apply to the prohibition of differential treatment based on race, skin colour, age, disability, religious, political or other conviction, national or social origin, property or marital status, sexual orientation or other circumstances of an employee.

(10) In a religious organisation differential treatment based on the religious beliefs of a person is permitted in the case if a specific type of religious belief is the objective of the relevant performance of work or the relevant employment and a justified prerequisite taking into account the ethos of the organisation.

According to Paragraph 1 of Article 32 of the Labour Law a job advertisement (a notification by an employer of vacant work places) may not apply only to men or only to women, except in cases where belonging to a particular gender is an objective and substantiated precondition for the performance of relevant work or for a relevant employment.

Article 34 of the Labour Law provides:
(1) If, when establishing employment legal relationships, an employer has violated the prohibition of differential treatment, an applicant has the right to bring an action to a court within three months from the date of receipt of refusal of the employer to establish employment legal relationships with the applicant.
(2) If employment legal relationships have not been established due to the violation of the prohibition of differential treatment, the applicant does not have the right to request the establishment of such relations on a compulsory basis.
In pursuant to Article 48 of the Labour Law if an employer when giving a notice of termination of an employment contract during the probation period has violated the prohibition of differential treatment, an employee has the right to bring an action to a court within one month from the date of receipt of a notice of termination from the employer.

Article 60 of the Labour Law provides:
(1) An employer has a duty to specify equal work remuneration for men and women for the same kind of work or work of equal value.
(2) If an employer has violated the provisions of Paragraph one of this Article, the employee has the right to request the remuneration that the employer normally pays for the same work or for work of equal value.
(3) An employee may bring the action referred to in Paragraph two of this Article to court within a three-month period from the day he/she has learned or should have learned of the violation of the provisions of Paragraph one of this Article.

For its part according to Article 95 of the Labour Law prescribes**:**
(1) If an employer in determining working conditions, occupational training or the raising of qualifications has violated the prohibition of differential treatment; the relevant employee has the right to request the termination of such differential treatment.
(2) If an employer in determining working conditions, occupational training or the raising of qualifications or promotion of an employee, has violated the prohibition of differential treatment, the relevant employee has the right to bring an action in a court within a three-month period from the day he/she has learned or he/she should have learnt of the violation of the prohibition of differential treatment.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In compliance with the Paragraph 1 of Article 3 of the State Labour Inspectorate Law the function of the SLI is the implementation of the State supervision and control in the field of employment legal relationships and labour protection. In order to ensure the implementation of the function referred to in the Paragraph 1 of this Article, the SLI shall supervise and control observance of the requirements of the regulatory enactments regarding employment legal relationships and labour protection (Subparagraph 1 Paragraph 2, Article 3, State Labour Inspectorate Law).

Officials of the SLI have the right to issue warnings and orders to employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection; as well as to impose administrative fines on employers, as well as on other persons for the examination of administrative violations in accordance with the procedures prescribed (Subparagraphs 6, 9, Paragraph 2, Article 5, State Labour Inspectorate Law).

In accordance with the Paragraph 1 of the Article 41 of the Latvian Administrative Violations Code in the case of a violation of regulatory enactments regulating employment legal relations, except for the cases, which are specified in the Paragraphs 2 and 3 of this Article – a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 35 up to EUR 350, and for a legal person – from EUR 70 up to EUR 1100. In the cases of the violations provided for in Paragraph 1 of this Article, if they have been recommitted within a year after the imposition of administrative sanction – a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 350 up to EUR 700, and for a legal person – from EUR 1100 up to EUR 2900.

Pursuant to Article 204.[17] in the case of violation of the prohibition on discrimination specified in regulatory enactments - a fine shall be imposed in an amount of EUR 140 up to EUR 700.

SLI also carries out several preventive measures, for example, provides consultations free of charge to employers and employees regarding the requirements of regulatory enactments with respect to employment legal relationships and labour protection, provides replies on questions at presence and by advisory phone. In 2016 a single email address of the SLI was created where consultations and explanations on the labour issues could be received.

With an aim to inform society, the SLI also provides up to date information on the issues regarding labour relations and labour protection on their website. This information is provided on other social networks as well. As regards young people the SLI organized and coordinated process of several information events for pupils and young people in 2013 and 2014, for example, the informative day for students of the Alberta college was organized several times. In the framework of the mentioned day young people

were introduced to the main branches of activities of the SLI, current events, and the basics of labour legal relations.

