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EUROPEAN SOCIAL CHARTER

Comments by the Free Trade Union Confederation of Latvia (FTUCL) on the 8th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF LATVIA

Articles 5, 6, 21, 22, 26 and 28
for the period 01/01/2017- 31/12/2020

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8 July 2022

CYCLE 2022

Comments submitted by the Free trade Union Confederation of Latvia (FTUCL) in the process of preparing Latvian Government Report on the Revised European Social Charter

Article 5

Membership data and member organising

	2017	2018	2019	2020
Members	91496	88846	85676	78584
Membership	10.2%	9.8%	9.4%	8.8%

FTUCL does not summarise public data with sectorial segregation.

Promotion of member organising and recruitment is done by FTUCL sectorial affiliated organisations. Sectorial organisations organise trainings and specific campaigns (for instance, communication, public services, construction, forestry, retail sectorial trade union organisations). Construction sector and forestry sectorial trade union organisations participate in the Baltic trade union organising initiative - The Baltic Organising Academy (for description please see: https://library.fes.de/pdf-files/bueros/warschau/10342-20131128.pdf).

In spring 2021, to facilitate discussions on organising and member recruitment, LBAS started a new activity "Friday tea club", that includes presentations on organising strategies by FTUCL affiliates and discussions aimed at identifying obstacles to organising in the modern economy and conditions created by COVID-19 pandemic impact.

During COVID-19 pandemic impact, due to rapid transition to remote work and restrictions to hold meetings, FTUCL affiliates reported growing problems with reaching members and workers.

Forming trade unions and employers' organisations

According to Article 7 of the law, the number of founding members of a 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 founding members of a trade union established outside an undertaking may not be less than 50. An association of trade unions may be established when a minimum three trade unions register in compliance with the procedure provided for in the law unite.

Please see attached the opinion of the FTUCL on the threshold for forming trade union organisations.

For information regarding FTUCL activities facilitating social dialogue, including collective bargaining, please refer to information on article 6.

Article 6

Coverage of collective bargaining

	2017	2018	2019	2020
Number of collective agreements	1152	1154	1105	1069
Coverage of collective agreements				21%

In practice remuneration for hours worked in Latvia is set by law and not through collective bargaining. 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, currently by the Cabinet Regulation No.656 "Regulations Regarding the Amount of Minimum Monthly Salary within the Scope of Regular Working Time, as Well as Calculation of Minimum Hourly Wage Rate".

Currently there are 3 sectorial *erga omnes* collective agreements in force concluded in railway (in force since 2011), construction (in force from 2019) and gross fibre (in force from 2020) sectors.

In public sector collective bargaining on wage rates is limited by the provisions of the Law on Remuneration of Officials and Employees of State and Local Government Authorities, which includes a closed list of issues that can be regulated by collective agreements in the public sector. The sectoral collective agreement in care sector was renewed in 2019 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 organizations. The agreement sets minimum rates of pay.

To improve sectoral collective bargaining in 2017 with the support of the government the social partners in Latvia started implementation of a national ESF co-funded project “Development of Social Dialogue to Improve the Business Support Regulation”. The goal of the project is to ensure the development of bilateral sectoral social dialogue and develop a better legal framework for improvement of business environment. This pilot project is the main platform to develop sectoral collective bargaining in Latvia.

Within the activities of the project, the social partners analysed obstacles to collective bargaining and concluded that in practice labour standards and employment conditions including minimum wages are regulated not through collective bargaining but through tripartite cooperation mechanism. When there is a need to set a new or amend an existing employment standard, national level social partners initiate a discussion in the labour and social subgroup of the National Tripartite Cooperation Council of Latvia. This has led to a situation that currently provisions of the Labour Law do not provide much autonomy and space for collective bargaining since labour standards are regulated in detail.

In addition, the thresholds for *erga omnes* collective agreements were set too high considering the economy structure in Latvia. In 2017 to improve the situation, the social partners initiated amendments to the Labour Law section 18 which were adopted. The amendments lowered the representativity thresholds for employers' organizations to sign *erga omnes* collective agreements. The current system provides that if employers, group of employers, 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, a general agreement shall be binding on all employers of the relevant sector and shall apply to all employees employed by such employers.