Also as regards education of young people the Free Trade Union Confederation of Latvia organized the competition "Profs" for vocational school students on labour relations and labour protection issues in 2013. This measure gained a lot of popularity and youth responsiveness.

Besides, important judgements on the labour issues could be found free of charge on the website of the Supreme Court of the Republic of Latvia. This helps the SLI and other State institutions to reach the uniform interpretation of the provisions regulating labour relations and labour protection.

According to Paragraph 1 of Article 1635 of the Civil Law **e**very delict, that is, every wrongful act *per se,* as a result of which harm has been caused (also moral injury), shall give the person who suffered the harm therefrom the right to claim satisfaction from the infringer, insofar as he/she may be held at fault for such act. By moral injury is understood physical or mental suffering, which is caused as a result of unlawful acts committed to the non-financial rights or non-financial benefit delicts of the person who suffered the harm. The amount of compensation for moral injury shall be determined by a court at its own discretion, taking into account the seriousness and the consequences of the moral injury (Paragraph 2, Article 1635 of Civil Law). If the unlawful acts referred to in Paragraph 2 of this Article are expressed as criminal offences against a person's life, health, morals, inviolability of gender, freedom, honour, dignity or against the family, or minors, it is presumed that the person who suffered the harm as a result of such acts has been done moral injury. In other cases moral injury shall be proved by the person who suffered the harm (Paragraph 3, Article 1635 of Civil Law). The term act is used here within the widest meaning, including not only acts, but also the failure to act, that is, inaction.

Pursuant to Article 149.[1] of Criminal Law:
(1) For a person who commits discrimination due to racial, national, ethnic or religious belonging or for the violation of the prohibition of any other type of discrimination, if substantial harm is caused thereby, the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.
(2) For the criminal offence provided for in Paragraph one of this Article, if it has been committed by a public official, or a responsible employee of an undertaking (company) or organisation, or a group of persons, or if it is committed using an automated data processing system, the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

3. Please supply any relevant statistics or other information on awareness-raising activities and programmes and on the number of complaints received by ombudsmen or mediators, where such institutions exist.

Please see also the answer under Point No.1 and No.2 of this Article.

Concerning the data received from the Ombudsman's office, the information on the matter will be provided separately.

ARTICLE 26 PARA. 2

"With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations:

to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct."

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Paragraph 1, Article 9 of Labour Law it is prohibited to apply sanctions to an employee or to otherwise directly or indirectly cause adverse consequences for him/her because the employee, within the scope of employment legal relationships, exercises his/her rights in a permissible manner, as well as when if he/she informs competent authorities or officials regarding suspicions with respect to the committing of criminal offences or administrative violations in the workplace. If in the case of a dispute, an employee indicates conditions, which could be a basis for the adverse consequences caused by the employer, the employer has a duty to prove that the employee has not been punished or adverse consequences have been directly or indirectly caused for him/her because the employee, within the scope of employment legal relationships, exercises his/her rights in a permissible manner (Paragraph 2, Article 9 of Labour Law).

Also in addition to Labour Law mentioned in the first paragraph of this Article the principle of equal treatment is also laid down in the Law on Prohibition of Discrimination towards Physical Entities who are Engaged in Economic Activity (entered into force on January 2013). The law states that the prohibition of the different treatment of self-employed persons based on sex in connection with his/her business activities and access by offering and selling goods or services is prohibited. The law includes the prohibition of harassment which is understand as unwanted conduct related to the sex of a person occurs with the purpose or effect, of violating the dignity of that person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Law on Prohibition of Discrimination towards Physical Entities who are Engaged in Economic Activity provides all 'traditional' remedies: Article 4 Paragraph 1 stipulates a reversed burden of proof principle. Article 5 covers the right to compensation, including for non-pecuniary damage, Article 6 covers the protection against discrimination and Article 5 the right to claim

access to self-employment/profession and/or access to and supply of goods and services necessary for the performance of the economic activities of self-employed persons. Individuals may bring civil claims before regular courts dealing with civil and criminal cases in disputes regarding private-law transactions. In this Law non-discrimination norms are enforceable only on an individual basis.
That means - law does not envisage any rights to collective claims.

Please see also the information described under Point No.1 Paragraph 1 of this Article.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There are no specific targeted activities taken to implement the legal framework of the principles described in Article 26, Paragraph 2. However there are general measures taken in order to promote the principle of prohibition of differential treatment and the principle of equal rights. Thus the function of the SLI is the implementation of State supervision and control in the field of employment legal relationships and labour protection. Officials of the SLI have the right to issue warnings and orders to employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection as well as impose administrative penalties on employers, as well as on other persons for violations in accordance with the procedures prescribed by law. SLI also executes preventive measures and informs society about the principle of equal rights as well as the prohibition of differential treatment.
Every individual also has the right to turn to court in order to protect their violated rights. In this context two decisions - No. SKC-1267/2017 (0ctober 17, 2017) and SKC- 308/2017 (April6, 2017) - of Supreme Court should be mentioned that concern the mobbing at the work place (available only in Latvian).

Please see also the information described under Point No.2, Paragraph 1 of this Article.

3. Please supply any relevant statistics or other information on awareness-raising activities and programmes and on the number of complaints received by ombudsmen or mediators, where such institutions exist.

There are no pertinent statistics on this issue.

Concerning the data received from the Ombudsman’s office, the information on the matter will be provided separately.

Please see also the information described under Point No.1 and No.2, Paragraph 2 of this Article.

<u>ARTICLE 28: RIGHT OF WORKER REPRESENTATIVES TO PROTECTION IN THE UNDERTAKING AND FACILITIES TO BE AFFORDED TO THEM</u>

"With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

- ***a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;***
- ***b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned."***

1. Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

Article 10 of Labour Law gives the definition of employee representatives and general description of representation of employees. Paragraph 1 of the mentioned Article provides that employees shall exercise the defence of their social, economic and occupational rights and interests directly or indirectly through the mediation of employee representatives. Within the meaning of this Law, employee representatives shall mean:
1) an employee trade union on behalf of which a trade union institution or an official authorised by the articles of association of the trade union acts; or
2) authorised employee representatives who have been elected in accordance with Paragraph 2 of this Article.

Article 11 Paragraph 6 of Labour Law provides that performance of the duties of an employee representative may not serve as a basis for refusal to enter into an employment contract, for termination of an employment contract, or for otherwise restricting the rights of an employee.

Additionally Article 9 of Labour Law provides for prohibition to cause adverse consequences to an employee in general. Thus Paragraph 1 of this Article provides that it is prohibited to apply sanctions to an employee or to otherwise directly or indirectly cause adverse consequences for him/her because the employee, within the scope of employment legal relationships, exercises his/her rights in a permissible manner, as well as when if he/she informs competent institutions or officials regarding suspicions with respect to the committing of criminal offences or administrative violations in the workplace. Paragraph 2 of the same Article provides that if in the case of a dispute, an employee indicates conditions, which could be a basis for the adverse consequences caused by the employer, the employer has a duty to prove that the employee has not been punished or adverse consequences have been directly or indirectly caused for him/her because the employee, within the scope of employment legal relationships, exercises his/her rights in a permissible manner. Besides Article 8 Paragraph 1 of Labour Law prescribes that employees, as well as employers have the right to freely, without any

direct or indirect discrimination in relation to any of the circumstances referred to in Article 7, Paragraph 2 of this Law, unite in organisations and to join them in order to defend their social, economic and occupational rights and interests and use the benefits provided by such organisations. Affiliation of an employee with the organisations referred to in Paragraph 1 of this Article or the desire of an employee to join such organisations may not serve as a basis for refusal to enter into an employment contract, for termination of an employment contract or for otherwise restricting the rights of an employee (Article 8 Paragraph 2 of Labour Law).