Previously employers' organization had to represent more than 60 per cent of the turnover of goods or amount of services of a sector. According to the current wording, the 60 percent of turnover is lowered to 50 percent. Separate employers or a group of employers can also now join employers' organization in order to become parties to the agreement and help to comply with the representativity criteria. In addition, the amendments provide for the mechanism to prove compliance with the representativity criteria. The data provided by the Central Statistical Bureau has to be used in calculation of representativity criteria.

The amendments also provided safety clause stating that eventual withdrawal of a member of the organisation of employers or the association of organisations of employers from the organisation of employers or the association of organisations of employers shall not affect the validity of the collective agreement in relation to such employer or member of the organisation of employers.

As a pilot initiative with an aim to facilitate autonomy of social partners and provide more space for collective bargaining and avoid setting "one standard" for all sectors and professions, the social partners discussed and initiated a possibility to allow derogations from the provisions of the Labour Law by sectorial collective agreements. Trade unions researched the ILO standards and interpretation, as well as the best-case practice of countries successful in collective bargaining. As a result, the social partners agreed with the government on an amendment to the Labour Law providing a possibility to derogate from one labour provision - article 68 of Labour Law setting the minimum amount of supplementary payment for overtime work of not less than 100 per cent. The amendment provides that it is allowed to deviate from the supplementary payment for overtime work of not less than 100 per cent by a sectoral collective agreement if all the following conditions are met, namely, the collective agreement is:

- universally binding (*erga omnes*) in the sector;
- signed by a trade union that is affiliated to the largest confederation of trade unions;
- provides for a significant raise of minimum wage in the sector, which is not less than 1,5 times of the state set minimum wage and
- the supplementary payment for overtime work set by this sectoral agreement is not less than 50 per cent.

The amendment to the Labour Law entered in force on 1st May 2019.

As a result, the social partners in the construction sector signed the sectoral collective agreement (*erga omnes*) providing for the minimum wage in the sector (available: https://latvijasbuvnieki.lv/en/position/the-general-agreement-on-the-minimum-wage-in-the-construction-industry/). The agreement entered in in force on 3d November 2019. The agreement provides that:

- the minimum monthly wage in the construction sector for normal working hours shall be 780 euros and the minimum hourly wage rate for the construction workers shall be 4.67 euros;
- the overtime payment for construction employees shall be set at 50 percent of the fixed wages, however in case of a lumpsum payment-not less than in the amount of 50 percent from the price of the piece-work for the volume of works performed.
- the reporting period of aggregate working hours for the Construction employees shall be six months. In a collective agreement, an enterprise may agree on another reporting period not exceeding 12 months.

The provision of section 68 of the Labour law (the possibility to derogate from overtime payment in exchange for a higher minimum wage) and longer reporting period of aggregate working hours (6

months) were used also in the sectorial collective agreement in Hospitality sector signed on 16 March 2020. The agreement has not yet entered in force.

Within the activities of the project once a year social partners organised joint high-level conferences to draw attention of broader society, state administration and politicians. In 2017 and 2019 the FTUCL organised trainings for sectorial collective bargaining coordinators on the ILO, EU and national legal framework for collective bargaining, negotiation skills, communication, public speaking. Within the project the FTUCL also produced various informative materials and organised study visits to the countries presenting good case practice of sectorial collective bargaining (for instance, Sweden, Finland and Slovenia).

As a result of project activities, there are three sectorial collective agreements signed that establish minimum wage in the sector:

- Construction sector (2019);
- Glass fibre production sector (2019);
- Hospitality sector (signed 2020, not in force).

Latvian social partners' (the FTUCL and the ECL) continue implementation the project **"**Initiating of activities for implementation of the Autonomous Framework Agreement on Active Ageing and an Inter-Generational Approach." The project started in January 2019 and is planned until December 2020. It is based on Autonomous Framework Agreement on Active Ageing and an Inter-Generational Approach signed on March, 8 2017 by the European Social Partners. The activities focus of 4 most important areas of the social partners' actions: strategic assessment of workforce demography, health and safety at the workplace, skills and competence management, work organisation for healthy and productive working lives.