For its part, according to the Article 110 of Labour Law:

"(1) An employer is prohibited from giving a notice of termination of an employment contract to an employee – member of a trade union – without prior consent of the relevant trade union except in cases set out in Article 47, Paragraph 1 and Article 101, Paragraph 1, Clauses 4, 8, and 10 of this Law.
(2) The employee trade union has a duty to inform the employer of its decision in good time, but not later than within seven working days from the receipt of a request from the employer. If the employee trade union does not inform the employer of its decision it shall be deemed that the employee trade union consents to the employer notice of termination.
(3) An employer may give a notice of termination of an employment contract not later than within one month from the date of receipt of the consent of the employee trade union.
(4) If the employee trade union does not agree with the notice of termination of an employment contract, the employer may, within one month from the date of receipt of the reply, bring an action in court for termination of the employment contract.".
Article 11 Paragraph 1 of Labour Law gives the description of rights and duties of employee representatives, when they perform their duties:
1) to request and receive from the employer information regarding the current economic and social situation of the undertaking, and possible changes thereto as well as relevant information regarding the employment in the undertaking of an employee appointed by the work placement service;
2) to receive information in good time and consult with the employer before the employer takes such decisions as may affect the interests of employees, in particular decisions which may substantially affect work remuneration, working conditions and employment in the undertaking;
3) to take part in the determination and improvement of work remuneration provisions, working environment, working conditions and organisation of working time, as well as in protecting the safety and health of employees;
4) to enter the territory of the undertaking, as well as to have access to workplaces;
5) to hold meetings of employees in the territory and premises of the undertaking; and
6) to monitor how regulatory enactments, the collective agreement and working procedure regulations are being observed in employment legal relationships.

On 6 March 2014 the Parliament of Latvia adopted new Trade Union Law which entered into force on 1 November 2014. Article 1 of the mentioned Law

prescribes that aim of the present Law is to define the general provisions of the formation and the operation of trade unions and their associations (hereinafter referred to as “trade unions”), as well as the principles followed by trade unions in cooperation with employers, the organisations of employers and their associations, State and local government authorities. According to the Article 3 of the Law a trade union is a voluntary union of persons established for the purpose of representing and protecting the labour, economic, social and professional rights and interests of employees. Trade unions in their activities shall be independent from State and local government authorities, as well from employers, organisations of employers and associations thereof (Article 6 Paragraph 1 of Trade Union Law). Any activity aimed at direct or indirect prevention of the establishment of trade unions, subordination of them to State and local government authorities, employers, organisations of employers and associations thereof, as well as prevention of the performance of the functions provided for trade unions and associations thereof in laws and their Articles and the attainment of the goals are prohibited (Article 6 Paragraph two of Trade Union Law).

According to Article 12 of the Trade Union Law:

“ (1) In the course of representing and protecting the labour, economic, social and professional interests of employees, trade unions are entitled to conduct collective negotiations, to receive information and to consult with employers, the organisations of employers and their associations, to sign collective agreements (general agreements), to declare strikes and to implement other rights specified by regulatory enactments.
(2) Trade unions are entitled to participate in the development of draft regulatory enactments and policy planning documents in compliance with the procedure specified by regulatory enactments and to submit opinions regarding these drafts if they interfere or may interfere with the labour, economic, social and professional rights and interests of employees.
(3) Trade unions are entitled to request and to receive the information required for the performance of their functions and for the attainment of their objectives from State and local government authorities if regulatory enactments do not provide for any restrictions for the provision thereof.
(4) Within the scope of their competence, without any special authorisation, trade unions represent and protect the rights and the interests of their members.
(5) Employment contracts of the members of a trade union who are not authorised officials of the trade union are terminated in compliance with the provisions of the Labour Law.”.

For its part, Article 13 of this law provides that:

“(1) A trade union is represented by an institution or an official authorised for this purpose by the Articles of the trade union (hereinafter referred to as the “authorised official of the trade union).
(2) A trade union notifies the authorised officials of the trade union who are authorised to represent the trade union and the rights and the interests of its members to the employer in writing.
(3) The rights and the obligations of authorised officials of a trade union are stipulated by the laws regulating the representation of employees as well as

the collective agreement or other agreements between the employer and the trade union. The number of the authorised officials of a trade union to whom Paragraphs four and five of the present Article are applicable may be defined by signing the collective agreement or another agreement between the employer and the trade union.
(4) The authorised official of a trade union who performs his/her duties as the representative along with the contracted employment is entitled to perform these duties and to participate in the training organised by the trade union in compliance with the terms of the collective agreement or another agreement between the employer and the trade union during working hours, however, not exceeding a half of the contracted working time.
(5) In the cases referred to in Paragraph 4 of the present Article, the work remuneration, if for an employee a time salary has been specified, or the average earnings, if for an employee a piecework salary has been specified, of the authorised official of the trade union shall be maintained for the time when this person performs the duties of the representative or participates in the training organised by the trade union.
(6) If the employer intends to give a written reproof or issue a reprimand in writing for violation of specified working procedures or an employment contract to the authorised official of the trade union who performs the duties of the representative along with the contracted work, the relevant trade union shall be consulted in good time.
(7) The employer shall be prohibited to terminate the employment contract of the authorised official of the trade union who performs the duties of the representative, except in the cases specified by the law. The employment contract of the authorised official of the trade union shall be terminated in compliance with the provisions of the Labour Law.
(8) When, in compliance with the collective agreement or another agreement between the employer and the trade union, the authorised official of the trade union performs the duties of the representative and does not perform the contracted work during this performance, the previous work shall be ensured. If this is not possible, the employer shall ensure similar or equivalent work with not less favourable conditions and employment provisions. If this is not possible, the employment legal relationships shall be terminated in compliance with the provisions regarding the reduction of the number of employees."

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

2.1. According to Article 18 of Trade Union Law persons shall be brought to responsibility for violations of the present Law in compliance with the procedures specified by the law.

Article 122 of Labour Law prescribes that an employee may bring an action in court for the invalidation of a notice of termination by an employer within one month from the date of receipt of the notice of termination. In other cases, when the right of an employee to continue employment legal relationships has been violated, he/she may bring an action in court for reinstatement within one month from the date of dismissal.

Article 41 Paragraph 1 provides that in the case of a violation of regulatory enactments regulating employment legal relations relating, except for the cases, which are specified in Paragraphs two and three of this Article – a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 35 up to EUR 350, and for a legal person – from EUR 70 up to EUR 1100. Paragraph four of the same Article provides that in cases of the violations provided for in Paragraph 1 of this Article, if they have been recommitted within a year after the imposition of administrative sanction – a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 350 up to EUR 700, and for a legal person – from EUR 1100 up to EUR 2900.

Please see also the information provided under Point No.1 of this Article.

2.2. In addition we would like to inform that the European Court of Human Rights found admissible a case of discrimination against a Chairwoman of Dispatchers Trade Union that was considered and analysed as an individual labour rights dispute by all three levels of courts in Latvia. The chairwoman of the Dispatchers Trade Union was suspended from work and dismissed for referring a complaint to the Ministry regarding violations of individual (working time, insurance) and collective rights (collective agreement) of dispatchers and voicing up drawbacks of work organisation and management.

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

There are no pertinent statistics on this issue.

Please see also the answer under Point No.1 and No.2 of this Article.

ARTICLE 29: THE RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE REDUNDANCY PROCEDURES

"With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned."

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Labour Law provides quite extensive instructions to employer in case of collective redundancy. According to Article 105 Paragraph 1 of the mentioned Law collective redundancy is a reduction in the number of employees where the number of employees to be made redundant within 30 days is:
1) at least five employees if the employer normally employs more than 20 but less than 50 employees in the undertaking;
2) at least 10 employees if the employer normally employs more than 50 but less than 100 employees in the undertaking;
3) at least 10 per cent of the number of employees if the employer normally employs at least 100 but less than 300 employees in the undertaking;
4) at least 30 employees if the employer normally employs 300 and more employees in the undertaking.
In calculating the number of employees to be made redundant, such employment legal relation termination cases shall also be taken into account as which the employer has not given notice of termination of the employment contract, but the employment legal relations have been terminated on other grounds, which are not related with the conduct or abilities of the employee and which have been facilitated by the employer (Article 105 Paragraph 2 of Labour Law).

For its part Article 106 of Labour Law provides:

"(1) An employer who intends to carry out collective redundancy shall in good time commence consultations with employee representatives[27] in order to agree

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[27] Article 10 of Labour Law:
(1) Employees shall exercise the defence of their social, economic and occupational rights and interests directly or indirectly through the mediation of employee representatives. Within the meaning of this Law, employee representatives shall mean:
1) an employee trade union on behalf of which a trade union institution or an official authorised by the articles of association of the trade union acts;
2) authorised employee representatives who have been elected in accordance with Paragraph two of this Article.
(2) Authorised employee representatives may be elected if an undertaking employs five or more employees. Authorised employee representatives shall be elected for a specified term of office by a simple majority vote at a meeting in which at least half the employees employed by an undertaking of the relevant employer participate. The course of the meeting shall be recorded in minutes and decisions taken shall be entered in the minutes. Authorised employee representatives shall express a united view with respect to the employer.