The project aims at 1) providing pre-conditions for implementation of the Autonomous framework agreement on active ageing and an inter-generational approach by developing national action plans and analysis of the present state and to develop a good practice catalogue and 2) improved knowledge of the social partners on how to improve working conditions in the context of expanding time of professional activity by training and promotion measures delivered in the partner countries throughout the Project.

The activities of the project include establishment of a steering group to supervise the expert work delivered in the partner countries, research on legal regulations which encourage the employers to employ seniors and to provide them with conditions for longer time of their professional activity, development of recommendations on systemic changes and the resulting tasks for the national social dialogue actors.

Since 2020, FTUCL has been implementing the project **"**Balance for All – B4A" as cooperation partner together with the Ministry of Welfare. The project is implemented with the support of the European Commission's program "Rights, Equality and Citizenship" for 2014-2020. The aim of the project is to implement measures to reduce stereotypes about the division of certain roles between women and men in balancing work and private life and to create preconditions for equal sharing of care and household responsibilities.

The activities planned in the project are aimed at improving the social dialogue between the public and private sectors.

So far, FTUCL has implemented several activities. In 2020 FTUCL carried out a survey on the possibilities of applying the norms specified in regulatory enactments for balancing work and private life, as well as on the availability of work-life balance opportunities and the implemented practice in collective

agreements concluded by industry companies both in Latvia and abroad (https://arodbiedribas.lv/wp-content/uploads/2021/01/Petijumis_INTERNETAM_1v.pdf). FTUCL member organizations also participated in the development of the survey.

Furthermore, FTUCL developed a roadmap for trade union leaders at company level to ensure the implementation of practical work-life balance measures (https://arodbiedribas.lv/news/cela-karte-ieteikumi-darba-un-privatas-dzives-uzlabosanai-kopligumos/). In addition, FTUCL sent a letter with policy recommendations to the Prime Minister and the Minister of Welfare. In October 2020, FTUCL organized a work-life balance week, which covered several events throughout the week – conferences, seminars and study visit of the Youth Council to the company as an example of best practise in terms of work-life balance.

One of the main platform for activities aiming at building and enhancing activities, improving the ability of workers of all ages to stay in the labour market, healthy and active until the legal retirement age, as well as strengthening a culture of responsibility, commitment, respect and dignity in all workplaces where all workers are valued as important irrespective of age is the project implemented by the SEA in cooperation with two partners the FTUCL and the ECL “Support for longer working life". The project started on 1 January 2017 and is planned until 31 December 2022. The aim of the project is to promote working capacity and employment of older workers. As a result, the project aims to provide support to 3,000 older workers and to ensure that employers include age management issues in their employment contracts, collective agreements or other employer documents.

Within the project the FTUCL summarises information regarding age management in collective agreements. The social partners developed a practice to meet regularly at least once a month to discuss age management related issues and activities of the project, also inviting to the meetings with experts and Latvian Association of Local and Regional Governments. The FTUCL organised meetings with its affiliates from various sectors to inform about the objective of the project and receive input regarding practise of social dialogue and collective bargaining aimed at improving working conditions of senior workers. Finally, social partners support collective bargaining negotiations aimed at concluding collective agreement to improve employment and working conditions of senior workers.

<u>Collective bargaining during COVID-19</u>

Exploring possibilities to facilitate autonomy of collective bargaining, during COIVID-19 impact period national level social partners agreed on provision in the Law on the Suppression of Consequences of the Spread of COVID-19 Infection. The amendment permits employers, that conform to the criteria specified for the participants of the In-depth Cooperation Programme and who has been adversely affected by the crisis caused by COVID-19, by amending collective agreement with a trade union without reducing the total level of protection of employees in case of temporary fall in the production to determine part-time work for an employee. The following conditions have to be applicable to the remuneration to be disbursed:

1) the amount of remuneration to be maintained shall be not less than the minimum monthly salary;

2) funds in the minimum amount of the maintenance specified by the government for each dependent child shall be maintained for an employee upon whom a minor or a child who continues acquiring the general, vocational, higher or special education but has not yet reached 24 years of age is dependent.