on the number of employees subject to the collective redundancy, the process of the collective redundancy and the social guarantees for the employees to be made redundant. During consultations the employer and the employee representatives shall examine all the possibilities of avoiding the collective redundancy of the employees employed in the undertaking or of reducing the number of employees to be made redundant and how to alleviate the effects of such redundancy by taking social measures that create the possibility to further employ or retrain the employees made redundant.
(2) In order to ensure that the employee representatives have an opportunity to submit proposals, the employer shall in good time inform the employee representatives regarding the collective redundancy and notify in writing regarding the reasons of the collective redundancy, the number of employees to be made redundant including the occupation and qualifications of such employees, the number of employees normally employed by the undertaking, the time period within which it is intended to carry out the collective redundancy and the procedures for calculation of severance pay if they differ from the procedures specified in Article 112 of this Law.
(3) The duties set out in Paragraphs one and two of this Article shall be performed irrespective of whether a decision on collective redundancy is taken by an employer or a dominant undertaking of the employer as a dependent company. An objection that the failure to fulfil the duty of information, consultation and notification is related to the fact that the dominant undertaking has not provided the necessary information is not permitted.
(4) An employer who intends to carry out collective redundancy shall, not later than 30 days in advance, notify in writing thereof the State Employment Agency and the local government in the territory of which the undertaking is located. The notification shall include the given name, surname (name) of the employer, location and type of activity of the undertaking, reasons for the intended collective redundancy, number of employees to be made redundant stating the occupation and qualifications of each employee, number of employees normally employed by the undertaking and the time period within which it is intended to carry out the collective redundancy, as well as provide information regarding the consultations with employee representatives referred to in this Article. The employer shall send a duplicate of the notification to the employee representatives. The State Employment Agency and the local government may

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(3) If there are several employee trade unions, they shall authorise their representatives for joint negotiations with an employer in proportion to the number of members of each trade union but not less than one representative each. If representatives of several trade unions have been appointed for negotiations with an employer, they shall express a united view.
(4) If there is one employee trade union or several such trade unions and authorised employee representatives, they shall authorise their representatives for joint negotiations with the employer in proportion to the number of employees represented but not less than one representative each. If representatives of one employee trade union or representatives of several such trade unions and authorised employee representatives have been appointed for negotiations with an employer, they shall express a united view.
(5) In calculating the number of employees upon the reaching of which authorised employee representatives may be elected in an undertaking, or institutions of representation may be established, as well as in calculating the number of employees represented, the employees with whom an employment contract has been entered into for a specified term as well as the employees who are performing work in the undertaking within the scope of the work placement service shall also be taken into account.

also request other information from the employer pertaining to the intended collective redundancy."

Article 107 Paragraph 1 of Labour Law allows an employer to commence collective redundancy not earlier than 30 days after the submission of a notification to the State Employment Agency, unless the employer and the employee representatives have agreed on a later date for commencing the collective redundancy. In exceptional cases the State Employment Agency may extend the time limit referred to in Paragraph 1 of this Article to 60 days. The State Employment Agency shall notify in writing the employer and employee representatives regarding extension of the time period and the reasons for it two weeks before expiry of the time period referred to earlier in this Article (Article 107 Paragraph 2 of Labour Law).

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Article 41 Paragraph 1 provides that in the case of a violation of regulatory enactments regulating employment legal relations relating, except for the cases, which are specified in Paragraphs 2 and 3 of this Article – a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 35 up to EUR 350, and for a legal person – from EUR 70 up to EUR 1100. Paragraph 4 of the same Article provides that in cases of the violations provided for in Paragraph 1 of this Article, if they have been recommitted within a year after the imposition of administrative sanction – a fine shall be imposed on the employer – for a natural person or an official in an amount from EUR 350 up to EUR 700, and for a legal person – from EUR 1100 up to EUR 2900.

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Please see also the answer under Point No.1 and No.2 of this Article.

Table no.15

Violations detected by SLI

Year	Article of Labour Law	Violations in total	Orders	Penalties
2014	Article 106	-	-	-
	Article 107	-	-	-
2015	Article 106	-	-	-
	Article 107	1	1	-
2016	Article 106	1	-	1
	Article 107	-	-	-

Data source: SLI