In addition, the social partners initiated a provision that permits employers, that conform to the criteria specified for the participants of the In-depth Cooperation Programme and who has been adversely affected by the crisis caused by COVID-19, to reduce the remuneration for furlough specified in Section

74 of the Labour Law (providing the furlough benefit in the amount 100 per cent of employee's salary) for an employee to 70 per cent of the salary. Similarly, to the provision of determination of part-time work, the following conditions have to be applicable to the remuneration to be disbursed:

1) the amount of remuneration to be maintained shall be not less than the minimum monthly salary;

2) funds in the minimum amount of the maintenance specified by the government for each dependent child shall be maintained for an employee upon whom a minor or a child who continues acquiring the general, vocational, higher or special education but has not yet reached 24 years of age is dependent.

The employee who does not agree with determination of part-time work or reduced furlough benefit has the right to give a notice of termination of the employment contract, without observing the time period specified in Section 100, Paragraph one of the Labour Law. In such case the employer has an obligation to disburse a severance pay to the employee in the amount specified in Section 112 of the Labour Law.

LBAS has no updated information how many enterprises have used this provision so far.

To tackle the need for a broad shift to distance or telework, FTUCL with the support of the F.Ebert Foundation (Friedrich-Ebert-Stiftung (FES)) in November 2020 organised Labour Law Forum that created platform to discuss various aspects of COVID-19 impact on labour rights, including a particular focus on remote work. In November 2020 FTUCL together with Latvian Aviation Union and with the FES support organised a discussion on labour rights during COVID-19 that resulted in creation of recommendations (in publication process). FTUCL experts commented remote work aspects on mass media (radio, television, law journals, periodic).

Finally, to solve the problematic aspect of reimbursement of expenses related to remote work, the social partners agreed on amendment to section 76 of the Labour Law providing that if the employee and the employer have agreed on the performance of work remotely, the expenses of the employee which are related to the performance of remote work shall be covered by the employer, unless otherwise provided for by the employment contract or the collective agreement entered into with the employee trade union and provided that the overall level of protection of employees is not reduced.

Comment regarding coverage of collective bargaining

Wages in Latvia mostly are set by law instead of being determined by collective agreements. Some existing collective agreements set minimum remuneration rates or have indications and guidance on how to set wages and organise wage system. However, minimum wage rates are mostly 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.

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.

At the same time, in FTUCL views, creating more autonomy for collective bargaining by allowing to deviate from separate provisions of Labour Law is possible only if workers' rights and interests are effectively guaranteed and workers benefit from such provisions. This is possible through collective bargaining exclusively with trade unions representing workers' interests.

In addition, current legislative framework does not set sufficient facilitating environment for those employers that conclude collective agreements. Stimulating factors like reduction of tax on benefits provided by collective agreements, can be motivational and open door for more collective agreements. FTUCL has sent a proposal to the Ministry of Finance initiating discussion on potential tax reduction for benefits provided by collective agreements on health, education and training and transport.

Furthermore, 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 (*erga omnes*).

Finally, previously, section 166^7 of the Administrative Violations Code "Non-conclusion of a collective agreement and non-compliance with the provisions of a collective agreement" provided a fine of up to 700 euros imposed on natural persons or members of the board for non-compliance with the provisions of a collective agreement. However, the new part E of the Labour Law, that incorporates administrative liability for labour law violations, does not include this or similar provision.

FTUCL regrets, that provision providing for administrative liability for violating provisions of collective agreement is absent from the new provisions. Effective sanctions in FTUCL views are important to facilitate in practice respect for the outcomes of collective bargaining and efficient implementation of collective agreements.

Article 21 – The right to information and consultation

FTUCL continues participation in the ESF project "Improvement of Practical Implementation and Monitoring of Safety and Health Legislation" implemented by the State Labour Inspectorate. One of the activities within the project is practical resolution of labour disputes implemented by the project partners – FTUCL and the Latvian Employers' Confederation. The purpose of this activity is to improve effectiveness of labour dispute resolution to help both workers and employers protect their rights and interests. In practice, since November 2016, both employees and employers can be consulted on labour disputes or disagreements related to labour law and labour protection issues. FTUCL consultants provide consultations on labour rights related issues, for instance, dismissals, remuneration working time, health and safety and also information and consultation rights of workers and workers representatives.

Comment regarding application of the right to information and consultation in practice

According to Section 11 of Labour Law the representatives of employees, when fulfilling their duties, have the right to request and receive from the employer information regarding the current economic and social situation of the undertaking; 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 remuneration, working conditions, and employment in the undertaking; to take part in the determination and improvement of remuneration provisions, working environment, working conditions, and organisation of working time, as well as in protecting the safety and health of employees. Information has to be be provided to the representatives of employees in good time, as well as in an appropriate way and amount. Representatives of employees and experts who provide assistance to the representatives of employees have the obligation not to disclose such information brought to their attention that is a commercial secret of the employer. The employer has the obligation to indicate in writing what information is to be regarded as a commercial secret. The obligation not to disclose information applies to the representatives of employees and

experts who provide assistance to the representatives of employees also after their activities have terminated.

In practice information on pay levels, remuneration system is often treated by the employers as a commercial secret. This creates obstacles for workers representatives in protecting workers right to equal pay.

Another challenging issue is balancing the right to information and consultation and the General Data Protection Regulation (GDPR). The GDPR cannot prevent worker representatives (trade union) to request information from employer on remuneration system in the enterprise to fulfil their legitimate function – protect interests and defend rights of their members. However, very often there are cases where employers have opposite interpretation on this issue and GDPR is used as a reason not to disclose information.

According to section 10 paragraph 3 and 4 of the Labour Law, if there are several employee trade unions in the enterprise, 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. If there is one employee trade union or several such trade unions and authorised representatives of employees, they shall authorise their representatives for joint negotiations with an 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 representatives of employees have been appointed for negotiations with an employer, they shall express a united view.

In practice, there are cases reported when a united view in negotiations with an employer, including in consultation process, is not possible. Trade unions and worker representatives might have different opinions and cannot agree on united view to be presented to the employer. Situations arise where the smallest trade union may 'block' the decision to conclude a collective agreement without agreeing to the opinion of the larger trade union. Therefore, FTUCL initiated an amendment to section 10 of the Labour Law providing that if there are representatives of several trade unions and authorised worker representatives nominated to negotiate with the employer, they shall take a decision by a simple majority.

Finally, during COVID-19 pandemic impact, trade unions reported various challenges in practical implementation of information and consultation right. Due to rapid decisions aimed to limit spread of COVID-19 made by the government, also employers had to make fast decisions. This resulted in various changes of working conditions that were introduced without informing or consulting workers' representatives.

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

Collective bargaining is the main instrument for trade unions in determination and improvement of work remuneration provisions, working environment, working conditions and organisation of working time on enterprise and sectorial level. Please see comment to the article 6 related to collective bargaining.

It can be noted that during COVID-19 impact, due to social distancing and transition to remote work, trade unions experienced various challenges in accessing work places and inspecting working condition of workers.

On national level the main platform for FTUCL to influence legislative framework regarding labour rights is National Tripartite Cooperation Council (NTSP) meetings and its sub-councils. Labour Tripartite Cooperation Subcouncil is the central workshop for initiating and discussing legislative proposals regarding working conditions, work organisation and working environment.

There is no information summarised regarding participation of trade unions in the organisation of social and socio-cultural services within the undertakings. Participation of trade unions mostly depends on the quality of social dialogue in the enterprise, as well as whether organisation of social and socio-cultural services is regulated by collective agreement.

Section 7 and 9 of the Labour Law provide the principle of equal rights (an equal right to work, to fair, safe and healthy working conditions, as well as to fair remuneration) and prohibition to cause adverse consequences, including the obligation of the employer to prove that the employee has not been punished or adverse consequences have not been directly or indirectly caused for him or her due to the fact that the employee, within the scope of employment relationship, exercises his or her rights in a permissible manner.

Section 28 of the Labour Law and section 27 of the Labour Protection Law stipulate the employer's obligation to ensure safe and healthy working conditions. However, violence and harassment are currently only mentioned in Annex 1 to Cabinet Regulation No. 660 “Procedures for the Performance of Internal Supervision of the Work Environment” as psychological and emotional factors in the work environment.

FTUCL welcomes that there is an opportunity for a victim to ask for interim measures provided by the Civil Procedure Law, however, there has been no case law yet.

FTUCL would like to point out that case law regarding non-pecuniary damage compensation in cases of harassment and violence at the work place is not motivating workers to submit claims due to the fact that amount of compensation is low.

Article 26 – The right to dignity at work 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:

Section 7 and 9 of the Labour Law provide the principle of equal rights (an equal right to work, to fair, safe and healthy working conditions, as well as to fair remuneration) and prohibition to cause adverse consequences, including the obligation of the employer to prove that the employee has not been punished or adverse consequences have not been directly or indirectly caused for him or her due to the fact that the employee, within the scope of employment relationship, exercises his or her rights in a permissible manner.

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FTUCL would like to point out that case law regarding non-pecuniary damage compensation in cases of harassment and violence at the work place is not motivating workers to submit claims due to the fact that amount of compensation is low.

In 2012 FTUCL prepared a report on mobbing in the work place analyzing national, European and international legislative framework and international best practice which was later referenced in case law (https://arodbiedribas.lv/wp-content/uploads/2019/11/mobings.darba_.vieta_29.02.2012_1.pdf). In 2020 FTUCL published an article devoted to violence and harassment in the work place explaining practical steps and instruments to protect rights (https://arodbiedribas.lv/news/kad-darbs-parversas-launa-murga-jeb-terors-darba-vieta/).

On October 8 2020 FTUCL with the support of FES organized a discussion "Violence and harassment in the workplace - how to combat and avoid it", which was dedicated to the issues included in the ILO Convention No 190 Violence and Harassment Convention, 2019. The event aimed to raise awareness about violence and harassment in the workplace, current legislative framework and its enforcement, as well as to facilitate discussion whether there are legislative changes necessary in order to improve protection of workers against violence and harassment. During the event, which was also attended by representatives of public administration, FTUCL called for ratification of the convention.

Article 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them

Despite that current wording of section 110 of the Labour law is compromise wording, FTUCL would like to stress the importance of this provision and protection afforded to trade union members and trade union representatives. This instrument serves as a filter against unfair dismissals and discriminatory actions against trade unions leaders.

Currently, protection of trade union leaders is the same as protection of trade union members. Trade union members and representatives are protected by section 8, 9 and 29 of the Labour law providing the right to unite in organisations, prohibition to cause adverse consequences (affiliation of an employee with the organisations or the desire of an employee to join such organisations may not serve as a basis for a refusal to enter into an employment contract, for notice of termination of employment contract or for otherwise restricting the rights of an employee) and the right to request compensation for losses and compensation for moral harm in cases of differential treatment.

Regarding the right to compensation in case of a violation of rights, the cases of dismissals of trade union representatives are treated as regular cases of unfair dismissals which give rights to restoration at work, unpaid remuneration. In addition, if it is concluded that worker has been dismissed due to being trade union member or representative, he or she can claim non-pecuniary damage compensation.

Trade union representative have additional protection provided by section 13 (6) of the Trade Union Law for cases of disciplinary action. If the employer has the intention to give a written reproof or issue a reprimand in writing to the authorised official of a trade union who concurrently with the contracted work fulfils also the duties of a representative for the violation of specified working procedures or an employment contract, it must consult promptly with the respective trade union.

FTUCL would like to draw attention to the fact that there is also no criminal liability for discriminatory actions against trade union representatives. Liability for discriminatory actions against trade union representatives is administrative liability which is provided for violations of labour Law provisions. In addition, the mentioned protection of trade union members and representatives is not provided for civil servants.

Decisions on calculation of paid time off for trade union representatives is decided on case-by-case basis. There is no minimum standard.